



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • APRIL 27, 2020

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Alcorn	Ward 4	Present	
Bill Harp	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Jennifer Evans, Kristin Peeples, David Orr, Robby Robertson, Garrett Baker, and Lisa Thompson.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER BETTY WILLIAMS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, May 11, 2020 at 6:00 p.m.

Tuesday, May 26, 2020 at 6:00 p.m.

Parks & Recreation Events:

Even though there are no events scheduled at this time, the parks are open for green space use and walking trails. While enjoying time at the park, please be mindful of recommended social distancing. Large pavilions and playground areas are currently prohibited for public use.

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

IV. SPECIAL UPDATE ON COVID-19

Due to the COVID-19 pandemic, many changes have occurred since the last council meeting held on March 23rd. The Emergency Operations Center (EOC) is up and running in full force at the Ark-Tex Council of Governments building. A special thanks was given to ATCOG Executive Director Chris Brown for generously allowing use of office space for EOC activities.

Many staff, representing cities and counties, have been working tirelessly at the EOC, taking phone calls, answering questions, and keeping citizens updated and informed with important information regarding closures, curfews, and essential businesses. The Mayor expressed his deepest thanks to the following people:

Eric Schlotter - Texarkana, Texas Fire Chief/Emergency Management Coordinator
Tracy Litton - Texarkana, Texas Emergency Management Administrative Coordinator
Kevin Schutte - Texarkana, Texas Police Chief
Lisa Thompson - Texarkana, Texas Public Information
Matt Cashatt - Texarkana, Texas Police Department
Josh Armstrong - Texarkana, Texas Police Department
Shawna Younts - Texarkana, Texas Police Department
Lance Hall - Bowie County Emergency Services Director
Dr. Matt Young - Medical Director/Local Health Authority
Bobby Howell - Bowie County Judge
Becky Wilbanks - Cass County Judge
La Fonda Whitworth, R.N. - Texarkana, Texas Health Department
Sanitizing and Cleaning Staff - Texarkana, Texas Parks & Recreation Department

Also instrumental in support of the local needs in the city was Mayo Manufacturing. Former Texarkana, Texas Mayor Steve Mayo, and his company staff, provided much needed masks for medical personnel, first responders, local school districts, and others in the community. This kind gesture was much appreciated!

Governor Greg Abbott's message on Monday, April 27th was optimistic for the residents of Texas. The Governor proposes to get Texas "back on its feet" by allowing certain businesses to open accommodating a 25% occupancy. This initial phase of reopening general public business will be monitored for two weeks and will be reevaluated for the possibility of gradually increasing occupancy for business owners.

This pandemic has resulted in a national impact, but the federal government has responded by providing stimulus packages to help reinvigorate the economy.

During this crisis, the community is to be truly commended for all of its understanding, cooperation and support. Every prayer, encouraging text or e-mail, and small gesture is greatly cherished. THANK YOU TEXARKANA!

V. OPEN FORUM: COMMENTS FROM THE PUBLIC

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your

comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

There were no public comments made at Open Forum.

VI. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Council Member Harp recommended the appointment of Steve McCowan to fill an alternate position on the Building & Standards Commission.

Council Member Matlock recommended the reappointment of Carolyn Moore to the Building & Standards Commission.

1. Motion to make an appointment and a reappointment to the Building & Standards Commission.

(6:26 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

Mayor Bruggeman made the mayoral reappointment of Ben King to the TexAmericas Center Board of Directors for another term effective June 1, 2020.

VII. ITEMS FOR CONSIDERATION

Consent Items

(6:27 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on March 23, 2020 at 6:00 PM.
2. Resolution No. 2020-037 approving the budget calendar for fiscal year 2021.

Public Hearing:
Council Vote: April 27, 2020

Action Items

3. Resolution No. 2020-032 authorizing the City Manager to execute a funding agreement with the Texas Natural Resource Trustees for Watershed Restoration Projects along Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek and Swampoodle Creek.

Public Hearing:

Council Vote: April 27, 2020

David Orr briefed this agenda item. Georganna Collins, Project Manager of the Natural Resource Damage Assessment (NRDA) grant, via Zoom, shared comments about the administration of the grant. Barney Austin, CEO of Aqua Strategies, via Zoom, made himself available for questions from the council.

(6:40 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

4. Resolution No. 2020-033 authorizing the City Manager to execute a consulting contract with Aqua Strategies for Watershed Restoration Projects along Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek and Swampoodle Creek.

Public Hearing:

Council Vote: April 27, 2020

David Orr briefed this agenda item.

(6:41 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Davis, Ward 6
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

5. Resolution No. 2020-038 adopting the amended Community Development Block Grant (CDBG) Consolidated Plan, Citizen Participation Plan and Annual Action Plan for CARES Act funding in response to COVID-19.

Public Hearing: April 27, 2020

Council Vote: April 27, 2020

David Orr briefed this agenda item. There were no public comments made at this hearing.

(6:45 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Bill Harp, Ward 5
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

6. Resolution No. 2020-039 authorizing the City Manager to make emergency amendments to loan payments due to COVID-19.

Public Hearing:

Council Vote: April 27, 2020

City Manager Jaster briefed this agenda item.

(6:46 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

VIII. FIRST BRIEFINGS - NONE

IX. PUBLIC HEARINGS - NONE

X. ITEMS FOR DISCUSSION

Staff Updates

David Orr reported that the abatement process at the Grim Hotel is almost completed. The construction phase of the project is anticipated to begin soon.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Harp asked for the number of affected businesses that could possibly benefit from Resolution No. 2020-039 authorizing the City Manager to make emergency amendments to loan payments due to COVID-19. City Manager Jaster said that staff would look up that information and provide the number to the council.

Council Member Matlock asked what is the status for the start of the mowing season. City Manager Jaster said staff has already begun sending out mowing letters to property owners.

Mayor Bruggeman reminded citizens not to forget to participate in the 2020 Census by taking a few minutes to complete the brief questionnaire online. This count information could provide crucial federal dollars for the future enhancement of Texarkana, Texas.

2. City Staff

Staff had no administrative comments for council.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:50 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

Minutes Finalized - City Secretary & Mayor



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • MARCH 23, 2020

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Alcorn	Ward 4	Present	
Bill Harp	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Jennifer Evans, Kristin Peeples, Robby Robertson, Sherry Jackson Hawkins, and David Orr.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY MAYOR BOB BRUGGEMAN

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, April 27, 2020 at 6:00 p.m.

Monday, May 11, 2020 at 6:00 p.m.

Tuesday, May 26, 2020 at 6:00 p.m.

Parks & Recreation Events:

There are no events scheduled.

City Parks are open for walking trails and green space use. However, pavilion reservations will **not** be accepted. Other information for Parks & Recreation can be found on the city's website at <http://www.ci.texarkana.tx.us> or call (903) 798-3978 for more information.

The local Emergency Operations Center is up and running to address organized communication efforts related to COVID 19 (Coronavirus). The community was asked to

Minutes Acceptance: Minutes of Mar 23, 2020 6:00 PM (Consent Items)

cooperate with recommended CDC guidelines especially in regards to social distancing to help stop the spread of the virus. Citizens were encouraged to support local restaurants who are still open for business using drive thru and take out services.

On Thursday, March 19th, the Mayor observed Mr. & Mrs. Glen Wile picking up trash along University Avenue. He thanked this couple for caring about their city and setting a good example for others.

Residents of Texarkana should have by now received a letter from the Census Bureau. The short questionnaire can be completed online. The initial schedule for carrying out census related duties has been extended by two weeks due to the coronavirus.

The State of Texas has given notice of a scam that says in-home coronavirus tests kits are now available. Authentic confirmation of this virus is not authorized through any sort of home testing.

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

There were no public comments made at Open Forum.

V. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Historic Landmark Preservation Committee recommendations:

Council Member Williams recommended the reappointment of Willis Johnston who is willing to serve another term.

Council Member Harp recommended the reappointment of Steve Thompson who is willing to serve another term.

1. Motion to make reappointments to the Historic Landmark Preservation Committee.

(6:16 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:17 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on March 9, 2020 at 6:00 PM.

Action Items

2. Ordinance No. 2020-030 discussing and considering all matters incident and related to the issuance and sale of “City of Texarkana, Texas, General Obligation Refunding Bonds, Series 2020A”, including the adoption of an ordinance authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded.

Public Hearing:

Council Vote: March 23, 2020

Boyd London, managing partner of Hilltop Securities, briefed this agenda item.

(6:29 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

3. Ordinance No. 2020-031 discussing and considering all matters incident and related to the issuance and sale of “City of Texarkana, Texas, General Obligation Refunding Bonds, Taxable Series 2020B”, including the adoption of an ordinance authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded.

Public Hearing:

Council Vote: March 23, 2020

Boyd London, managing partner of Hilltop Securities, briefed this agenda item.

(6:31 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Jay Davis, Ward 6
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

4. Resolution No. 2020-034 amending Resolution No. 2019-110 and the 2020 City Council regular meeting schedule.

Public Hearing:

Council Vote: March 23, 2020

Jeff Lewis briefed this agenda item. **This resolution *cancels* the April 13, 2020 council meeting.**

(6:32 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christie Alcorn, Ward 4
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

5. Ordinance No. 2020-035 continuing the declaration of local disaster proclaimed for the City of Texarkana, Texas, by Mayor Bob Bruggeman on March 18, 2020.

Public Hearing:

Council Vote: March 23, 2020

Jeff Lewis briefed this agenda item.

(6:34 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

VII. FIRST BRIEFINGS - NONE

VIII. PUBLIC HEARINGS - NONE

IX. ITEMS FOR DISCUSSION

Staff Updates by David Orr

1. Renew Texarkana Comprehensive Plan - The informational report provided to the council was an update of completed implementation goals and other goals currently in progress.

2. Natural Resources Damage Assessment (NRDA) Funding Award - The NRDA documents attached to the agenda is for informational purposes at this time. A first briefing related to this funding award process will be scheduled for an upcoming council meeting.

(Standard Agreement between Owner and Engineer for Professional Services.pdf)

RESULT: **CLOSE ACTION**

(Environmental Design & Engineering Services.pdf)

RESULT: **CLOSE ACTION**

(Restoration Plan PowerPoint.pdf)

RESULT: **CLOSE ACTION**

(Restoration Plan/Environmental Assessment.pdf)

RESULT: **CLOSE ACTION**

X. ADMINISTRATIVE COMMENTS

1. City Council

Mayor Bruggeman said Arkansas Governor Asa Hutchinson ordered the closing of several personal care service businesses, such as nail salons, hair salons, barber shops and the like, effective March 24th. Similar businesses on the Texas side are under review for a possible similar order. The local EOC is the source to answer questions related to the coronavirus. T-Line has adjusted its bus schedule to morning and afternoon routes to accommodate mid-day disinfecting for its riders. The Texarkana Gazette recently displayed a very nice full page ad related to the fire at First Baptist Church on March 8th. It may take up to a year for the church to be back in full operation.

Council Member Matlock said she has received calls about allowing nails salons and similar businesses to continue seeing clients.

Council Member Hart asked staff to report back as to why a citizen was not asked to be reappointed to the building and standards commission after his term expired.

Council Member Alcorn said Texarkana Independent School District is providing breakfast and lunch to students as a "grab-n-go" while school is temporarily closed.

Council Member Harp said Pleasant Grove Independent School District is also providing meals for kids while school is temporarily closed. He also commended the non-profit organizations for helping out during this difficult time.

Council Member Davis said the director of the food pantry for Flower Acres Baptist Church reported that 790 families were cared for in one day there at the location. The community volunteers are to be commended for continuing to help so many families in need at such a critical time. Mr. Davis also thanked the staff who maintains the coronavirus information on the city's website which provides useful and practical information keeping the community informed.

2. City Staff

City Manager Jaster said staff has made some adjustments in the work schedule to continue serving the needs of the citizens. Employees are staggering work days in order to stay safe and healthy. Staff is also exercising social distancing while on duty. She is proud of all city staff who are staying the course and working steadily under these circumstances.

The local Emergency Operations Center is providing updates twice a day at 10:00 a.m. and 3:00 p.m.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:49 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 4/23/2020 10:52 AM

Lead Department: Finance Department

Action Officer: Kristin Peeples,

Subject: Resolution No. 2020-037 approving the budget calendar for fiscal year 2021.

Briefing: 4/27/2020

Public Hearing:

Council Vote: 4/27/2020

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The charter requires the City Council to approve the calendar that sets the schedule for preparing and adopting the City's annual operating budget for the next fiscal cycle that will begin October 1, 2020 and end September 30, 2021. The calendar is established to allow adequate time for budget planning and meet all legal requirements for public notice and input.

Potential Options:

- Approve as presented
- Approve with requested changes

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

- 2020-037 Goals & Perspectives (DOCX)
- 2020-037 RES Budget Calendar (DOC)

City of Texarkana, Texas

- c. 2020-037 EXH 'A' Budget Calendar (PDF)
- d. 2020-037 RES Budget Calendar signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	
	04/15/2020 10:22 AM			
Finance Department	Kristin Peeples	Finance Review	Completed	04/15/2020
10:23 AM				
City Manager	Shirley Jaster	City Manager Review	Completed	04/16/2020
2:24 PM				
City Council	Jennifer Evans	Meeting	Completed	04/27/2020
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:

NONE

Resource Impact:

Staff time required if item is approved: High

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:

RESOLUTION NO. 2020-037**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE BUDGET CALENDAR FOR FISCAL YEAR 2021; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Charter requires the City Council to approve the calendar that sets the schedule for preparing and adopting the City's annual operating budget for the next fiscal cycle that will begin October 1, 2020, and end September 30, 2021; and

WHEREAS, the preliminary budget calendar for the fiscal year ending September 30, 2021, is attached as "**Exhibit A**".

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

SECTION 1: That the preliminary budget calendar for the fiscal year ending September 30, 2021, is hereby approved.

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

PASSED AND APPROVED in Regular Council Session on this the 27th day of April, 2020.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Budget Calendar

Fiscal Year 2021

Initial Planning

Mon	April 27	6:00 PM	City Council approves budget calendar
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Preliminary Preparation

Fri	May 8		Budget requests returned to Finance department
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Mon	May 11 -		Budget entry by Finance department and meetings with departments as necessary. Finance department prepares proposed budget for presentation to City Council.
Fri	June 26		

June/July			Various meetings with Budget Advisory Committee
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Public Meetings

Mon	August 10	6:00 PM	First briefing on proposed budget First briefing on tax rate First briefing on ratifying budget that raises more tax revenue than last year
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Fri	August 14		Notice of public hearing on tax rate
-----	-----------	--	--------------------------------------

Mon	August 24	5:30 PM	Budget workshop with City Council
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Mon	August 24	6:00 PM	Public Hearing on proposed budget Public Hearing on tax rate Public Hearing on ratifying budget that raises more tax revenue than last year <i>(If necessary, to meet the requirements of Senate Bill 2, the Council may choose to adopt the tax rate at this meeting immediately following the public hearing)</i>
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Mon	September 14	6:00 PM	Record vote for adoption of budget Record vote for adoption of tax rate Record vote to ratify budget that raises more tax revenue than last year
-----	--------------	---------	--

Implementation

Mon	October 1		Fiscal year begins Adopted budget implemented
-----	-----------	--	--

Mon	December 14		Final budget document posted and distributed
-----	-------------	--	--

Mon	December 14		Submit budget document to Government Finance Officers Association (GFOA)
-----	-------------	--	--

RESOLUTION NO. 2020-037**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE BUDGET CALENDAR FOR FISCAL YEAR 2021; AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the preliminary budget calendar for the fiscal year ending September 30, 2021, is attached as "**Exhibit A**".

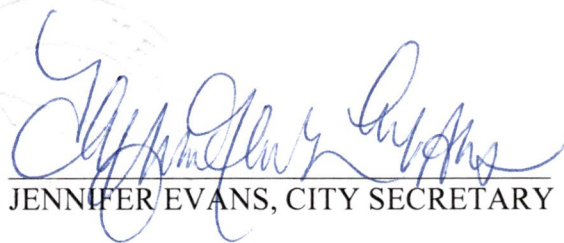
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That the preliminary budget calendar for the fiscal year ending September 30, 2021, is hereby approved.

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

PASSED AND APPROVED in Regular Council Session on this the **27th day of April, 2020**.

ATTEST:



JENNIFER EVANS, CITY SECRETARY



BOB BRUGGEMAN, MAYOR

6:27 p.m.

Attachment: 2020-037 RES Budget Calendar signed (2250 : 2020-037 RES Approving FY 2021 Budget Calendar)

Budget Calendar

Fiscal Year 2021

Initial Planning

Mon	April 27	6:00 PM	City Council approves budget calendar
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Preliminary Preparation

Fri	May 8		Budget requests returned to Finance department
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Mon	May 11 -		Budget entry by Finance department and meetings with departments as necessary. Finance department prepares proposed budget for presentation to City Council.
Fri	June 26		

June/July			Various meetings with Budget Advisory Committee
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Mon	September 14	6:00 PM	Record vote for adoption of budget Record vote for adoption of tax rate Record vote to ratify budget that raises more tax revenue than last year
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Implementation

Mon	October 1		Fiscal year begins Adopted budget implemented
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Mon	December 14		Submit budget document to Government Finance Officers Association (GFOA)
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City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 4/22/2020 5:00 PM

Lead Department: Planning and Community Development **Action Officer:** David Orr, Planning & Community Development Director

Subject: Resolution No. 2020-032 authorizing the City Manager to execute a funding agreement with the Texas Natural Resource Trustees for Watershed Restoration Projects along Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek and Swampoodle Creek.

Briefing: 4/27/2020 **Public Hearing:** 4/27/2020 **Council Vote:** 4/27/2020

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Texas Natural Resource Trustees, which include the Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas General Land Office, and U.S. Fish and Wildlife Service on behalf of the U.S. Department of the Interior, recovered approximately \$21.3 million from legal settlements for natural resource damages associated with releases of hazardous substances at or from the former Kerr-McGee Chemical Corporation wood-treating facility in Texarkana, Texas.

In March 2016, the Trustees solicited the public for project proposals in northeast and east Texas that would restore, rehabilitate, or conserve forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats.

Texarkana responded to the NRDA Trustees' request for restoration proposals with its comprehensive watershed approach and proposal, "Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration," consisting of 22 integrated environmental restoration project components along the creek systems leading through the City including Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek and Swampoodle Creek.

The City of Texarkana, Texas along with local project partners including Texarkana College, Texas A&M-Texarkana and Liberty-Eylau ISD were recommended for 10 projects along with a \$9.8 million award as a part of the Texas Natural Resource Damages Assessment (NRDA) process related to the former Kerr-McGee Chemical Corporation wood-treating facility located on Buchanan Road in Texarkana, Texas.

Potential Options:

- Approve

City of Texarkana, Texas

- Deny

Fiscal Implications:

9,800,000 in awarded funding

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2020-032 RES NRDA Funding Award (DOC)
- b. 2020-032 ATTH 01 Final Tronox RPEA FONSI (PDF)
- c. 2020-032 ATTH 02 TAMUT Support Comments 11.21.18 (PDF)
- d. 2020-032 ATTH 03 Texarkana College Support Comments November 14 2018 (PDF)
- e. 2020-032 ATTH 04 NRDA Support Comments Letter - LEISD 11.15.18 (PDF)
- f. 2020-032 ATTH 05 NRDA Restoration City Council Presentation 2020 (PDF)
- g. 2020-032 ATTH 06 Texarkana Interlocal Agreement 4.22.20 (DOCX)
- h. 2020-032 ATTH 07 Council Summary (DOCX)
- i. 2020-032 Goals & Perspectives (DOCX)
- j. 2020-032 RES auth CM to execute NRDA Fund Agrmt signed (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	03/13/2020 2:52 PM	
Finance Department	Kristin Peebles	Finance Review
11:00 AM		Completed 03/16/2020
City Manager	Shirley Jaster	City Manager Review
3:26 PM		Completed 04/16/2020
City Council	Jennifer Evans	Meeting
6:00 PM		Completed 04/27/2020

Meeting History

RESOLUTION NO. 2020-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH THE TEXAS NATURAL RESOURCE TRUSTEES FOR WATERSHED RESTORATION PROJECTS ALONG DAYS CREEK, COWHORN CREEK, WAGGONER CREEK, HOWARD CREEK, AND SWAMPOODLE CREEK; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Natural Resource Trustees, which include the Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas General Land Office, and U.S. Fish and Wildlife Service on behalf of the U.S. Department of the Interior, recovered approximately \$21.3 million from legal settlements for natural resource damages associated with the release of hazardous substances at or from the former Kerr-McGee Chemical Corporation wood-treating facility in Texarkana, Texas; and

WHEREAS, in March 2016, the Trustees solicited the public for project proposals in northeast and east Texas that would restore, rehabilitate, or conserve forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats; and

WHEREAS, Texarkana responded to the NRDA Trustees' request for restoration proposals with its comprehensive watershed approach and proposal, "Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration," consisting of 22 integrated environmental restoration project components along the creek systems leading through the City including Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek, and Swampoodle Creek; and

WHEREAS, The City of Texarkana, Texas, along with local project partners including Texarkana College, Texas A&M-Texarkana, and Liberty-Eylau ISD were recommended for a \$9.8 million award as a part of the Texas Natural Resource Damages Assessment (NRDA) process related to the former Kerr-McGee Chemical Corporation wood-treating facility located on Buchanan Road in Texarkana, Texas; and

WHEREAS, The Draft RP/EA, which was submitted for public review and comment closed November 25, 2018, presents the range of alternatives that the Trustees considered and identifies the preferred alternatives the Trustees thought will compensate for natural resources (including associated ecological services) injured by the release of hazardous substances at or from the former Kerr-McGee Chemical Corporation wood-treating facility located on Buchanan Road in Texarkana, Texas.

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

SECTION 1: That the Funding Agreement is hereby approved and adopted in its entirety.

SECTION 2: That the City Manager is authorized to execute the Funding Agreement.

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

PASSED AND APPROVED in Regular Council Session on this the 27th day of April, 2020.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

RESTORATION PLAN/ENVIRONMENTAL ASSESSMENT
FOR FORMER KERR-MCGEE
CHEMICAL CORPORATION WOOD-TREATING FACILITY (TRONOX LLC),
TEXARKANA, BOWIE COUNTY, TEXAS

MARCH 2019

PREPARED BY THE:
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TEXAS GENERAL LAND OFFICE
TEXAS PARKS AND WILDLIFE DEPARTMENT
AND
UNITED STATES FISH AND WILDLIFE SERVICE

EXECUTIVE SUMMARY

This Restoration Plan/Environmental Assessment (RP/EA) was developed by the Texas Commission on Environmental Quality (TCEQ), Texas Parks and Wildlife Department (TPWD), Texas General Land Office (GLO), and the United States Fish and Wildlife Service (USFWS) acting on behalf of the United States Department of the Interior (DOI) (collectively, the Trustees) for public review and comment. The purpose of this RP/EA is to describe how the Trustees propose to use recovered funds to restore natural resources injured, lost, or destroyed due to releases of hazardous substances at or from the former Kerr-McGee Chemical Corporation (Kerr-McGee) wood-treating facility in Texarkana, Bowie County, Texas (the Facility). The Trustees have recovered approximately \$21.3 million in natural resource damages.

The Facility was built in 1905 and operated under various companies, including Kerr-McGee, until operations ceased in 2003. On May 20, 2008, the Trustees and Tronox LLC (Tronox), the property owner, entered into a memorandum of agreement to perform a cooperative assessment under the Natural Resource Damage Assessment (NRDA) regulations to address potential natural resource damages liability for releases of hazardous substances at or from the Facility. After Tronox declared bankruptcy in 2009 and the Bankruptcy Court approved a Consent Decree and settlement agreement, the natural resource damage assessment became a direct Trustee effort. The Trustees determined, as part of the bankruptcy claim, that there had been injury to freshwater aquatic benthic habitat at three perennial streams at or downstream of the Facility: Days Creek, Howard Creek, and Waggoner Creek. In addition, there was potential injury to riparian and bottomland hardwood habitats adjacent to Days and Howard creeks.

In this RP/EA, the Trustees have selected five restoration actions to restore those natural resources injured due to releases at or from the Facility by: 1) acquiring tracts associated with Caddo Lake, the Neches River, and Talbot Prairie; 2) restoring and enhancing bottomland hardwoods within the Mineola Nature Preserve in Wood County; and 3) constructing wetlands, preserving forested habitat, and stabilizing, restoring, and enhancing freshwater streams in the Texarkana area. The Trustees will implement these actions pursuant to the terms of the settlement of natural resource damage claims for the Facility. The Trustees may elect to utilize remaining restoration funds from the NRDA settlement, as well as interest earned on these recoveries, to pay for the Trustees' administrative costs to develop and implement the alternatives and to potentially supplement the selected restoration alternatives, increasing the size of the NRDA-funded conservation.

Summary of Proposed Action

Selected Restoration Alternatives	Alternative Cost
Alternative 3: Caddo Lake Habitat Acquisition Project	\$5,900,000
Alternative 4: Days Creek Enhancement and Restoration Projects for Cowhorn, Days, Howard, Swampoodle, and Waggoner creeks	\$9,800,000
Alternative 7: Mineola Nature Preserve Projects	\$500,000
Alternative 8: Neches River Bottomland Forest Conservation	\$2,200,000
Alternative 10: Talbot Prairie and Forest Land Acquisition	\$1,000,000
Total Proposed Restoration:	\$19,400,000

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ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviations	Definition
AR	Administrative Record
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
C.F.R.	Code of Federal Regulations
COC	Chemical of Concern
DOI	United States Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
The Facility	Former Kerr McGee Chemical Corporation wood treating facility in Bowie County, Texas
FONSI	Finding of No Significant Impact
GLO	Texas General Land Office
H&H	Hydrology and Hydraulic
Kerr-McGee	Kerr-McGee Chemical Corporation
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act of 1966
NOAA	National Oceanic and Atmospheric Administration
NPAT	Native Prairies Association of Texas
NRDA	Natural Resource Damage Assessment
NWR	National Wildlife Refuge
PAH	Polycyclic Aromatic Hydrocarbons
PCP	Pentachlorophenol
RCRA	Resource Conservation and Recovery Act
RP/EA	Restoration Plan/Environmental Assessment
TCEQ	Texas Commission on Environmental Quality
TCF	The Conservation Fund
TexReg	Texas Register
TNC	The Nature Conservancy
TPWD	Texas Parks and Wildlife Department

Tronox	Tronox LLC
the Trustees	TCEQ, TPWD, GLO, and USFWS
TWC	Texas Water Commission (predecessor agency to the TCEQ)
U.S.C.	United States Code
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
WMA	Wildlife Management Area

1.0 INTRODUCTION

This Restoration Plan/Environmental Assessment (RP/EA) was developed by the Texas Commission on Environmental Quality (TCEQ), Texas Parks and Wildlife Department (TPWD), Texas General Land Office (GLO), and the United States Fish and Wildlife Service (USFWS) acting on behalf of the United States Department of the Interior (DOI) (collectively, the Trustees). This RP/EA describes how the Trustees will use recovered funds to address natural resources (including associated ecological services) that were injured, lost, or destroyed due to releases of hazardous substances at or from the former Kerr-McGee Chemical Corporation (Kerr-McGee) wood-treating facility in Texarkana, Bowie County, Texas (the Facility).

The Facility property included approximately 500 acres of upland and bottomland hardwoods, including the floodplains of Days, Howard, and Waggoner creeks (see Figure 1-1). The Facility was built in 1905 and operated under various companies before being acquired and operated by Kerr-McGee in 1969. Operations at the Facility included treating railroad ties and other railroad timber products with a creosote-based preservative. The creosote was released to the surface soil and subsequently leached to groundwater. It traveled off-site into the nearby creeks by overland flow and the discharge of groundwater from seeps. Treating operations at the Facility ceased in 2003, and the production Facility was decommissioned in 2004. In 2005, Kerr-McGee transferred ownership of the Facility to Tronox LLC (Tronox). On June 23, 2006, Anadarko Petroleum Corporation acquired what remained of Kerr-McGee.

In 2008, the Trustees began an assessment to identify whether natural resources were injured by the releases of creosote and other hazardous substances at or from the Facility. Through this assessment, the Trustees determined that the releases caused injury to freshwater aquatic and benthic habitats at three perennial streams at or downstream of the Facility: Days Creek, Howard Creek, and Waggoner Creek (Figure 1-1). In addition, there was potential injury to riparian and bottomland hardwood habitats adjacent to Days and Howard creeks.

While the Trustees were conducting the damage assessment, Tronox declared bankruptcy. In 2009, the Trustees filed a claim for natural resource damages with the Bankruptcy Court. Pursuant to the settlement agreements approved by the Bankruptcy Court, the Trustees received nearly \$21.3 million to compensate the public for natural resources injured at the Facility. The Trustees have prepared this RP/EA to describe how the recovered funds will be used to restore, replace, or acquire the equivalent of the natural resources injured, and to provide the public with an opportunity to comment on these proposed actions.

This RP/EA presents the range of alternatives that the Trustees considered and identifies the selected alternatives which the Trustees believe will restore natural resources injured by the releases of hazardous substances at or from the Facility. The selected restoration alternatives are all located within northeast and east Texas and would be implemented by the Trustees in conjunction with local partners.

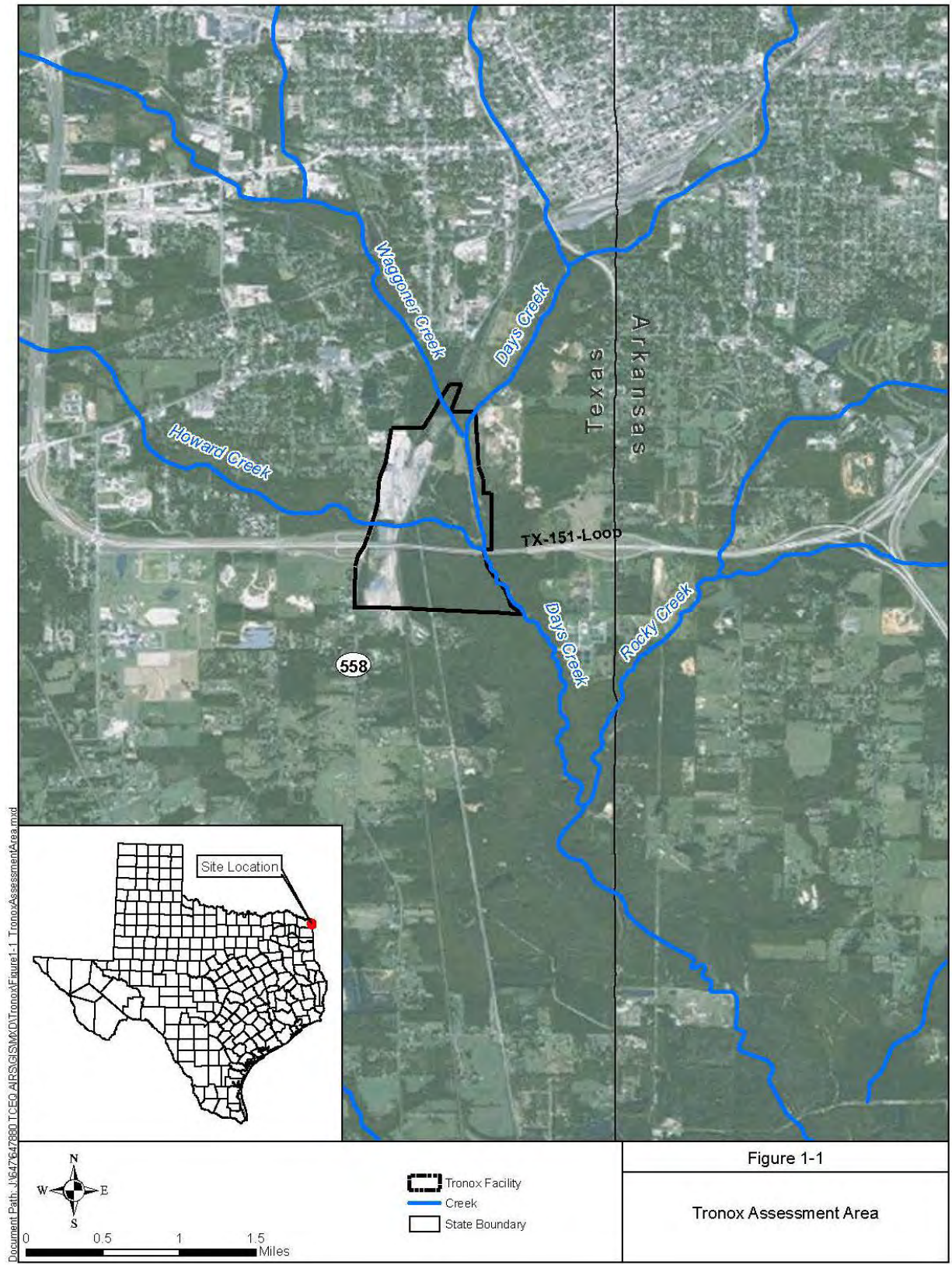


Figure 1-1 Tronox Assessment Area

Attachment: 2020-032 ATTH 01 Final Tronox RPEA FONSI (2241 : 2020-032 RES NRDA Funding Award)

1.1 Authority

This RP/EA was prepared jointly by the Trustees pursuant to their respective authorities and responsibilities as natural resource trustees under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 *et seq.*, and other applicable federal and state laws. Relevant regulations include Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. §§ 300.600 through 300.615), and DOI's regulations at 43 C.F.R. Part 11, which provide guidance for the NRDA process under CERCLA. In addition, the Texas Water Code provides for recovery of costs to determine impacts on the environment of a spill or discharge and to restore land and aquatic resources held in trust or owned by the State (Tex. Water Code § 26.265).

In addition to addressing the remediation of contaminated sites, CERCLA establishes liability for the injury to, destruction of, or loss of natural resources caused by releases of hazardous substances. Damages recovered for these losses must be used to restore, replace, or acquire the equivalent of the injured natural resources and services, in accordance with a restoration plan developed by the designated natural resource trustees.

Pursuant to 43 C.F.R § 11.23(e), to determine whether to proceed with an assessment, the Trustees must establish that 1) a release of hazardous substance occurred; 2) natural resources for which the Trustees may assert trusteeship under CERCLA have been or are likely to have been adversely affected by the release; 3) the quantity and concentration of the released hazardous substance is sufficient to potentially cause injury to those natural resources; 4) data sufficient to pursue an assessment are readily available or likely to be obtained at reasonable cost; and 5) response actions, if any, carried out or planned do not or will not sufficiently remedy the injury to natural resources without further action.

Pursuant to their respective authorities and responsibilities as natural resource trustees under CERCLA, the Trustees determined that releases of hazardous substances at or from the Facility resulted in injuries or potential injuries to natural resources under their jurisdiction. The Trustees undertook this restoration planning effort to restore those natural resources and services injured as a result of releases at or from the Facility. Restoration activities are intended to restore or replace habitats, species, and services to their baseline condition and to compensate the public for the time natural resources are injured until they recover to baseline conditions.

1.2 NEPA Compliance

Actions undertaken by the federal Trustees to restore natural resources or services under CERCLA and other federal laws are subject to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 *et seq.*, and the regulations guiding its implementation at 40 C.F.R. Parts 1500 - 1508. NEPA requires federal agencies to consider the potential environmental impacts of proposed federal actions. It provides a mandate and framework for federal agencies to determine if proposed actions will have significant environmental effects and related social and economic effects. According to the regulations at 40 C.F.R. § 1508.9, an environmental assessment (EA) is a concise public document designed to (1) help determine whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI), (2) aid an agency's compliance with NEPA when the agency determines no EIS is necessary, and (3) facilitate preparation of an EIS when one is necessary. If a federal agency determines through an EA that

a proposed action will not significantly impact the quality of the human environment, the agency will issue a finding of no Significant Impact (FONSI) concurrent with the Trustees' issuance of a Final RP/EA describing the selected restoration action(s).

USFWS is the lead federal Trustee for preparing this RP/EA pursuant to NEPA. The state Trustee agencies (TCEQ, TPWD, and GLO) are acting as cooperating agencies for the purposes of compliance with NEPA in the development of this RP/EA. This RP/EA describes the purpose and need for restoration actions; provides opportunity for public comment; summarizes the current environmental setting; identifies alternative actions; and determine their applicability and potential impact of the restoration actions on the quality of the physical, biological, and cultural environment.

Based upon a review and evaluation of the information contained in this final RP/EA as well as other documents and actions of record, the USFWS, as the lead federal Trustee for preparing this RP/EA pursuant to NEPA, in cooperation with the state Trustees, has determined that the selected restoration alternatives in this RP/EA do not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102 (2) (c) of the National Environmental Policy Act of 1969 (as amended). As such, an environmental impact statement is not required, and the USFWS has prepared and issued a FONSI (Chapter 9).

1.3 Purpose and Need for the Proposed Action

The purpose of this RP/EA is to identify and analyze the reasonable range of alternatives that the Trustees have developed to address natural resource injuries. The proposed actions are needed to restore those natural resources and services lost to the public as a result of the releases of hazardous substances at or from the Facility, and to compensate the public for the loss of those services pending restoration. The Trustees developed the restoration alternatives based on criteria evaluated in this RP/EA and input received from the public.

1.4 Compliance with Other Authorities

In addition to CERCLA and NEPA, other legal requirements may apply to NRDA planning or implementation. These may include:

- Endangered Species Act (16 U.S.C. §§ 1531 *et seq.*),
- National Historic Preservation Act (16 U.S.C. §§ 470 *et seq.*),
- Federal Water Pollution Control Act (Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*),
- Fish and Wildlife Coordination Act (16 U.S.C. §§ 661 *et seq.*),
- Migratory Bird Treaty Act (16 U.S.C. §§ 703-712), and
- Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668-668c).

The Trustees will ensure compliance with authorities, consultations, and permitting applicable to the selected restoration alternatives prior to implementation.

In addition to compliance with these statutes and regulations, the Trustees will consider relevant environmental or economic programs or plans that are ongoing or planned in or near the affected

environment, and they will ensure that restoration projects neither impede nor duplicate such programs or plans. By coordinating restoration projects identified in this RP/EA with other relevant restoration programs and plans, the Trustees will enhance the overall effort to restore and improve the environment and resources affected by the releases of hazardous substances at or from the Facility.

1.5 Public Participation

Public participation and review is an integral part of the restoration planning process. CERCLA and NEPA provide a mandate and a framework for the Trustees to inform and involve the public in their environmental analysis and decision-making processes. The Trustees have integrated both the CERCLA and NEPA processes in this RP/EA.

On March 11, 2016, the Trustees issued a request in the *Texas Register* (41 TexReg 2008) for project ideas in counties in northeast and east Texas that would restore, rehabilitate, or conserve forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats. In response to the request for scopes of work, the Trustees received 12 project ideas, which are identified in Section 3.2 of this RP/EA. In November 2016, the Trustees requested additional information from the entities that submitted projects. The Trustees used this information to develop a reasonable range of alternatives that could restore those resources injured as a result of the releases of hazardous substances at or from the Facility.

On October 26, 2018, the Trustees announced a Draft RP/EA in the *Texas Register* (43 TexReg 7251) and published the document on the U.S. Department of the Interior's (DOI) Natural Resource Damage Assessment and Restoration Program case map and document library. The public was encouraged to review and comment on the Draft RP/EA during a 30-day comment period using a mailing address and an email address. The public comment period ended on November 26, 2018. The Trustees received a total of 14 submissions from private citizens, elected officials, city and county officials, educational institutions, and non-governmental organizations. Chapter 6 of this document provides further detail on the public comment process and includes a summary of all public comments received on the Draft RP/EA and the Trustees' responses.

1.6 Administrative Record

The Trustees maintain records documenting the information considered and actions they have taken during this NRDA process. These records comprise the Trustees' administrative record (AR) supporting this RP/EA. Documents germane to the development of this RP/EA are included in the AR. The AR is available for public review and may be requested by contacting Mr. Mike Cave by email at michael.cave@tceq.texas.gov or at the address provided below.

Texas Commission on Environmental Quality
MC-136, P.O. Box 13087
Austin, TX 78711-3087

Arrangements must be made in advance to review or obtain copies of the AR. Access to and copying of the AR is subject to all applicable laws and policies including, but not limited to, laws and policies relating to copying fees and the reproduction or use of any copyrighted material.

2.0 OVERVIEW AND BACKGROUND

The restoration alternatives proposed in this RP/EA are intended to restore those natural resources injured, lost, or destroyed due to releases of hazardous substances at and downstream of the Facility in Texarkana, Bowie County, Texas. This includes the loss of the services associated with injuries to benthic freshwater habitats and associated potential injuries to adjacent riparian, bottomland hardwood and wetland habitats.

This chapter describes the Facility and its operational history, the environment impacted by the Facility, and summarizes the response actions undertaken to address contamination released at or from the Facility. This chapter also details and summarizes the bankruptcy and NRDA settlement.

2.1 Overview of the Facility Site

The former wood-treating Facility is located at 2513 Buchanan Road in Texarkana, Bowie County, Texas (Figure 1-1). The Facility was built in 1905 and operated under various companies before being acquired and operated by Kerr-McGee in 1969. Wood-treating operations at the Facility ceased in late 2003, and the production Facility was decommissioned in 2004. In 2005, Kerr-McGee transferred its chemical business, including the Facility, to Tronox. On June 23, 2006, Anadarko Petroleum Corporation acquired what remained of Kerr-McGee.

The Facility property includes approximately 500 acres of upland and bottomland hardwoods and floodplains of Days, Howard, and Waggoner creeks. The properties north, south, and east of the Facility are mostly undeveloped. Residential dwellings are located west and northwest of the Facility. Liberty-Eylau Independent School District's C. K. Bender Elementary School is located on Buchanan Road immediately northwest of the Facility. Recent development in the general area has included new highways, subdivisions, and a prison system facility.

Figure 1-1 shows Days, Waggoner, and Howard creeks in relation to the Facility. Days Creek flows through the eastern-most portion of the Facility. Waggoner Creek enters the northern portion of the Facility from the northwest and flows for approximately 0.25 miles through the Facility to Days Creek. Howard Creek enters the Facility west of State Route 558 (i.e. Buchanan Road) and flows for 0.75 miles roughly parallel to State Loop Highway 151 bisecting the Facility. Stands of hardwood can be found along the creeks and within the undeveloped portions of the Facility. Image 1 shows the confluence of Days and Howard creeks. After exiting the Facility property, Days Creek flows to the south into Arkansas before joining the Sulphur River (downstream of Lake Wright Patman) about 10 miles south of the Facility. Approximately 362 acres of the property (78%) lies within the 100-year floodplain; however, the areas inundated during flood events drain rapidly as Days Creek recedes from flood stage.



Image 1 Confluence of Days Creek and Howard Creek (July 2017)

The past operations area of the Facility consisted of a drip pad, treated and untreated wood storage areas, wood-treating cylinders, chemical storage tanks, and wastewater lagoons. Facility products included railroad timbers treated with creosote-based preservatives. The wood-treating process used at the Facility included a drying phase which, as an industry standard, used an aqueous solution containing 0.25% sodium fluoride and 1.75% arsenic trioxide. The chemicals used in the preservation process included creosote, which contained polycyclic aromatic hydrocarbons (PAHs) and 2% pentachlorophenol (PCP). The Facility discontinued use of PCP in the wood preservation process in 1984.

During the wood-treating process, four pressure vessels were used to dry the wood by live steam or boultonizing, followed by pressure creosote impregnation. Wastes produced from this process included equipment washdown water, boiler blowdown, and discharges from various pumps and equipment seals. Before 1989, wastewaters generated by the wood-treatment process were treated in American Petroleum Institute oil-water separators prior to being discharged through a series of six surface impoundments that provided treatment and retention. Prior to construction of the six surface impoundments, wastewaters were allowed to flow into natural depressions located just east of the impoundments.

2.2 Impacted Environment

This section briefly describes the physical and biological environments of the area potentially affected by the releases at or from the Facility.

2.2.1 The Physical Environment

The Facility is located in the headwaters of the Red River and Sulphur River watersheds. The bottomland floodplain ecosystem directly impacted by activities at the Facility is described further in the sections below. Three creeks were identified as impacted by releases from the Facility: Days Creek, Howard Creek, and Waggoner Creek. In addition, the adjacent deciduous and riparian deciduous forests transported materials released from the Facility to the creek channels through surface water runoff or groundwater discharge and were also potentially impacted by releases.

Days, Howard, and Waggoner creeks are perennial streams with riffle/run habitat, pools ranging from 1 to greater than 6 feet deep, and shallow, low-energy depositional areas (See Figure 1-1 and Image 1).

2.2.1.1 Days Creek

Days Creek flows through the eastern most portion of the Facility, from the Facility's northern- to southern-most boundaries. Originally, Days Creek flowed closer to the Facility's operational area, and the lower reach of Howard Creek was part of Days Creek. However, Days Creek was diverted to its present location in the 1940s. The top bank width of Days Creek, adjacent to the Facility, ranges from 60 to 120 feet including primary flow channels, sandbars, and secondary high-water flow channels. Banks are generally incised, ranging from 6 to 12 feet in height. During normal flow regimes, water channel depths range from only a few inches in riffle areas to 1 to 4 feet in the deeper pools. Days Creek sediments consist of cobbles, pebbles, gravels, and coarse sands in riffle zones and higher energy flow areas. The Days Creek sand bars within this reach consist of gravels, coarse to very fine sands, and sandy to silty clays, with organic material in the lower energy flow areas (Trustee site investigations, AquAeTer & Kerr-McGee 1994, Exponent 1999a). Image 2 shows Days Creek adjacent to the Facility.



Image 2 Days Creek (July 2017)

2.2.1.2 *Howard Creek*

Howard Creek enters the Facility from just west of Buchanan Road and flows for 0.75 miles roughly parallel to State Loop Highway 151 in the southern portion of the Facility property. The Howard Creek sediments range from cobble, pebble, gravel, and coarse-grained sands in the upper reaches at the western property line to gravel and fine-grained sands from mid-reach on the Facility property to its confluence with Days Creek. The top bank width of Howard Creek ranges from 10 to 40 or more feet. Approximate normal flow water depths range from less than 1 foot over most of the reach through the Facility to 3 to 4 feet at the confluence of Days and Howard creeks. Bank heights range from 4 to 6 feet where Howard Creek enters the Facility to 6 to 8 feet at its confluence with Days Creek (Trustee site investigations, AquAeTer & Kerr-McGee 1994, Exponent 1999a). Image 3 shows Howard Creek adjacent to the Facility.



Image 3 Howard Creek (July 2017)

2.2.1.3 *Waggoner Creek*

Waggoner Creek enters the northern portion of the Facility from the northwest and flows for approximately 0.25 miles through the Facility to Days Creek. The Waggoner creek-top bank width averages approximately 70 feet. The channel includes primary channels, sandbars, and secondary high-water flow channels. Banks are incised with bank height ranging from 10 to 12 feet. Approximate normal flow water width ranges from 5 to 10 feet with water depths ranging from less than 1 foot to 3 feet. Creek sediments consist of cobble, pebble, gravel, and coarse-grained sands in high-energy flow areas and silty

to sandy clays in low-energy flow and shallow pooled areas (Trustee site investigations, AquAeTer & Kerr-McGee 1994, Exponent 1999a). Image 4 shows the confluence of Waggoner Creek and Days Creek near the Facility.



Image 4 Confluence of Days Creek (right) and Waggoner Creek (left) (July 2017)

2.2.2 The Biological Environment

The forested areas adjacent to Waggoner, Howard, and Days creeks in the vicinity of the Facility have been identified as deciduous and riparian deciduous forest. This section includes descriptions of these habitats and associated species of the impacted environment.

Deciduous Forest: The deciduous forest classification is used for areas in which the tree canopy is comprised of deciduous species. Two subdivisions have been recognized based on differences in canopy species composition and location: 1) upland deciduous forest in slightly more elevated areas and 2) bottomland forest where flooding occurs seasonally. On the slightly more elevated surfaces, sweet gum, water oak, and American elm dominate the tree canopy. In areas of slightly lower elevation and/or closer to stream and pond edges, the tree canopy is comprised of black willow, plains cottonwood, green ash, and American elm. Other common species found in this second subdivision include Chinese and common privet, greenbriar, wild grapes, mimosa trees, Chinese tallow, box elder, pecan, black walnut, trumpet flower, and other vines.

Riparian Deciduous Forest: The riparian deciduous forest classification is found along Howard and Waggoner creeks at the Facility and Days Creek at and below the Facility. The dominant tree canopy species along the creeks are river birch, sycamore, and plains cottonwood. Other tree species include

white mulberry, box elder, green ash, American elm, water oak, and winged elm. Under-story species include Chinese and common privet, stinging nettle, inland sea oats, salt pennywort, widow's tears, green briar, poison ivy and poison oak, wild grape, and buttonbush. The invasive species Chinese tallow was noted along Days Creek in 2017.

Flora and Fauna: The terrestrial habitat on and adjacent to the Facility and the combined creeks support numerous bird species. Bird species are represented by predators (e.g., Coopers hawk and the great horned owl), cavity nesters (e.g., red-bellied woodpeckers and Carolina chickadee), wading birds (e.g., snowy egrets and great blue herons), and seed eaters (e.g., northern cardinal). Most bird species observed occupy the forest habitats and edge habitats between the forest and the grasslands. In addition, the aquatic habitats in the creeks provide stopover habitat for other migratory avian species.

Reptiles have been observed throughout the three creeks. Turtle species found in the area were the red-eared slider, common musk turtle, and river cooter turtle. Common snapping turtles are also suspected to inhabit the area. Three-toed box turtles and pallid spiny softshell turtles have also been observed in the upper reaches of Waggoner Creek and Days Creek. Alligators have also been reported in the area (Exponent 1999a).

Frogs and toads were observed and heard in and around the three creeks and the Facility property. Their distribution is widespread over the surrounding area. Species such as the leopard frog, the chorus frog, and the red-spotted toad have been observed in the upper reaches of Waggoner Creek and are suspected further downstream in Days and Howard creeks (Exponent 1999b).

Scat and tracks at the Facility indicate the area is utilized by deer, eastern cottontail rabbits, and raccoons. These appeared to be common terrestrial mammals in the area. Slides and wildlife trails along the banks of the three creeks indicate the presence of wild pigs. The eastern gray squirrel has been spotted on the Facility property and adjacent properties. No mammal surveys have been conducted, but evidence such as burrows and tracks indicate mice, voles, raccoons, and deer are common in the Facility and riparian areas.

The in-stream environment of the combined creeks provide habitat for benthic invertebrates. The aquatic species present include, but are not limited to, golden shiner, red shiner, blackspot shiner, bullhead minnow, western mosquito-fish, redfin shiner, warmouth, longear sunfish, green sunfish, bluegill, spotted sunfish, largemouth bass, grass pickerel, yellow bullhead, and gar. Additionally, benthic resources such as mollusks, crustaceans, and various families and species of insects occupy vegetated and open water areas (AquAeTer & Kerr-McGee 1994, Exponent 1999a and 1999b). Image 5 shows a fish bed in Howard Creek. These beds were common in all three creeks adjacent to the Facility in July 2017.



Image 5 Fish Bed in Howard Creek (July 2017)

Two community studies were conducted in the Days Creek watershed in conjunction with sediment sampling in 1994 and 2004 (Crowe 1995, Cook & Buttram 2006). Crowe (1995) concluded, based on fish and benthic macroinvertebrate data, that the aquatic life use in the Days Creek watershed was impaired when compared to the least-impacted reference sites within the area. Cook & Buttram (2006) found that species tolerant of adverse conditions were well represented and only one intolerant species (a darter) was collected.

2.2.3 Threatened and Endangered Species

The Endangered Species Act (ESA) of 1973 (16 U.S.C. §§ 1531 *et seq.*) requires federal agencies to conserve endangered and threatened species and to conserve the ecosystems upon which these species depend. As part of describing the biological environment of the affected area, the Trustees considered the known distribution and potential occurrence of protected species for Bowie County. The creeks provide aquatic habitat and water resources to threatened and endangered species that may be present or may historically have been present in the area, such as the alligator snapping turtle.

The potential occurrence of federally-or state-listed species in the vicinity of the Facility is summarized in Table 2-1. The species listed were obtained from the most recent Bowie County list developed and maintained by the TPWD (2017) and the USFWS Environmental Conservation Online System (ECOS). Table 2-1 provides a brief evaluation of the likely presence or absence of the species at the Facility.

Table 2-1 Federal and State Threatened and Endangered Species – Bowie County

Common Name	Status ¹		Potentially Present in Facility Habitats ²		Comments
	Federal	State	Forest	Creeks	
Reptiles					
Alligator snapping turtle	--	T	No	Yes	Creeks could provide sufficient habitat, especially in lower reaches with deeper depths
Northern scarlet snake	--	T	Yes	No	Found in mixed hardwood scrub on sandy soils, semi-fossorial
Timber rattlesnake	--	T	Yes	Yes	Riparian area and heavily vegetated floodplains provide good habitat
Fishes					
Blackside darter	--	T	No	Yes	Sulfur River basin. Prefers clear, gravelly streams with pools and some current
Creek chubsucker	--	T	No	Yes	Found in small rivers and creeks of various types
Birds					
Bachman’s sparrow	--	T	Yes	No	Found in open pine woods with scattered brushes and grassy understory
Interior least tern	LE	E	No	Yes	Nests along braided streams and rivers and manmade structures
Piping plover	LT	T	PM	PM	Rare migrant only, Facility is not within designated critical habitat
Red Knot	LT		PM	PM	Ground foragers, pecking to obtain some surface foods in the wintering and migratory feeding grounds.
Wood stork	--	T	Yes	Yes	Forages in prairie ponds, flooded pastures or fields, ditches

Common Name	Status ¹		Potentially Present in Facility Habitats ²		Comments
	Federal	State	Forest	Creeks	
Mammals					
Rafinesque’s big-eared bat	--	T	Yes	Yes	Roosts in cavity trees of bottomland hardwoods

1. Listing status under the federal Endangered Species Act and/or Texas rules: LE, LT = Federally Listed Endangered/Threatened; C = Federal Candidate for Listing, formerly Category 1 Candidate; DL= Federally Delisted; E, T = State Listed Endangered/Threatened. The species are listed based on TPWD's Bowie County Annotated County List of Rare Species, Last Revision 5/4/2017. USFWS Environmental Conservation Online System (ECOS) for the Facility area was also consulted – no critical habitats in the area, Least tern could be present.

2. Habitats available to wildlife are broadly divided into the forest, which includes bottomland hardwood forest and deciduous forest, and the riparian habitats associated with the creeks. Known or potential occurrences in the respective habitats of representatives of particular species are indicated as: "No" = absent or highly unlikely; "Yes" = present or highly likely to be present; and "PM" = potential migrant (i.e., if present, likely to be very occasional).

2.3 Summary of Facility Response Actions

The hazardous waste generated at the Facility was held in six surface impoundments located west of Waggoner Creek. Bottom sediment and sludge generated from the treatment of wastewater during wood preserving processes that use creosote and/or PCP are listed as hazardous wastes, classified as K001 under the Resource Conservation and Recovery Act (RCRA) hazardous waste rules in 40 C.F.R. § 261.32.

During an assessment completed in 1985, the Texas Water Commission (TWC), now TCEQ, identified the presence of creosote in the upper aquifer and discharge of the constituents to Waggoner Creek. On September 30, 1986, the TWC issued Solid Waste Registration No. SWR-31002 to Kerr-McGee for the Facility. On March 31, 1987, the TWC issued Compliance Plan No. CP-50076 (Compliance Plan) in conjunction with Hazardous Waste Permit No. HW-50076. In accordance with the Compliance Plan's corrective measures, Kerr-McGee began groundwater monitoring, groundwater corrective action, and dense non-aqueous phase liquid recovery at the Facility. Voluntary corrective measures for groundwater remediation were implemented at the Facility from 1988 to approximately 1993. These corrective measures included subsurface barriers and a groundwater pump-and-treat system to remove creosote and other hazardous substances from the groundwater. In addition to complying with the performance standards of the Compliance Plan, Kerr-McGee was required to comply with the requirements of the Hazard Waste Permit No. HW-50076, which includes responding to newly identified releases of hazardous substances. The six surface impoundments were closed as required by the closure plan in the Hazardous Waste Permit during 1988 and 1989. The groundwater pump-and-treat system, sampling, and remedial investigations continued at the Facility until 2009, when Tronox filed for bankruptcy.

Currently, the Facility is owned and managed by the Greenfield Environmental Multistate Trust LLC (Greenfield). Greenfield, in its representative capacity as trustee of the Multistate Environmental Response Trust (the Multistate Trust), assumed responsibility for the Facility pursuant to the Consent Decree and Environmental Settlement Agreement approved by the United States Bankruptcy Court (New York) on February 14, 2011. The Multistate Trust was established by the Consent Decree and Environmental Settlement Agreement and is responsible for implementing all environmental actions at the Facility including the groundwater pump-and-treat system. Other required environmental actions include the characterization and cleanup of the Facility and all post-closure care obligations.

2.4 Summary of Resource Injury

The Trustees conducted an assessment to identify the nature and extent of natural resource injuries attributable to releases of hazardous substances at or from the Facility, to quantify the resulting natural resource and ecological service losses, and to provide the technical basis for determining the need for, type of, and amount of restoration appropriate to compensate the public for those losses.

The assessment process is guided by NRDA regulations issued under CERCLA and found at 43 C.F.R. Part 11. A number of factors are considered in identifying and quantifying natural resource injuries, including, but not limited to:

- Hazardous chemicals of concern (COCs);
- Specific natural resources and ecological services of concern;

- Evidence indicating exposure, pathway and injury;
- Mechanism(s) by which injury to natural resources of concern would occur;
- Type, degree, spatial and temporal extent of injury; and
- Type(s) of restoration that would be appropriate and feasible for use as compensation.

As part of the assessment, the Trustees must determine if an injury (a measurable adverse change resulting either directly or indirectly from exposure to a release of a hazardous substance) occurred. There must be a release of hazardous substance and a pathway that caused natural resources to be exposed to the hazardous substance. A “pathway” is defined as the route or medium (e.g., water or soil) through which hazardous substances are transported from the source of contamination to the natural resource of concern (43 C.F.R. § 11.14(dd)). The Trustees concluded that processing activities, surface water runoff from the Facility, and groundwater discharges were the transport pathways to the affected habitats of Days, Howard, and Waggoner creeks. The COCs transported from the Facility via these pathways included PAHs, PCP, and arsenic.

Sediment data have been collected from Days, Howard, and Waggoner creeks by several entities, including the Department of Water Resources, the Trustees, Kerr-McGee and their contractors, the TCEQ (including its predecessor agencies), and Tronox and their contractors. All studies conducted identified elevated levels of PAHs within the creeks that consistently exceeded established ecotoxicological thresholds. The sediment data also identified concentrations of arsenic and PCP high enough to cause injury in portions of Days and Howard creeks. These studies identified the Facility as the most significant contributor of PAH and arsenic to these water bodies adjacent to and downstream of the Facility. The Trustees determined that releases of creosote and other hazardous substances at or from the Facility injured benthic freshwater habitats in Days, Howard, and Waggoner creeks and potentially injured adjacent riparian and bottomland hardwood habitats. More information about the Trustees’ injury determination can be found in the 2009 Natural Resources Damage Assessment Claim (TPWD et al., 2009).

2.5 Summary of Settlement

On May 20, 2008, Tronox and the Trustees entered into a memorandum of agreement to perform a cooperative restoration-based assessment to address potential natural resource damage liability for releases of hazardous substances at or from the Facility. However, on January 12, 2009, Tronox, Inc.¹ filed for protection under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (*In re Tronox Incorporated, et. al.*, Case No. 09-10156). In light of the bankruptcy filing and short timeline to file a proof of claim, the federal and state Trustees developed a

¹ Tronox, Inc. was formed as a holding company to hold the limited liability company membership interests in Tronox Worldwide LLC, the parent company of Tronox LLC.

joint claim for natural resource damages which they filed with the Bankruptcy Court. Subsequently, the State filed a separate claim for natural resource damages and past assessment costs.

On January 26, 2011, the Bankruptcy Court approved a Consent Decree and Settlement Agreement (Order Granting the U.S. Motion to Approve the Consent Decree and Environmental Settlement Agreement, Case No. 09-10156), the details of which were published for public comment in the Texas Register (35 TexReg 10777, December 3, 2010). On November 10, 2014 the United States District Court, Southern District of New York, approved the Settlement Agreement in the fraudulent conveyance lawsuit (*In re Tronox Incorporated, Tronox Incorporated, et. al., v. Anadarko Petroleum Corporation, et. al.*, Case No. 1:14-cv-05495-KBF) filed against Kerr-McGee and its parent company, Anadarko Petroleum Company. As part of these two settlements, the Trustees received \$21,292,395.06 for natural resource damages: \$7,336,099.60 for the State of Texas Trustees natural resource damage claim, and \$13,956,295.46 for the joint State of Texas Trustees and DOI natural resource damage claim. The State of Texas Trustees funds and the joint State of Texas Trustees and DOI funds have been held in respective jointly managed interest-bearing accounts within the Texas Treasury Safekeeping Trust Company and the DOI Natural Resource Damage Assessment and Restoration Fund, pending their use for restoration projects to restore the natural resources injured by releases of hazardous substances from the Facility.

3.0 RESTORATION SCOPING AND SCREENING PROCESS

The Trustees preferentially seek to restore injured natural resources in kind (e.g., create new wetlands to compensate for lost wetland function) and in the geographical vicinity affected, while working to maximize ecosystem benefit and provide cost-effective restoration as a whole. However, in-kind restoration is not always possible or feasible or may not otherwise fit the restoration selection criteria, and in those instances, enhancement or acquisition of alternative resources that provide similar ecological benefits may be appropriate. Increased benefits and improved cost effectiveness may often be obtained by addressing several injured resources and/or services or classes of injury with a single restoration project.

The Trustees approached restoration planning with the view that the injured resources and associated services lost are part of an integrated ecological system including northeast and east Texas watersheds, and that the South Central Plains ecoregion (see Image 6) represents the relevant geographical area for appropriate restoration actions. Further, the Trustees determined that forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats would provide natural resources or services equivalent to the aquatic and benthic communities of Days, Waggoner and Howard creeks, which are the primary injury associated with the release of hazardous substances from the Facility. This approach ensures that the benefits of restoration actions are related, or have an appropriate nexus, to the resource injuries and service losses due to releases of hazardous substances at or from the Facility.

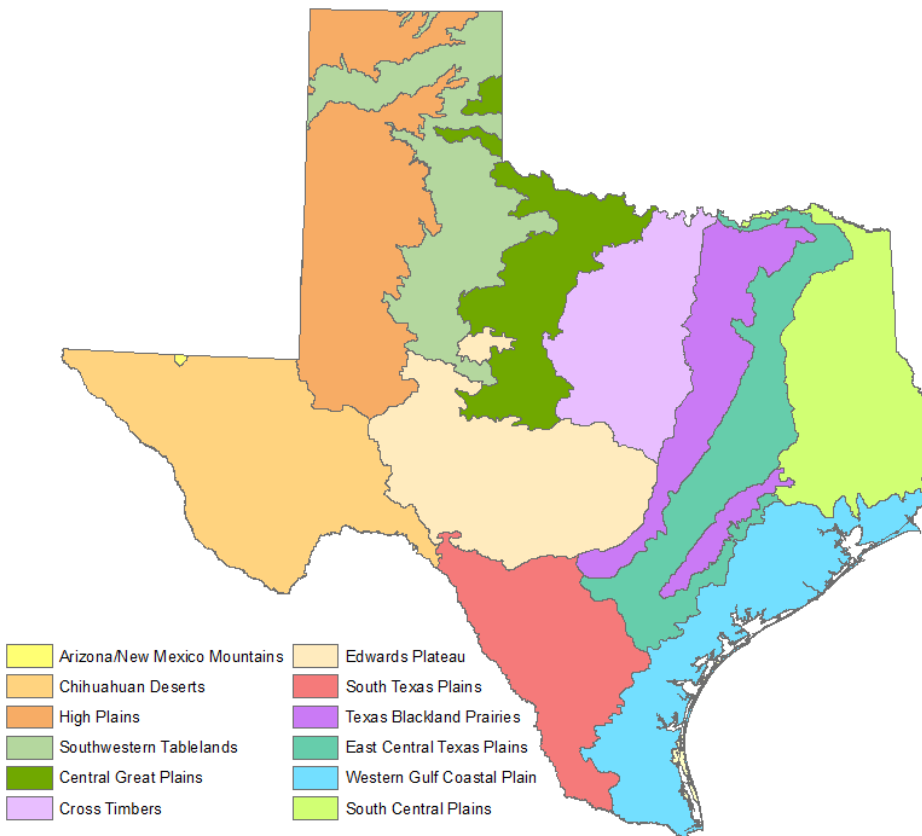


Image 6 Ecoregions of Texas

In accordance with the NRDA regulations, the Trustees identified and evaluated a reasonable range of alternatives capable of restoring ecological services comparable to those lost due to injury to natural resources from releases at the Facility. The alternatives identified and evaluated in this RP/EA are also consistent with NEPA's requirement that the Trustees analyze the environmental consequences of the proposed action, including the environmental consequences of alternatives to the proposed action, as well as a no action alternative. This chapter describes the process through which the Trustees evaluated the 13 restoration alternatives proposed in this RP/EA.

3.1 Affected Area

This section describes the environment of the area(s) to be affected by any proposed alternatives being considered, with emphasis commensurate with the importance of the impact on those resources (40 C.F.R. §1502.15).

The South Central Plains ecoregion, locally termed the "piney woods," is the western edge of the southern coniferous forest belt (Griffith *et al.*, 2007). Once blanketed by a mix of pine and hardwood forests, much of the region is now in loblolly and shortleaf pine plantations. Soils are mostly acidic sands and sandy loams. Covering parts of Louisiana, Arkansas, northeast Texas, east Texas, and Oklahoma, only about one sixth of the region is in cropland, primarily within the Red River floodplain, while about two thirds of the region is in forests and woodland. Lumber, pulpwood, oil, and gas production are major economic activities for this ecoregion. Distinct sub-regions within the South Central Plain ecoregion include the Tertiary Uplands, the Floodplain and Low Terraces, and the Flatwood sub-regions.

The Tertiary Upland sub-region of the South Central Plains can generally be characterized as gently to moderately sloping, covering a large area in northeast Texas, east Texas, southern Arkansas, and northern Louisiana. Numerous small streams dissect the landscape, and the region contains a large diversity of habitats and species. The natural vegetation has been altered by multiple timber harvests and commercial pine plantation activities. Many areas of the ecoregion are replanted to loblolly pine for timber production or are in improved pasture. Lumber and pulpwood production, livestock grazing, and poultry production are typical land uses. Oil and gas production activities are also widespread.

The Floodplains and Low Terraces of the South Central Plains ecoregion comprise the western margin of the southern bottomland hardwood communities that extend along the Gulf and Atlantic coastal plains from Texas to Virginia. Within the South Central Plains, this area is generally delineated by a distinct vegetation change into bottomland oaks (*Quercus* spp.) and gum (*Nyssa* spp.) forest. In Texas, the region includes sections of the Sulphur River, Big Cypress Bayou, Sabine River, Angelina River, Neches River, and Trinity River. Active, meandering alluvial river channels are dynamic systems, with erosion and deposition reworking the topography of levees, ridges, and swales. Overbank flooding, subsurface groundwater, and local precipitation recharges water levels in backswamps, pools, sloughs, oxbows, and depressions of this floodplain region. Wetness and flooding present severe limitations for agriculture. A few of the higher terraces may have some pasture, but most of the region has deciduous forest land cover. Silviculture activities range from selective tree removal to clearcutting to, in some areas, replacement with pine monoculture. Reservoirs have inundated large areas of this habitat and altered downstream hydrology. The bottomland forests provide important wildlife habitat with a high diversity of species. One estimate

of east Texas bottomlands fauna listed 119 fish, 36 amphibian, 59 reptile, 279 bird, and 48 mammal species (Wilkinson *et al.*, 1987).

Mostly flat to gently sloping, the Flatwoods of the South Central Plains ecoregion occurs on Pleistocene sediments in southeast Texas and southwest Louisiana. Some flatwood landscapes are characterized by pimple mounds, small hillocks that are abundant across the flats. This region is warmer, wetter, flatter, less dissected, and lower in elevation than the other sub-regions. Almost all of the Big Thicket National Preserve is within this sub-region. The area has a long history of modification, particularly by the lumber, railroad, and oil and gas industries that contributed to boom and bust cycles of development and occupancy (Gunter 1993). Historically, longleaf pine flatwoods and rare wetland savannas with bluestem grasses and other herbaceous species in understory dominated this region. A high diversity of plant and animal species can also be found here (Griffith *et al.*, 2007).

Specific information on the affected environment and environmental consequences for each alternative is provided in subsequent discussions in Sections 4.2 and 4.3.

3.2 Restoration Evaluation Criteria

The Trustees' first step in developing restoration alternatives was to identify the criteria by which they would evaluate potential restoration actions. Consistent with the factors listed in the NRDA regulations (43 C.F.R. § 11.82(d)), the Trustees identified the following criteria for use in evaluating restoration alternatives:

Criterion #1: Alternative provides direct ecological benefits to forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats in the identified geographic area: The primary goal of any restoration alternative is to provide a level and quality of resources and services comparable to those lost due to the assessed injuries. To determine if a proposed restoration alternative meets the goal of this criterion, the Trustees considered factors such as the potential relative productivity of the habitat to be restored and whether the habitat is being created or enhanced. Proximity to the injury, the quality and type of habitat, and whether the restoration provides benefits to more than one resource are considered. At a minimum, restoration alternatives considered in this RP/EA had to provide ecological benefits to forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats in the identified geographic area.

Criterion #2: Technical feasibility: Technical feasibility means that the technology and management skills necessary to implement a restoration alternative are well known and that each element of the plan has a reasonable chance of successful completion in an acceptable period of time. In evaluating the restoration alternatives in this RP/EA, the Trustees considered whether the restoration alternative would be adequately protected for the long term, as well as any potential difficulties in implementation, including acquisition of state and federal permits. The Trustees also considered if the alternative is self-sustaining and if long-term maintenance of project features will likely be necessary and feasible.

Criterion #3: Cost effectiveness: The benefits provided by an alternative relative to its cost are an important factor in evaluating restoration alternatives. Cost effective or cost effectiveness means that when two or more activities provide the same or a similar level of benefits, the least costly activity will be selected. Factors that can affect the costs of implementing the restoration alternatives were considered and include project management costs, costs of personnel, overhead, project location, timing, complexity of

construction and access to the restoration site (e.g., with heavy equipment), acquisition of necessary land, scale of the project, and the potential liability from project construction. The timeline to complete all project activities and availability of match funding was also considered by the Trustees.

Criterion #4: Reasonable probability of success: Restoration alternatives must have a reasonable probability of being successfully implemented. The Trustees evaluated if project success depended on factors outside of the project implementor's control. The Trustees considered the capacity and previous successes of project proponents and project teams, including if management measures are likely to be maintained after project completion. Project roles and responsibilities for all project partners must be clearly defined. A commitment for future action and management, including financial support from partners, must be identified.

Criterion #5: Measurable results: Restoration alternatives must identify and quantify measures of success for project components during the implementation and describe how those measures relate back to project goals and objectives to restore injuries to natural resources resulting from releases at or from the Facility. Project components should provide measurable success criteria and monitoring methodology and address corrective action strategies to ensure achievement of the project objectives.

Criterion #6: Avoids collateral injury to natural resources: Restoration alternatives should not result in additional losses of natural resources and should minimize the potential to affect surrounding resources during implementation. Restoration alternatives less likely to adversely impact surrounding resources are generally viewed more favorably. Compatibility of a restoration alternative with the surrounding land use and potential conflicts with endangered species are also considered.

Criterion #7: Effect of each alternative on public health and safety, and compatibility with the remediation process: Restoration alternatives that would negatively affect public health, public safety, or remedial actions were not considered by the Trustees.

Criterion #8: Consistency with federal, state, or local laws, regulations, or policies: Restoration alternatives that are inconsistent with laws, regulations, or policies were not considered by the Trustees.

Criterion #9: Alternative is not already required by existing laws, regulations, permits, settlements, or enforcement orders, including anticipated requirements such as mitigation requirements or draft permits unrelated to the project scope of work: Restoration alternatives already required as part of other regulatory or enforcement actions are not appropriate and were not considered by the Trustees.

3.3 Solicitation of Project Ideas from the Public

After developing the restoration evaluation criteria, the Trustees released a public request for project ideas on March 11, 2016 to involve the public early in this process. In response, the Trustees received 12 project proposals from a variety of interested parties. The Trustees reviewed the submitted project ideas and requested additional information from the proponents. Brief descriptions of the 12 project ideas submitted in response to the Trustees' March 11, 2016, request are provided below. Figure 3-1 shows the project locations in relation to the Tronox Facility.

Big Thicket Acquisition and Conservation: This project idea involved acquisition and protection of about 1,200 acres of bottomland hardwood forest. Upon acquisition, the property would transfer to the United

States National Park Service to be incorporated into the Big Thicket National Preserve. The property is east of Lumberton in Hardin County. The project proponent estimated the total project cost to be \$2,400,000.

Bottomland Hardwood Restoration and Chinese Tallow Eradication: This project idea involved removal and treatment of Chinese tallow, an invasive species, and planting of native hardwood species in the Stephen F. Austin Experimental Forest within the Angelina National Forest and in the Alazan Bayou Wildlife Management Area (WMA). Habitat improvement activities would be implemented throughout 4,000 acres of conservation lands in Nacogdoches County. The project proponent estimated the total project cost to be \$1,700,000.

Caddo Lake Habitat Acquisition Project: This project idea involved the protection through fee title acquisition or conservation easement of land in two tiers of acquisition: Tier 1) approximately 3,900 acres at an estimated cost of \$7,200,000 and Tier 2) approximately 1,000 acres at an estimated cost of \$2,300,000. The properties are adjacent to the Caddo Lake WMA and Caddo Lake National Wildlife Refuge (NWR), effectively increasing the contiguous size of conserved lands. Properties include a variety of wetland and upland ecosystems. The properties are located within Marion and Harrison counties. The project proponent estimated the total project cost to be approximately \$9,500,000.

Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration: This project idea consisted of 22 project components located in Bowie County adjacent to, upstream of, and immediately downstream of the Facility, and involved the construction and/or restoration of about 350 acres within the Days Creek watershed, including approximately 100 acres of freshwater wetlands, 100 acres of riparian habitat, and 100 acres of open water aquatic habitat. The project proponent estimated the total project cost to be \$20,000,000.

Longview Arboretum and Nature Center: This project idea involved funding the Phase 1 construction of a public park in Gregg County. The proposal includes the development of a nature center, gardens, and associated infrastructure. The project is part of a Master Plan for the property. The project proponent estimated the total project cost of Phase I development to be approximately \$1,100,000.

Mineola Nature Preserve: This project idea involved the restoration and enhancement of bottomland hardwoods within the 2,911-acre Mineola Nature Preserve in Wood County. Restoration activities include plantings, hydrological work to improve drainage to restore natural hydrology, and mechanical land clearing (i.e. mulching/grinding activities) to remove large woody debris caused by flooding. The project proponent estimated the total project cost to be \$500,000.

Neches River Bottomland Forest Conservation: This project idea involved the acquisition and protection of approximately 6,900 acres of land, including approximately 5,900 acres of riparian bottomland hardwood forest along the Neches River in Anderson, Cherokee, Trinity Counties. The acquisition would expand the network of protected tracts associated with the Davy Crockett National Forest and Neches River NWR. The project proponent estimated the total project cost to be approximately \$13,600,000.

Sulphur Springs Wastewater Treatment Plant Wetlands Habitat: This project idea involved the construction of at least 100 acres of wetlands for water quality enhancement and the purchase of an additional 100 acres of wetlands around Lake Sulphur Springs in Hopkins County for preservation and

recreational use. The created wetlands would be intended for water quality enhancement. The project proponent estimated the total project cost to be approximately \$6,000,000.

Talbot Prairie and Forest Land Acquisition: This project idea involved the acquisition and protection of at least 370 acres of land, including 140 acres of endemic *Silveanus dropseed* prairie and 230 acres of hardwood forest, 75% of which is seasonally flooded. The property is located southwest of New Boston in Bowie County. The project proponent estimated the total project cost to be approximately \$1,000,000.

Tonkawa Sandhills Land Acquisition Project: This project idea involved the acquisition of at least 4,900 acres for preservation and restoration in the Tonkawa Sandhills of Rusk and Nacogdoches Counties. The area includes riparian and bottomland hardwood forest, natural springs, and hydric bogs as features of the sandhill ecosystem. The project proponent estimated the total project cost to be \$10,000,000.

T&J Hunting Properties #1 – Caddo Creek Bottom: This project idea involved the purchase of a conservation easement, to be held in perpetuity, for at least 111 acres of bottomland hardwoods in Panola County. Land would remain in original ownership, with hunting, fishing, and hiking rights reserved. The project proponent estimated the total project cost to be \$1,300,000 for the purchase of development rights.

T&J Hunting Properties #2 – Sabine River Frontage: This project idea involved the purchase of a conservation easement, to be held in perpetuity, for at least 30 acres of bottomland hardwoods in Panola County on the Sabine River. Land would remain in original ownership, with hunting, fishing, and hiking rights reserved. The project proponent estimated the total project cost to be \$500,000.



Figure 3-1 Tronox Restoration Project Locations

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3.4 Development of Restoration Alternatives

After reviewing the submitted project ideas, the Trustees developed a suite of restoration alternatives to evaluate. The Trustees considered restoration actions that would provide natural resources and/or services of the equivalent type, quality, and comparable value as those impacted. Throughout this process, the Trustees' emphasized projects that benefited the areas and natural resources directly affected by the historical releases of hazardous substances at or from the Facility in Texarkana, Texas. The Trustees also recognized that the affected natural resources are part of a larger ecological system comprising the freshwater, riparian, and bottomland hardwood habitats of east and northeast Texas. Under this approach, the Trustees are better able to compensate for natural resource injuries while also considering the multiple ecological benefits of restoration within the larger area.

The Trustees sought to strike a balance between restoration alternatives that would impact natural resources affected by releases at or from the Facility and restoration alternatives that could provide major ecological benefits to the South Central Plains ecoregion. The Trustees also weighed cost effectiveness with the amount and quality of ecological services each project provided when developing restoration alternatives. In some instances, the Trustees combined the elements of related projects into one restoration alternative for consideration. For example, the Trustees combined two similar easement acquisition properties into the T&J Hunting Properties alternative. In other instances, the Trustees separated out individual components of a project idea to develop multiple restoration alternatives. For example, the proposed Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration project idea included 22 different project components. The Trustees grouped individual components into two alternatives: (1) components that would provide for the preservation and enhancement of forested riparian habitats as well as the naturalization and stabilization of urban stream channels which directly feed into the area of injury, and (2) components related to urban restoration, isolated wetland habitats and enhancement projects.

The Trustees developed 12 distinct restoration alternatives for evaluation, in addition to a "no action" alternative as required by 43 C.F.R. § 11.82(c)(2) and NEPA:

- Alternative 1: Big Thicket Acquisition and Conservation
- Alternative 2: Bottomland Hardwood Restoration and Chinese Tallow Eradication
- Alternative 3: Caddo Lake Habitat Acquisition
- Alternative 4: Days Creek – Enhancement and Restoration
- Alternative 5: Days Creek – Urban Wetland Restoration and Enhancement
- Alternative 6: Longview Arboretum and Nature Park
- Alternative 7: Mineola Nature Preserve – Restoration and Enhancement
- Alternative 8: Neches River Bottomland Forest Acquisition
- Alternative 9: Sulphur Springs Wastewater Treatment Plant Wetlands Habitat
- Alternative 10: Talbot Prairie and Forest Land Acquisition
- Alternative 11: Tonkawa Sandhills Land Acquisition
- Alternative 12: T&J Hunting Properties

- Alternative 13: No Action

Each Alternative is described below.

3.4.1 Alternative 1: Big Thicket Acquisition and Conservation

This alternative involves acquisition and protection of up to 1,200 acres of bottomland hardwood forest previously utilized as industrial forest land from a timber company, a willing seller. Upon acquisition, the property would transfer to the United States National Park Service to be incorporated into the Big Thicket National Preserve (BTNP).

The BTNP's unique natural features and species diversity have earned it designation as an International Biosphere Reserve and Globally Important Bird Area. Acquiring and permanently protecting the property would improve water quality, prevent fragmentation, reduce the effects of flooding, and conserve bottomland hardwoods, important wildlife habitat and habitat corridors. Over 1,320 species of trees, shrubs, vines, and grasses; 60 mammal species; 86 reptile and amphibian species; 34 species of freshwater mussel; 1,800 invertebrate species; 97 fish species; and 300 bird species have been identified within the BTNP. The targeted acquisition property contains habitat for the red-cockaded woodpecker and the Texas trailing phlox, two federally-listed species.

The BTNP is composed of 9 land units and 6 narrow water corridors, totaling approximately 110,000 acres separated by miles of privately held lands. The discontinuous nature of the BTNP makes its resources more vulnerable to negative effects from adjacent development and logging activities that fragment the natural landscape. The 2005 National Parks Conservation Association's "State of the Parks Report" rated the overall condition of natural resources at the BTNP as "fair" due to habitat fragmentation resulting from residential, commercial, industrial, and road development in the region.

The property is located east of Lumberton and north of Village Creek State Park in Hardin County near the confluence of Village Creek and the Neches River and adjacent to the Lower Neches River Corridor Unit of the BTNP (Figure 3-2). The property, which contains bottomland hardwood, wetlands, and parts of an inlet/island on the Neches River, would bridge the gap between Village Creek and the Neches River.

The estimated total cost of Alternative 1 is \$2,400,000.

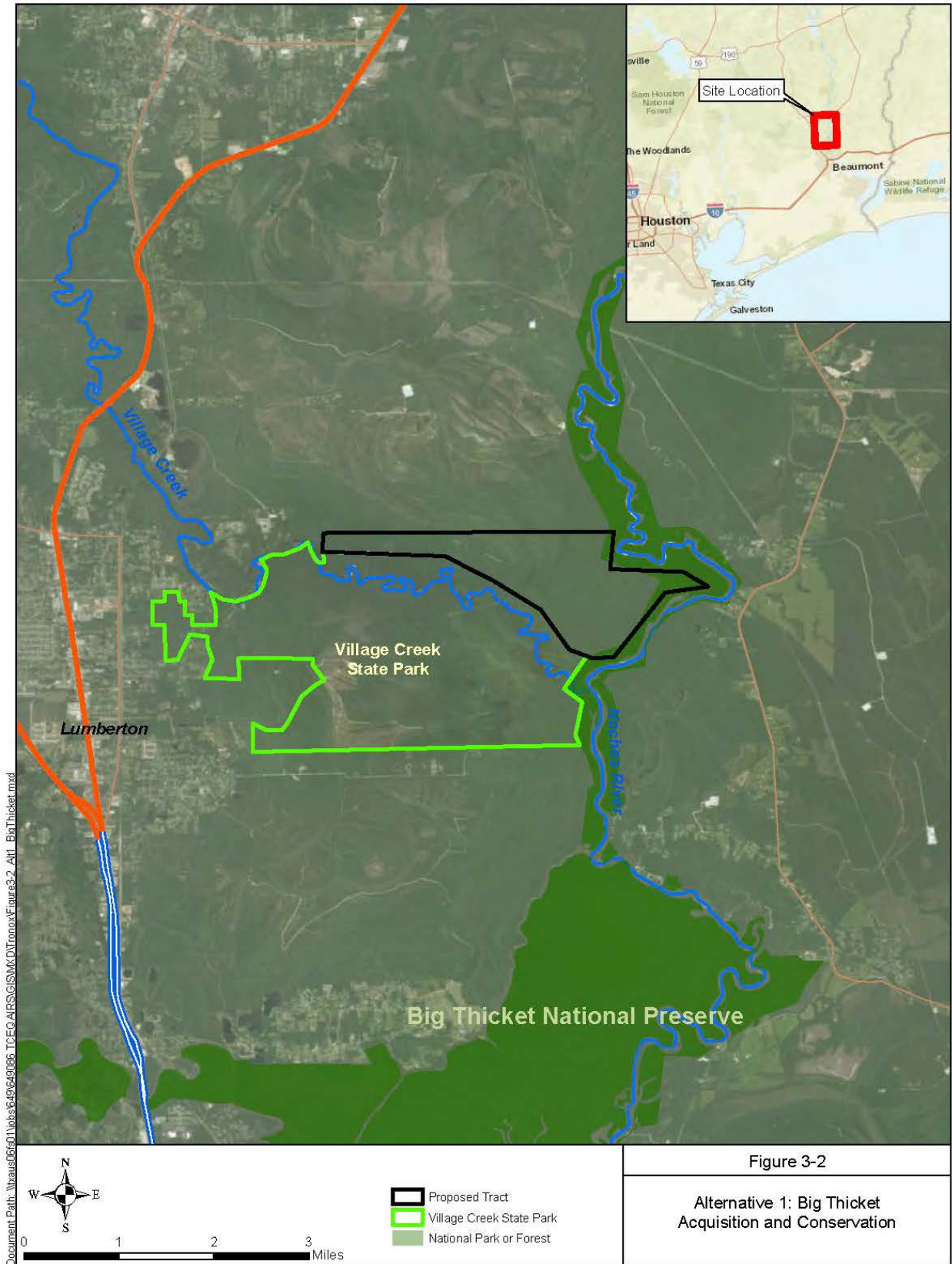


Figure 3-2 Alternative 1: Big Thicket Acquisition and Conservation

Attachment: 2020-032 ATTH 01 Final Tronox RPEA FONSI (2241 : 2020-032 RES NRDA Funding Award)

3.4.2 Alternative 2: Bottomland Hardwood Restoration and Chinese Tallow Eradication

This alternative involves treatment of Chinese tallow, an invasive species, and planting of hardwood species in Nacogdoches County within the Stephen F. Austin Experimental Forest, part of the Angelina National Forest. The area is bordered to the east by the Alazan Bayou WMA. The Alazan Bayou WMA also has a large bottomland/floodplain hardwood component and has a severe Chinese tallow infestation. Habitat improvement activities would be implemented throughout 4,000 acres of conservation lands along the Bayou Loco/Bonaldo Creek/Upper Angelina River watershed. The treatment area would include 1,800 acres in the Stephen F. Austin Experimental Forest and 2,200 acres in the Alazan Bayou WMA. The treatment area is also seasonally flooded, and improvements would support the long-term sustainability of important habitat and natural systems.

The Trustees expect the project would take at least 5 years to complete but could take longer in order to completely ensure the seedbank is devoid of Chinese tallow seeds and a sufficient number of hardwood species become established in the affected area. Because the area is seasonally flooded, Chinese tallow treatments would generally occur in late summer or early fall before seed maturity. Hardwood planting would occur during the dormant season.

Activities would include pesticide application to remove/reduce infestations of Chinese tallow, collection and propagation of acorns from suitable hardwood species, hardwood planting in suitable sites, and monitoring of success. Figure 3-3 shows the location of Alternative 2.

The estimated total cost of Alternative 2 is \$1,700,000.

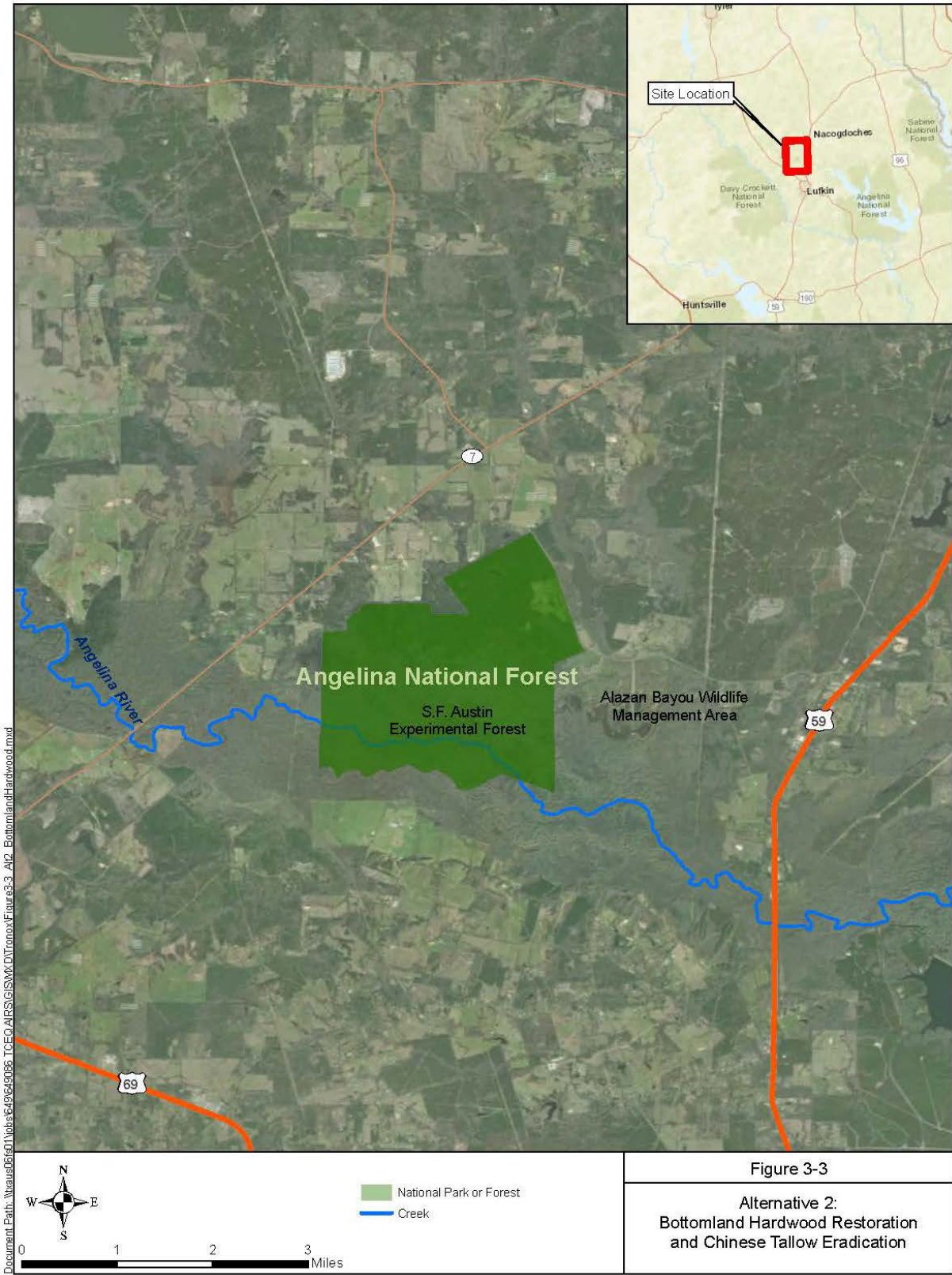


Figure 3-3 Alternative 2: Bottomland Hardwood Restoration and Chinese Tallow Eradication

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3.4.3 Alternative 3: Caddo Lake Habitat Acquisition

The Trustees developed Alternative 3 to include the acquisition and protection of approximately 3,500 acres of swamp, slough, and headwaters habitat to better connect the landscape into either the Caddo Lake WMA or Caddo Lake State Park. Figure 3-4 shows the land acquisition area in relation to Caddo Lake State Park, the Caddo Lake NWR, and the Caddo Lake WMA.

The Caddo Lake system includes Caddo Lake, the only natural freshwater lake in Texas, and its upstream network of bayous, sloughs, and forested wetlands. Caddo Lake is a highly productive ecosystem and serves as a vibrant recreational fishery and habitat for waterfowl and other wildlife. Much of Caddo Lake's backwater system is already managed for conservation purposes as the Caddo Lake State Park, Caddo Lake WMR, and the Caddo Lake NWR, for a combined acreage of approximately 18,100 acres of protected land. Despite these efforts, these protected areas are fragmented, and threats posed by invasive species and development persist. There is a critical need to acquire and preserve a contiguous headwater ecosystem for Caddo Lake.

Several protected species are known to be present in the Caddo Lake system and are likely found within the properties proposed for acquisition: wood storks, bald eagles, paddlefish, Rafinesque's big-eared bat, alligator snapping turtles, northern scarlet snake, timber rattlesnake, southern hickorynut mussel, Louisiana pigtoe mussel, and the plant species earth-fruit. The targeted properties also contain habitat for earth fruit (*Geocarpon minimum*) and the Neches River rose-mallow (*Hibiscus dasycalyx*), two federally-listed species. Many of these species are also present in the Facility area (see Table 3-1) in Bowie County, presenting an opportunity to positively influence the populations of protected species that may have been impacted at the Facility.

The estimated total cost of Alternative 3 is \$5,900,000.

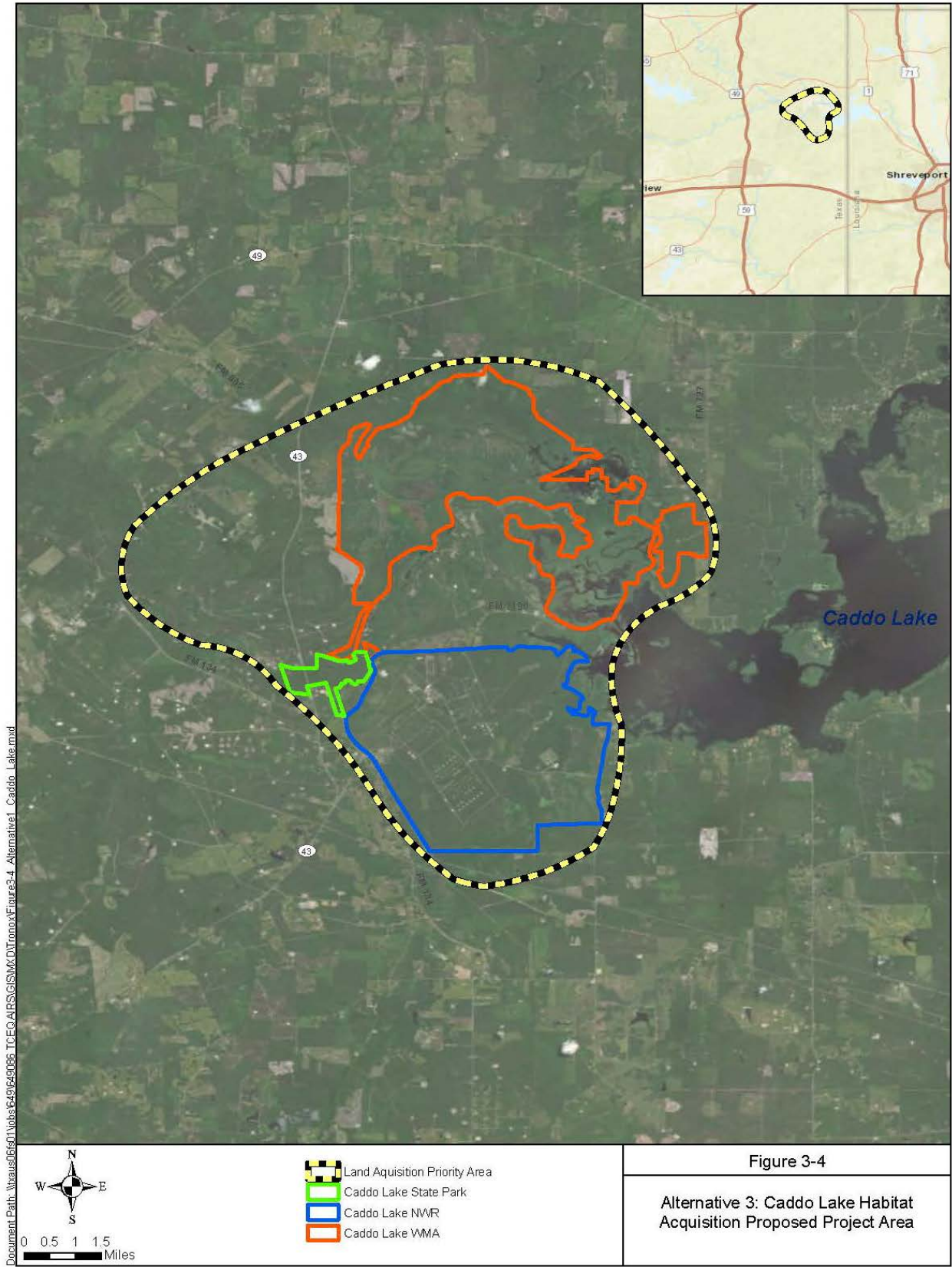


Figure 3-4 Alternative 3: Caddo Lake Habitat Acquisition

Attachment: 2020-032 ATTH 01 Final Tronox RPEA FONSI (2241 : 2020-032 RES NRDA Funding Award)

3.4.4 Alternative 4: Days Creek Enhancement and Restoration

The Trustees developed Alternative 4 by combining various components of the Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration project idea into an alternative that would preserve and enhance approximately 200 acres of forested riparian habitats and restore and stabilize about 6 miles of urban creek channels. This alternative would restore and enhance the urban ecosystem upstream of and near the Facility. Figure 3-5 shows the project components and their geographic extent in relation to the City of Texarkana and the Facility.

This alternative includes restoration, creek channel stabilization, and preservation of riparian and bottomland habitats along Cowhorn, Days, Howard, Swampoodle, and Waggoner creeks in Texarkana. Most of the Upper and Middle Days Creek sub-watershed in Texarkana is urbanized. Creek channels have been streamlined, canopy cover reduced or eliminated, and urban development borders the creeks throughout the watershed. Much of the shoreline has been planted and maintained with turfgrass. The following are descriptions of individual project components proposed by the City of Texarkana that the Trustees incorporated into this alternative.

Cowhorn Creek Enhancement - This combination of project components would result in restoration of Cowhorn Creek from its headwaters near Richmond Road to below its confluence with Waggoner Creek. Figure 3-5 shows the extent of restoration planned along Cowhorn Creek in relation to the City of Texarkana and the Facility. In general, Cowhorn Creek is an urban channel with eroding banks. The channel is incised with no connection to active floodplains and lacks a riparian corridor.

- Project Component 1: Naturalization of approximately 2,600 linear feet of creek channel along Cowhorn Creek near the Convention Center. Additional actions include planting and expansion of bottomland hardwood habitats along this reach. Estimated project costs are \$300,000.
- Project Component 2: Stabilization of approximately 11,000 linear feet of eroding banks with bioengineering and approximately 9,200 linear feet of native planting along Cowhorn Creek. Bioengineering includes the use of riprap made of natural materials (e.g., brushwood, vegetation, and brush layers) to stabilize the banks as an alternative to lining the banks with concrete. Project component costs are estimated to be \$550,000.
- Project Component 3: Restoration of the natural alignment, stabilization, and enhancement of approximately 3,000 linear feet along Cowhorn Creek near Texarkana Community College and Berkey Park Road. This component also includes the preservation of an estimated 2.5 acres of forested habitat adjacent to this reach, and the creation of approximately 6 acres of wetlands through the restoration of the meandering creek channel. Project component costs are estimated to be \$1,350,000.

Days Creek Enhancement - These two project components would preserve and enhance wetlands along Days Creek (see Figure 3-5).

- Project Component 4: Preservation in perpetuity of approximately 32 acres of wet forested habitat and enhancement of approximately 36 acres of wet forested habitat east of the Facility and Days Creek. This land is currently owned by the City and consists of high quality deciduous hardwoods. Project component costs are estimated to be \$40,000.

- Project Component 5: Preservation by third-party conservation easement in perpetuity of approximately 100 acres of high quality forested riparian habitat along Days Creek, south of the Texas Viaduct. Project component costs are estimated to be \$110,000.

Howard Creek Enhancement - Figure 3-5 shows the extent of restoration planned along Howard Creek in relation to the City of Texarkana and the Facility.

- Project Component 6: Restoration and enhancement of approximately 2,000 linear feet along Howard Creek and the construction of approximately 23 acres of wetlands adjacent to Howard Creek between Flower Acre Road and Bender Road. Currently, the channel is in marginal to poor condition and has been widened and deepened to convey urban stormwater runoff. There is no connection to an active floodplain and the channel lacks riparian cover. The top of the bank is mowed grass, predominantly common Bermuda. Project component costs are estimated to be \$1,000,000.

Swampoodle Creek Enhancement - These project components would result in restoration of Swampoodle Creek from its headwaters near Ferguson Park to its confluence with Days Creek. Figure 3-5 shows the extent of restoration planned along Swampoodle Creek in relation to the City of Texarkana and the Facility.

- Project Component 7: Construction of approximately 2.85 acres of wetlands and removal of concrete liner along a tributary of Swampoodle Creek at Ferguson Park. The existing concrete-lined channel is 10 feet wide, approximately 2.5 to 3.0 feet deep, and 2,000 linear feet in length with no natural banks or creek beds. Mowed grass is the predominate ground cover and the creek segment through Ferguson Park is in a severe channel condition. The channel is incised and excavated with no natural access to an active floodplain. Aquatic habitat and riparian and bottomland hardwood are not present. The channel receives direct, untreated runoff from a nearby parking lot. In this project component, wetlands would be created by allowing surface water to meander and sheet flow through parts of the landscape using bioswales. Project component costs are estimated to be \$3,700,000.
- Project Component 8: Naturalization and stabilization of approximately 11,000 linear feet of creek channel on Swampoodle Creek between Spring Lake Park and Days Creek. Swampoodle Creek flows directly into Days Creek north of the Facility. Currently, habitat conditions are highly degraded. A portion of the channel has concrete-lined banks and bed. The unlined channel is unstable with eroding banks. There is no aquatic habitat, no riparian corridor, or adjacent wetland habitat. The City of Texarkana would perform hydrology and hydraulic (H&H) modeling to determine the most effective methodology for channel stabilization. Potential actions under this project component include 1) removal of concrete lining, where applicable, 2) restoration of natural bed and bank conditions, 3) naturalization of channel alignment, and 4) an increase of areas with native plantings. Project component costs are estimated to be \$1,700,000.
- Project Component 9: Restoration of the natural alignment of approximately 1,700 linear feet of Swampoodle Creek. Currently, the channel is concrete lined with no access to an active floodplain. There is little to no aquatic habitat or riparian corridor. The bottomland hardwoods cleared from

the project site would be restored. This project component would remove the concrete lining, recreate the natural meander, and restore forested riparian habitat along this segment. Project component costs are estimated to be \$650,000.

Waggoner Creek Enhancement - Figure 3-5 shows the extent of restoration planned along Waggoner Creek in relation to the City of Texarkana and the Facility.

- Project Component 10: Creek channel and riparian habitat restoration of approximately 2,000 linear feet along Waggoner Creek east of Interstate 369. Moderate to good aquatic habitat conditions currently exist in this stretch of Waggoner Creek. Where banks are eroding, live staking, live fascines, and brush layers may be incorporated. In cleared areas that are currently a mix of grass and deciduous bottomland forest, the habitat would be restored to a more native state. Project component costs are estimated to be \$400,000.

The estimated total cost of Alternative 4 is \$9,800,000.

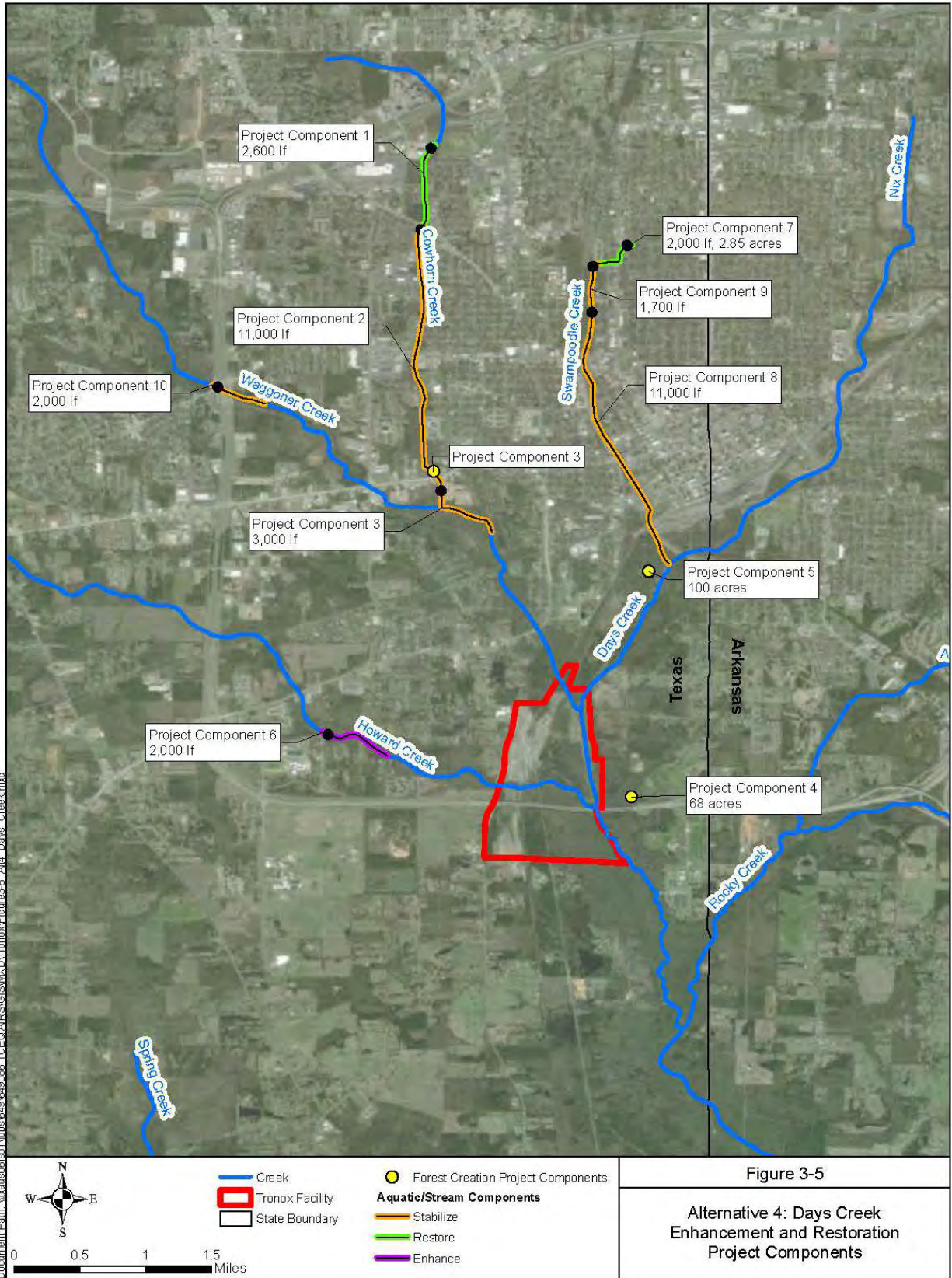


Figure 3-5 Alternative 4: Days Creek Enhancement and Restoration Project Components

3.4.5 Alternative 5: Days Creek – Urban Wetland Restoration and Enhancement

The Trustees developed Alternative 5 by combining various components of the Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration project idea into an alternative focused on urban wetland restoration. This alternative includes urban wetland restoration and enhancement projects in and around the City of Texarkana within Days Creek, Swampoodle Creek, and Spring Lake Park. Many of the project components are located in upland mowed areas with limited or minimal aquatic habitat. Restoring and enhancing these areas to include wetlands, riparian cover, and bottomland trees would serve to manage or enhance surface water quality, create or enhance aquatic habitat, and provide educational and aesthetic benefits to Texarkana residents. Figure 3-6 shows the project components of Alternative 5 and their geographic extent in relation to the City of Texarkana and the Facility. The following are descriptions of individual project components proposed by the City of Texarkana that the Trustees incorporated into this alternative.

Days Creek Watershed Enhancement – These project components would enhance the Days Creek watershed by increasing wetlands and wooded habitat in the watershed.

- Project Component 1: Create approximately 18 to 20 acres of freshwater wetlands between Days Creek and the City's wastewater treatment plant in cleared open upland areas consisting predominantly of mowed grass. Estimated costs are \$1,200,000.
- Project Component 2: Stabilize approximately 4,000 linear feet downstream of the Facility and create a series of treatment wetlands near the City's mulch operation and wastewater treatment plant. Estimated project costs are \$2,000,000.
- Project Component 3: Create approximately 1.2 acres of wet woods within Karrh Park. Currently the location is open mowed grass. Estimated project costs are \$15,000.
- Project Component 4: Restore and enhance approximately 1.6 acres of wooded habitat between Liberty Lane and C.K. Bender Elementary School. The area is cleared and previously supported wet woods. Currently the location is open mowed grass. Estimated project costs are \$115,000.
- Project Component 5: Create approximately 12 acres of wooded wetlands along C.K. Bender Elementary School property. The location is flat open upland with routinely mowed grass on the eastern half. Common Bermuda grass is the prevalent plant species. The western half of the site is less frequently mowed and has an unpaved road that leads to debris piles and a soil borrow pit. Approximately seven trees are scattered in the center of the site, including oak and elm species. Currently, this location lacks any aquatic areas, i.e., open water or wetlands. Since there are no native habitats in the proposed 12-acre wetland area, native aquatic and forest habitat would increase 100%. Layout of the wetland and associated forested areas would avoid impacts to the existing trees in the center of the site. Restoration of hardwoods would serve to reduce forest fragmentation in the vicinity and enhance aquatic habitat conditions for local wildlife. Estimated project costs are \$1,550,000.
- Project Component 6: Restore approximately 2 acres of wet woods around an existing pond and stream channel within Karrh Park. The area is currently open mowed upland consisting of

common Bermuda grass. This location lacks any aquatic areas. Estimated project costs are \$220,000.

- Project Component 7: Work with a private landowner along an approximate 310 linear-foot segment of an unnamed stream channel to establish a conservation easement and restore approximately 0.5 acres of riparian habitat before the stream flows into Days Creek. The area is currently a drainage swale with minimal aquatic habitat. The channel is a shallow swale which functions to convey water from the west to the east where it flows under railroad tracks. The culvert under the railroad does not function well, and water ponds on the west side of the railroad tracks. Various small woody shrubs are scattered along the channel. No earthmoving activity is proposed, only planting. Restoration of the riparian cover and bottomland trees in the ponded area would serve to reconnect a broader tree canopy cover in the area and potentially enhance water quality. A project cost was not provided.

Swampoodle Creek Enhancement – These three project components would increase wetlands along Swampoodle Creek. Swampoodle Creek is sandwiched between railroad tracks on the west and residential developments and downtown Texarkana to the east. Swampoodle Creek within the Sulphur River basin has been identified as having water quality issues including fecal coliforms and ammonia nitrogen. Portions of the Swampoodle Creek channel are highly rectified, concrete lined, or severely eroding. Development of wetlands associated with Swampoodle Creek could potentially increase water quality and act as a buffer with large volumes of urban surface water runoff minimizing erosion. Figure 3-6 shows the location of these project components.

- Project Component 8: Create approximately 5 acres of wetland between Martin Luther King Boulevard and West 4th Street. This area is cleared and previously supported wet woods, but the area is currently open mowed grass. Estimated project costs are \$300,000.
- Project Component 9: Create approximately 10 acres of wetland along Swampoodle between College Drive and West 4th Street. This area is cleared and previously supported wet woods, but the area is currently open mowed grass. Estimated project costs are \$600,000.
- Project Component 10: Restore approximately 6 acres of riparian habitat along 11,000 linear feet of Swampoodle between College Drive and West 4th Street. Estimated project costs are \$60,000.

Spring Lake Enhancement – These two project components would increase the amount of wetlands in Spring Lake Park. Swampoodle Creek begins as discharge from Spring Lake via a drainage pipe under Spring Lake Park Road to a natural channel that flows through an approximately 1,140 linear foot segment with a heavy native riparian and bottomland hardwood tree canopy cover. Development of wetlands around Spring Lake would enhance the water quality of Spring Lake and potentially into Swampoodle Creek. Figure 3-6 shows the location of these project components.

- Project Component 11: Create approximately 5 acres of wetlands along Spring Lake in Spring Lake Park. Currently, Spring Lake is mostly devoid of a wetland fringe. Bank conditions are eroding. This project area is currently open mowed grass. Estimated project costs are \$300,000.
- Project Component 12: Construct approximately 3 acres of wetlands and approximately 300 feet of boardwalk at Spring Lake Park. Estimated project costs are \$240,000.

The estimated total cost of Alternative 5 is \$6,600,000.

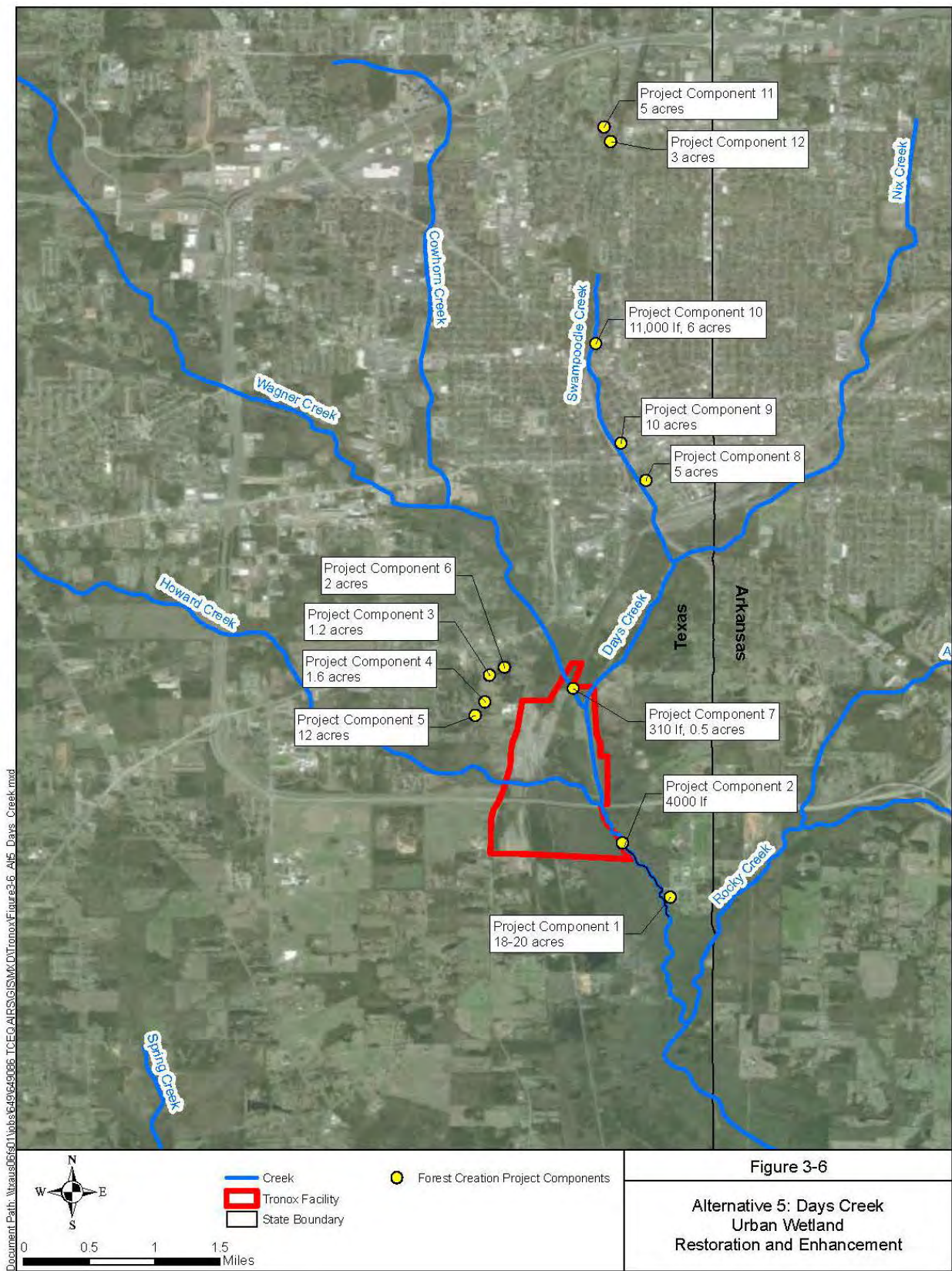


Figure 3-6 Alternative 5: Days Creek - Urban Wetland Restoration and Enhancement

3.4.6 Alternative 6: Longview Arboretum and Nature Park

This alternative would fund the construction of Phase 1 of a public park as part of the Master Plan for the Longview Arboretum and Nature Center. The proposal includes the development of a nature center, gardens, and associated infrastructure. The City of Longview set aside approximately 28 acres of land adjacent to Grace Creek, a tributary of the Sabine River, and in 2012 designated the land as a public park. The land is bordered on the west by the Maude Cobb Convention and Activity Complex, on the south by State Highway 31, on the east by Grace Creek, and on the north by Cotton Street. Figure 3-7 shows the location of this alternative.

The mission of the Longview Arboretum is to enhance the quality of life by educating the greater community about the recreational, educational, and ecological resources of the region. While small portions of the property, particularly on the west side, are designated for higher intensity uses (e.g., formal gardens, learning notes, and the Nature Center), the greatest portion of the property is being conserved to demonstrate the significant biodiversity of the area. This project fully supports the City of Longview's Comprehensive Plan that was completed in 2015. Among the goals identified by the community and adopted by the City Council is: "Enhance Longview's natural beauty and preserve its natural resources."

As part of this alternative, the City would pass a resolution designating the 28 acres as natural open space in perpetuity. Per the Master Plan, "the property is uniquely representative of the South Central Plains Ecoregion with a mixture of hardwood and pine forest communities as well as riparian and open space biodiversity."

The estimated total cost of Alternative 6 is \$1,100,000 to assist with Phase 1 development. The funding would address costs for water lines and faucets, bridges, the maintenance facility, development of the lawn area and irrigation, restrooms and utilities, pond creations and creek improvements, restoration and management, contractual fees, permitting, and contingency. Costs include shaping and reconstructing habitat impacted by earlier construction and controlling run-off entering the site from adjacent properties; managing drainage and erosion; and plantings of native grasses, trees, and plants to provide migratory bird habitat. Water features would include waterfalls to increase oxygen levels and bridges for access and connectivity. Non-native and invasive species would be removed from the property.



Figure 3-7 Alternative 6: Longview Arboretum and Nature Park

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3.4.7 Alternative 7: Mineola Nature Preserve – Restoration and Enhancement

This alternative includes the following restoration and rehabilitation activities: 1) plant hardwood trees and prevent the establishment of invasive species, 2) perform hydrological work to improve drainage so that the natural flow of water is not restricted, and 3) mechanically clear land (i.e. mulching/grinding activities) to remove large woody debris piles in the southeast portion of the Mineola Nature Preserve (Preserve) to improve hydrology in bottomland hardwood and riparian habitats.

The Preserve includes approximately 2,911 acres adjacent to the Sabine River in close proximity to the Little Sandy NWR and the Old Sabine Bottom WMA. Figure 3-8 shows the Preserve. The Preserve lies within the Sabine River Corridor, a state- and locally-designated natural area, and comprises various habitat types including upland maintained pasture, upland mixed hardwood, pine habitat, emergent/marsh wetland habitat, open water features, riparian habitat, and hardwood bottomland. Riparian and hardwood bottomland habitats make up the majority of the habitat type due to the location of the Preserve within the floodplain of the Sabine River.

During the 1980s, the USFWS identified the Preserve and several adjacent tracts of land as having biologically important bottomland hardwoods that should be preserved and protected. Because of the diversity of habitat types, wildlife, including various species of waterfowl and other birds, are abundant. Protected species potentially found in the Preserve include species similar to those potentially found at the Facility (interior least tern, Bachman's sparrow, piping plover, fish such as the blackside darter and creek chubsucker, freshwater mussels such as the Texas pigtoe, and reptiles such as the timber rattlesnake). Improvements in the Preserve would increase habitat quality and thereby benefit several species, including protected species.

The estimated total cost of Alternative 7 is \$500,000, which includes site preparation, purchase of seedlings, maintenance and monitoring, and construction activities.

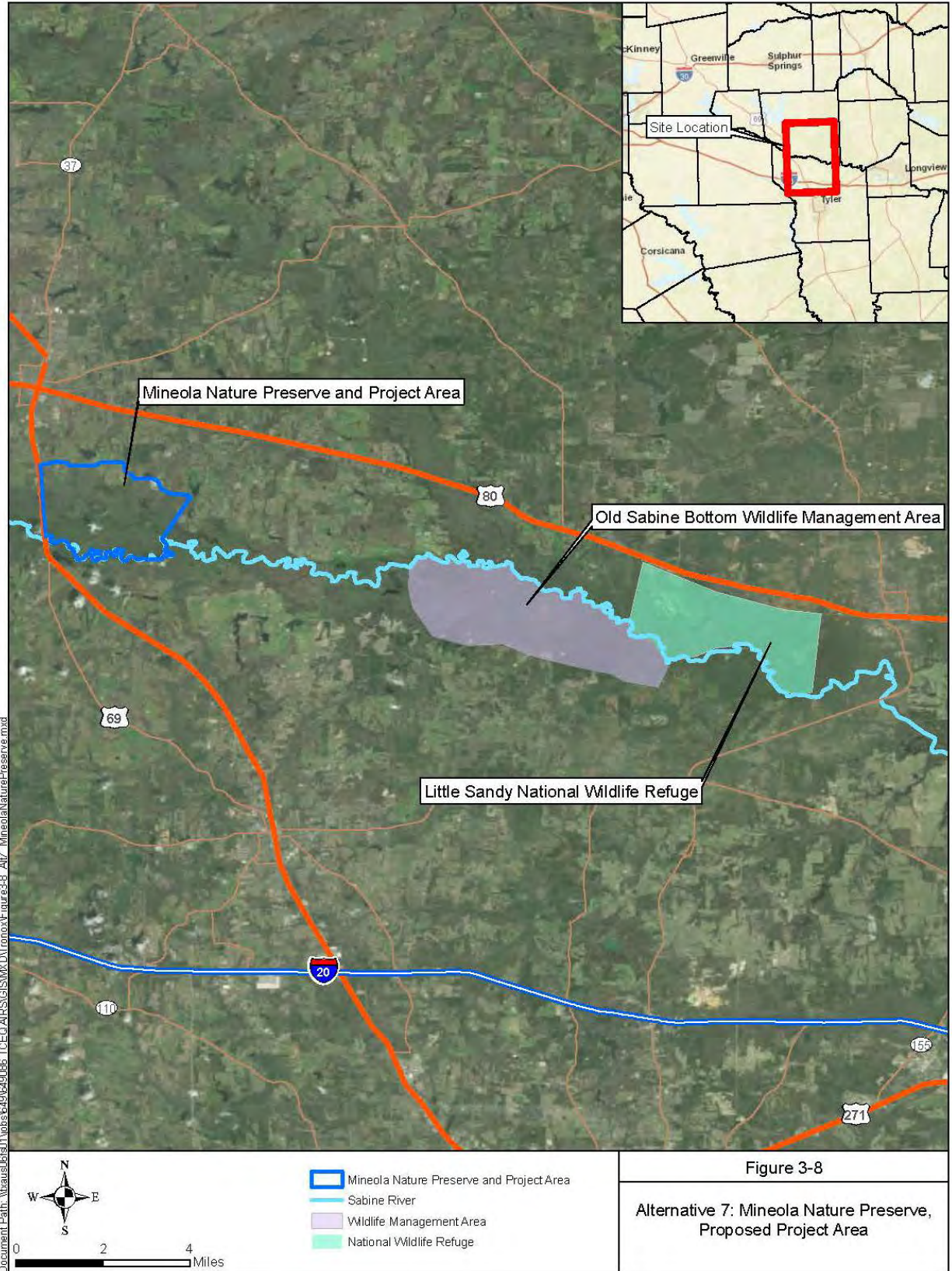


Figure 3-8 Alternative 7: Mineola Nature Preserve

Attachment: 2020-032 ATTH 01 Final Tronox RPEA FONSI (2241 : 2020-032 RES NRDA Funding Award)

3.4.8 Alternative 8: Neches River Bottomland Forest Acquisition

The Trustees developed Alternative 8 to include the acquisition and protection of approximately 1,100 acres of land, including riparian bottomland hardwood forest along the Neches River. The Neches River system contains large contiguous blocks of high conservation value bottomland hardwood forest in east Texas. Acquisition of the proposed properties would expand the network of protected tracts associated with the Neches River NWR and conserve, in perpetuity, a significant habitat corridor along the Neches River. Figure 3-9 shows the proposed land acquisition areas in relation to the Neches River NWR.

The properties consist of Neches River frontage, expanses of river bottom habitat, as well as swamps and sloughs. This acquisition would provide habitat for freshwater sediment benthic invertebrate communities and would protect the variability and productivity of the overall Neches River system. Other ecosystem benefits of this project include the preservation of habitat for 12 state-threatened species, including the Artic peregrine falcon, wood stork, American shallow-tailed kite, bald eagle, paddlefish, Rafinesque's big-eared bat, alligator snapping turtle, timber rattlesnake, and 4 freshwater mussel species.

The river bottom forests provide critical habitat for the federally-threatened Louisiana black bear which has been reported in Anderson County along the Neches River bottoms and play a key role in sustaining the Central Flyway waterfowl population. The site also contains habitat for the red-cockaded woodpecker, Neches River rose-mallow, and earth fruit, all federally-listed species. According to the USFWS' East Texas/Oklahoma Emphasis Area Work Plan for the Neches River Watershed, the Neches River watershed is a hotspot of biodiversity in the Pineywoods of east Texas. Forty-three percent of all bird species documented in Texas (including 44 birds of conservation concern) are found along the Neches River. The Neches river bottom is known to support over 20 plant communities, 45 species of mammals, 54 species of reptiles and amphibians, and 116 species of fish, and numerous invertebrates.

The estimated total cost of Alternative 8 is \$2,200,000.

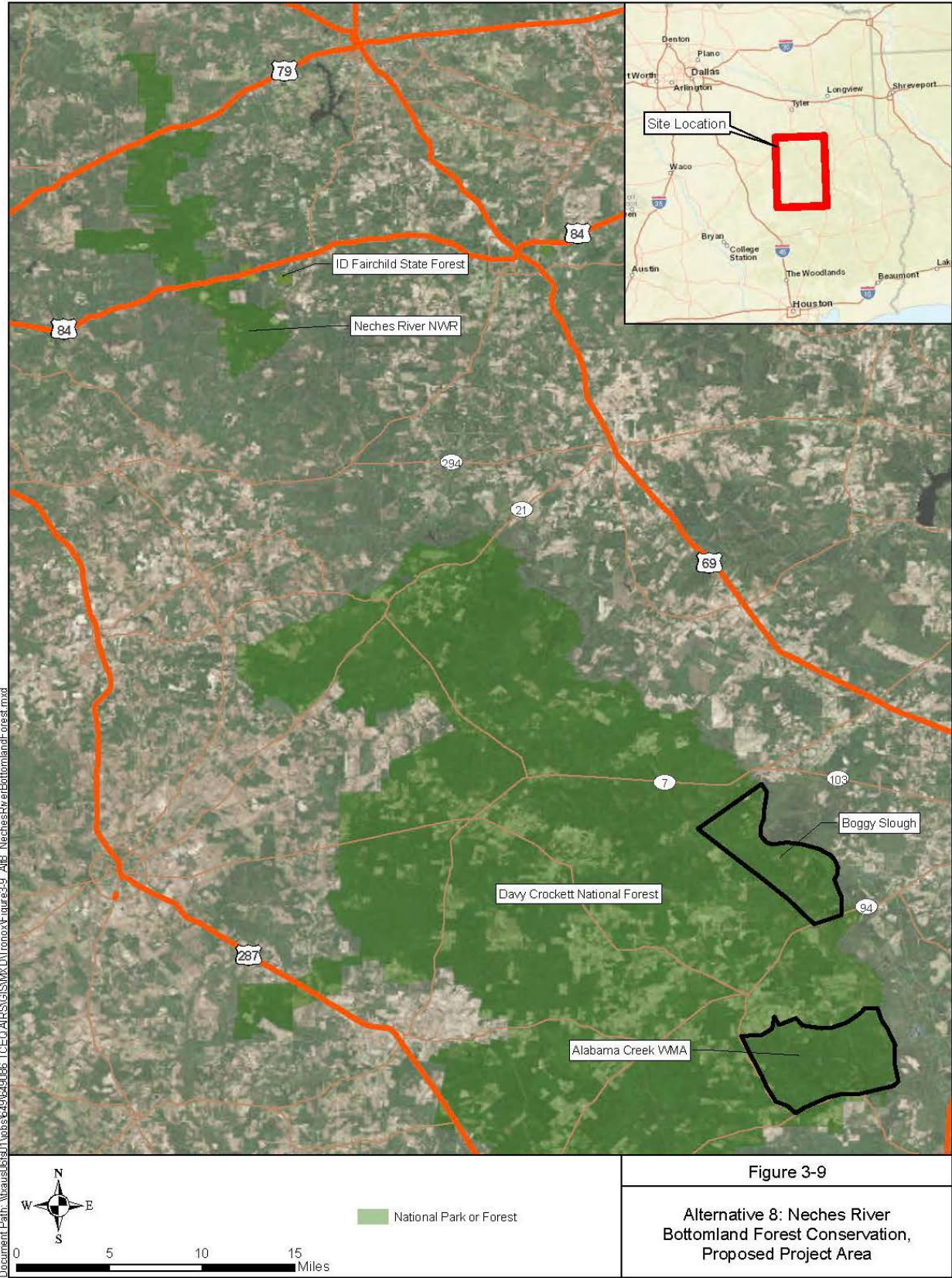


Figure 3-9 Alternative 8: Neches River Bottomland Forest Conservation

3.4.9 Alternative 9: Sulphur Springs Wastewater Treatment Plant Wetlands Habitat

This alternative would involve working with the City of Sulphur Springs to convert 100 acres of grass meadow to wetlands and to purchase an additional 100 acres of wetlands around Lake Sulphur Springs for preservation and recreational use. The process would consist of transferring water from the existing wastewater treatment plant to the constructed wetlands. The wetlands habitat would provide a natural filtration system for approximately 3 million gallons of reclaimed water every day. After the water cycles through the wetlands area, it would gravity flow to a stream to Lake Sulphur Springs. The additional water supply to Lake Sulphur Springs would enhance the lake by keeping the lake water level consistent year-round. In addition, water quality in the lake would be enhanced due to the wetlands filtration and the constant water movement from the stream. The created wetlands are intended for water quality enhancement, and in order for them to function properly, infrastructure would have to be provided, such as large pipes and a pump system. The pump system and pipes are necessary to supply approximately 3 million gallons of water per day to the constructed wetlands. After the completion of the wetlands, recreational facilities such as boardwalks, wildlife viewing stations and interpretive signage can be constructed to benefit the local community and others.

In addition to converting approximately 100 acres to wetlands habitat, the City is committed to purchasing an additional 100 acres of existing low land and wetlands areas around Lake Sulphur Springs to serve as preserved habitat for wildlife. Portions of the site would also be developed for recreational opportunities. Figure 3-10 shows the alternative area.

The overall scope of the project is to acquire approximately 100 acres of existing low land and wetlands areas around Lake Sulphur Springs, construct approximately 100 acres of wetlands habitat to enhance the surrounding environment and enhance the water quality and provide additional recreational opportunities to the local community.

The estimated total cost of Alternative 9 is \$6,000,000, which includes the purchase of land, the construction of the wetlands habitat, recreational amenities, and all the utilities necessary to get reclaimed water from the wastewater treatment plant to the wetlands area.

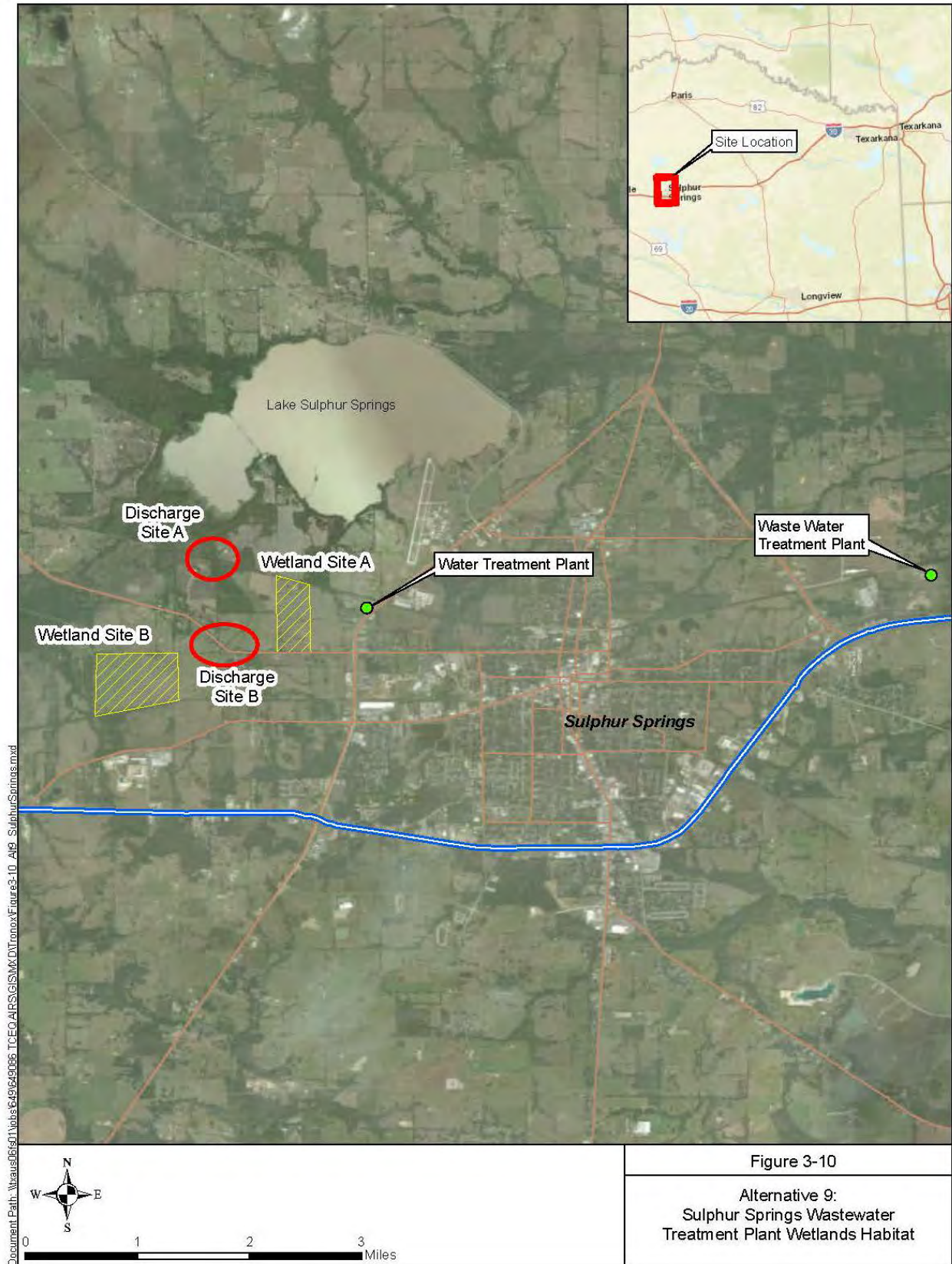


Figure 3-10 Alternative 9: Sulphur Springs Wastewater Treatment Plant Wetlands Habitat

3.4.10 Alternative 10: Talbot Prairie and Forest Land Acquisition

This alternative involves the acquisition and protection of approximately 366 acres of land including 136 acres of endemic *Silveus'* dropseed prairie and 230 acres of hardwood forest, 75% of which is seasonally flooded (see Images 7 and 8). Northeast Texas, including Bowie County, is a transition zone between several ecological regions including the Texas Blackland Prairie, Post Oak Savanna, and Pineywoods regions of Texas and adjacent states. The area supports species and plant communities which are not found elsewhere in Texas. Less than 2% remains of what was once 10 million acres of native tallgrass prairie and calcareous woodland. Functional ecosystems in the region are fragmented, as most of the region has been converted to cropland or urban areas or invaded by non-native forage species. Native tallgrass prairies, which occur in a few northeast Texas counties from Texarkana to Bonham, are among the few recognized vegetation types unique to the state and are considered globally endangered.

Unlike tallgrass prairies elsewhere in Texas, which are dominated by little bluestem grass and Indiangrass, *Silveus'* dropseed prairies are dominated by a different suite of native grasses including *Silveus'* dropseed and longspike tridens with a large variety of colorful wildflowers. "Wet-prairies" are seasonally flooded areas within open grasslands that contain high botanical diversity. Such prairies usually occur as isolated inclusions within calcareous forests or woodlands, forming a mosaic of habitats unique to the South Central Plains ecoregion. Most wet prairies have been converted to farmland or rangeland, permanently destroying their native diversity. These sites are among the state's least conserved natural communities and have long been recognized as important for conservation. Several tracts of land in western Bowie County owned by the Talbot family contain *Silveus'* dropseed prairie, wet prairie, and hardwood forest.

Figure 3-11 shows the general location of the project. If acquired, the 136 acres of open prairie would be the largest example of *Silveus'* dropseed prairie in conservation ownership. At least 40% of the prairie area is seasonally inundated "wet prairie" which is characterized by hydrophilic species, especially sedges and rushes. The property contains a number of plant communities correlating with slight topographic gradients, ranging from upland and seasonally flooded prairie to hardwood forest with "pimple mounds" and swale wetlands. A preliminary botanical survey identified 316 plant species, including scarlet paintbrush, a wildflower not previously recorded in Texas. More species are expected to be identified as the property is inventoried further. Sheet flow over the property feeds numerous drainages to a creek which drains south to Anderson Creek, a relatively intact hydrologic system and a tributary of the Sulphur River.

The estimated total cost of Alternative 10 is \$1,000,000.



Image 7 Hardwood Forest with Drainages and Seasonally Flooded Flatwood Ponds



Image 8 Silveus' Dropseed Prairie, one of Texas' Rarest Plant Communities



3.4.11 Alternative 11: Tonkawa Sandhills Land Acquisition

This alternative includes the acquisition of approximately 4,900 acres in the Tonkawa Sandhills of Rusk and Nacogdoches Counties. Figure 3-12 shows the location of this alternative. The area includes riparian and bottomland hardwood forest, natural springs, and hydric bogs as features of the sandhill ecosystem. The Tonkawa Sandhills is a unique area of large natural springs and spring-fed creeks which recharge out of deep sandhills. These deep sands also serve as part of the recharge zone for the Carrizo-Wilcox Aquifer.

The property to be acquired contains the headwaters of five separate stream drainages which flow into the Attoyac River and Naconiche Creek. The largest springs impact the water quality in the recently completed reservoir, Lake Naconiche, located 2 miles downstream of the property. The property contains extensive intact riparian and bottomland hardwood forest and hydric bogs or acid “baygalls,” globally imperiled plant associations which are not well represented in existing parks and natural areas. Rare plants known to inhabit the property include Nixon’s hawthorn, a recently described species first discovered on the property, as well as Texas trillium, Murray penstemon, Carrizo leatherflower, barbed rattlesnake-root, Mohlenbrock’s sedge, grass-of-parnassus, and prairie fameflower. The site contains habitat for the red-cockaded woodpecker and the Neches River rose-mallow, two federally-listed species.

The Tonkawa Sandhills area is a combination of bottomland hardwood forest, wetlands, and adjacent uplands. These areas support native shortleaf pine-oak savannas, a vanishing ecosystem which is important habitat for migratory songbirds such as Bachman’s sparrow and game species including northern bobwhite and wild turkey.

The 4,900 acres would be placed into a conservation easement held by the Nature Conservancy (TNC) to ensure the long-term protection of the property. A restoration and management plan governing public access, riparian wetland protection, and habitat restoration activities would be developed.

The estimated total cost of Alternative 11 is \$10,000,000.

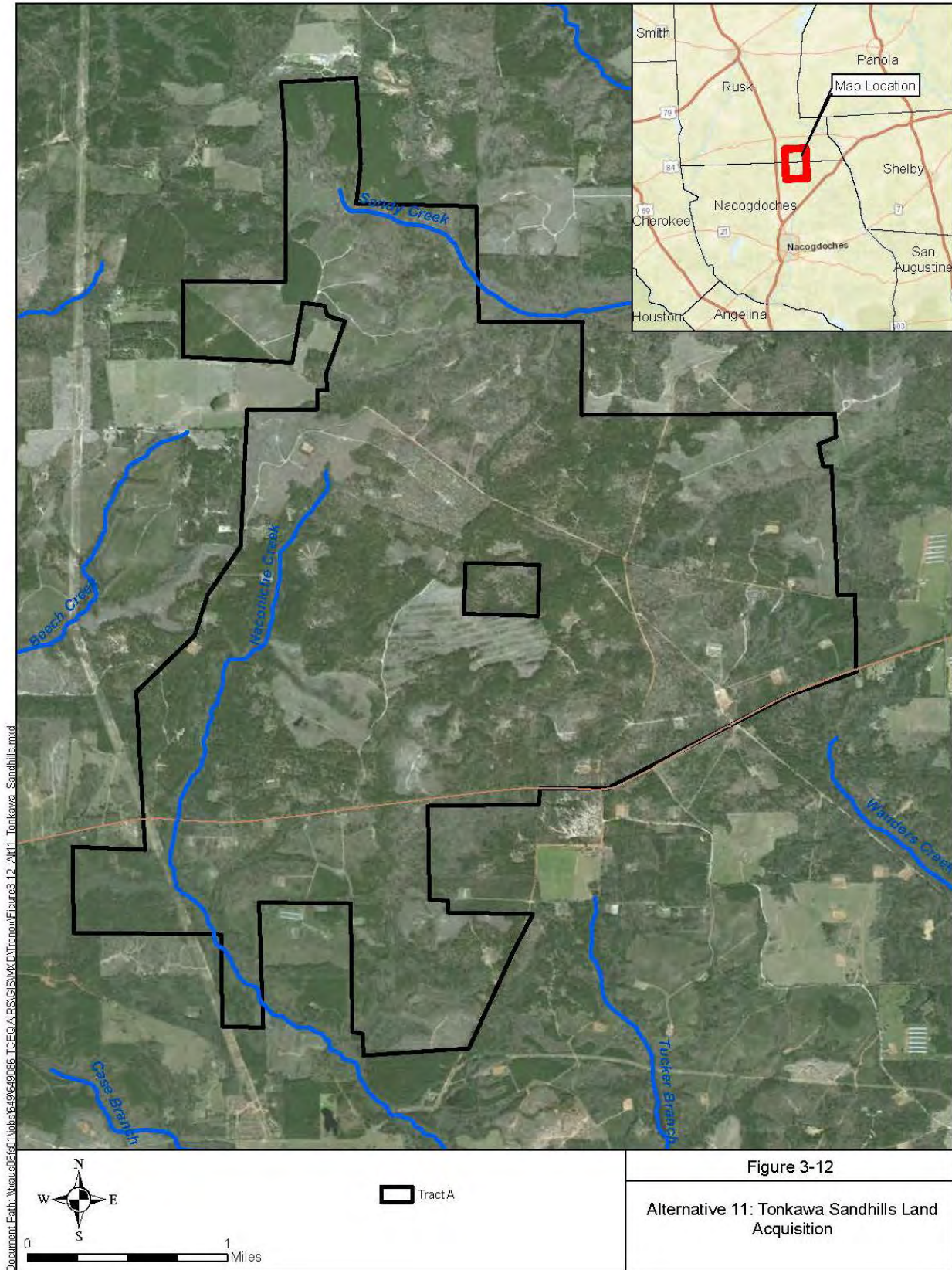


Figure 3-12 Alternative 11: Tonkawa Sandhills Land Acquisition

3.4.12 Alternative 12: T&J Hunting Properties

This alternative involves the purchase of two separate properties: 1) 111 acres of bottomland hardwoods in Panola County and 2) 30 acres of wetlands and bottomland hardwoods along the Sabine River. Due to the similarity of the scopes of work, both from T&J Hunt Club, the Trustees combined two related project ideas to generate this alternative. Figure 3-13 shows the locations of the two properties.

Both tracts are composed of deciduous forested wetlands and frequently flooded bottomland hardwoods forming a riparian forest ecosystem that supports a variety of South Central Plains ecoregion wildlife and bird habitat. Numerous old growth trees such as bald cypress, water oaks, willow oaks, overcup oaks, green ash, hackberry, and American elm are found on the properties, as well as numerous woody shrubs, vines, native grasses, and forb species. Large mast-producing trees provide shelter and resting sites for numerous species and a large food resource during the fall. Smaller soft mast-producing trees and shrubs also provide a food resource as well. New woody growth provides winter browse for white-tailed deer.

The habitat diversity on the two tracts supports a variety of wildlife species including white-tailed deer, coyotes, bobcats, fox, squirrel, and numerous bird species including bald eagles. There are numerous reptiles and amphibians also found on the property. Habitat potentially supports the alligator snapping turtle and timber rattle snake, both state-listed species, and *Geocarpon* (*Geocarpon minimum*) a federally-listed plant species.

Historically managed for timber production as a hunting club, the tracts would be owned by the T&J Hunt Club. Under this alternative, the properties would be placed under conservation easements and managed for wildlife diversity and limited recreational hunting and fishing.

The estimated total cost of Alternative 12 is \$1,800,000, which includes \$1,300,000 for the 111-acre site and \$500,000 for the 30-acre site.

3.4.13 Alternative 13: No Action

Both 43 C.F.R. § 11.82(c)(2) and NEPA require consideration of a “No Action” alternative. Under the “No Action” alternative, the Trustees would take no action to restore, rehabilitate, replace, or acquire natural resources or services equivalent to those lost due to hazardous substance releases at or from the Facility or the remedial actions taken to prevent further or future harm.

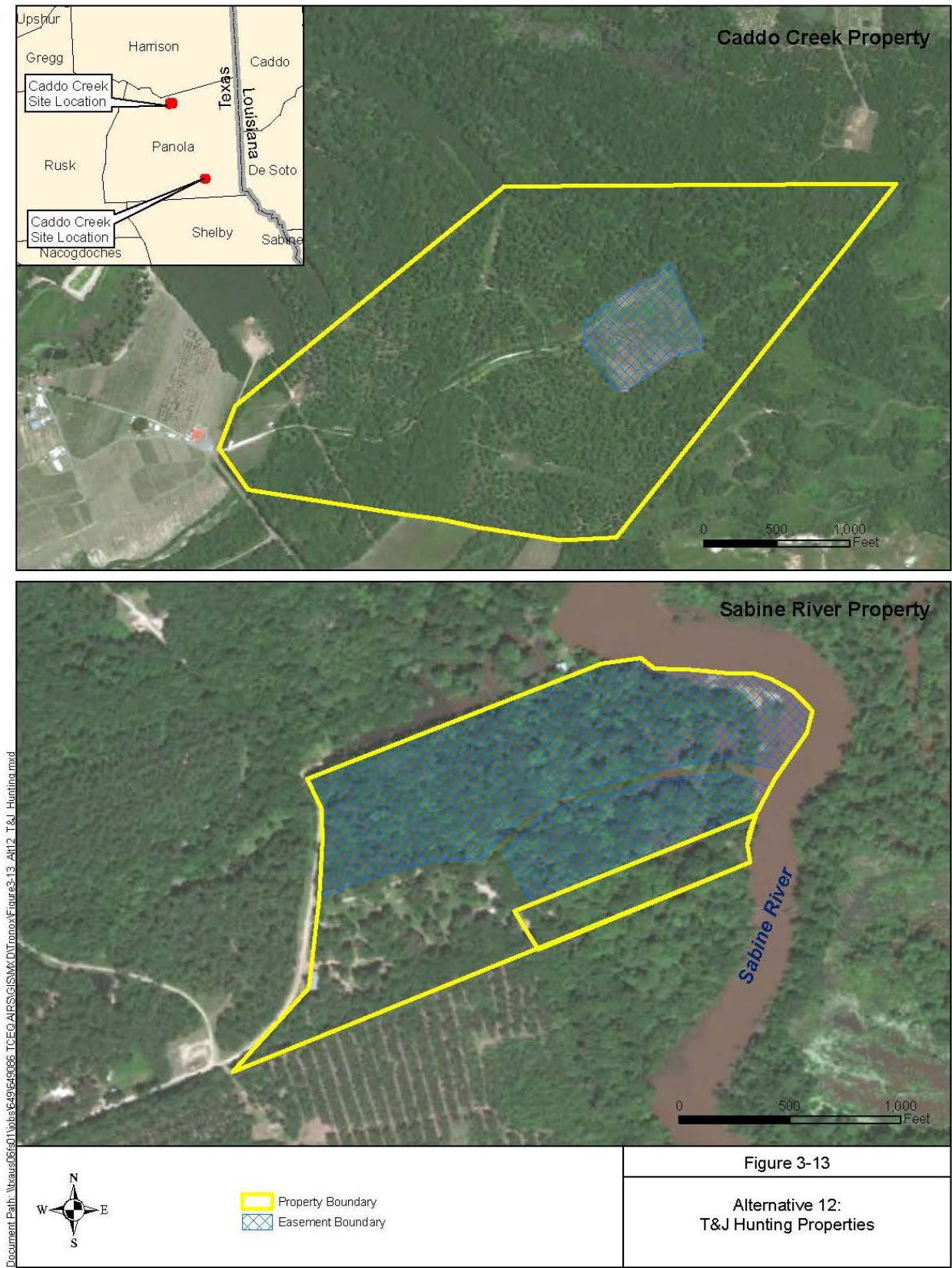


Figure 3-13 Alternative 12: T&J Hunting Properties

Attachment: 2020-032 ATTH 01 Final Tronox RPEA FONSI (2241 : 2020-032 RES NRDA Funding Award)

4.0 EVALUATION OF RESTORATION ALTERNATIVES

This chapter describes the Trustees' evaluation and analysis of the 13 alternatives listed in Section 3.3 and 3.4. The Trustees have integrated the CERCLA and NEPA evaluation processes in this RP/EA. To most efficiently present the CERCLA and NEPA evaluations of the various restoration alternatives, the Trustees divided the alternatives into two groups. The first group, presented in Section 4.1, contains the CERCLA evaluations of the habitat acquisition alternatives. The second group, presented in Section 4.2, contains the CERCLA and NEPA evaluations of the habitat enhancement and construction alternatives.

As described in Section 3.2, consistent with the restoration factors listed in the CERCLA NRDA regulations, the Trustees considered the following criteria in evaluating the restoration alternatives: (1) Direct ecological benefits; (2) Technical feasibility; (3) Cost effectiveness; (4) Reasonable probability of success; (5) Measurable results; (6) Avoids collateral injury to natural resources; (7) Effect of each alternative on public health and safety, and compatibility with the remediation process; (8) Consistency with laws, regulations or policies; and (9) Alternative is not already required by existing laws, regulations, permits, or enforcement orders. All 12 restoration action alternatives met Criterion 8 and Criterion 9, and as such, those criteria are not further discussed for each specific alternative. For each alternative in the reasonable range of alternatives, the remaining seven CERCLA criteria are evaluated independently and a determination is made regarding how well the alternative meets that element. The Trustees used this evaluation in combination with Trustee priorities, the amount of funding available, and consideration of the relevant conservation landscape within the South Central Plains ecoregion to identify a suite of selected restoration alternatives.

Under NEPA, federal agencies must consider environmental effects of their actions, including impacts on social, cultural, and economic resources, as well as natural resources. An agency's NEPA evaluation may take the form of a categorical exclusion, an environmental assessment (EA), or an environmental impact statement (EIS). A categorical exclusion is a category of actions that an agency has determined does not individually or cumulatively have a significant effect on the human environment. When determining whether a categorical exclusion applies for a proposed activity, a Federal agency must ensure that the proposed action fits within the category of actions described in the categorical exclusion. The agency must then consider the specific circumstances associated with each proposed activity to ensure no extraordinary circumstances are present that might give rise to significant environmental effects. The EA determines whether or not a federal action has the potential to cause significant environmental effects.

The Trustees have prepared a NEPA analysis, in the form of an Environmental Assessment (EA), for the habitat enhancement and construction alternatives in Section 4.2. Detailed information on the affected environment is presented in Section 3.1. The Trustees' evaluation under NEPA of the potential environmental impacts in terms of both context, duration, and intensity informed the Trustees' analysis and decision-making process under CERCLA. For the proposed actions identified in this RP/EA, the appropriate context for considering potential significance of the actions is local, as opposed to national or worldwide. Duration refers to whether the impacts are short- or long-term, and intensity refers to the severity of impact as well as whether the impact is beneficial or adverse. The NEPA analysis of the habitat enhancement and construction alternatives is based on alternative-specific preliminary design concepts rather than detailed plans. There are alternatives that will involve planning, engineering, design,

permitting, and budget development to arrive at a shovel-ready alternative. Any steps prior to construction are not expected to reduce the anticipated benefits of the alternative or affect the analyses conducted for NEPA.

Two of the CERCLA evaluation criteria, “(6) Avoids collateral injury to natural resources” and “(7) Effect of each alternative on public health and safety, and compatibility with the remediation process” are related to effects that are evaluated as part of the EA for the habitat enhancement and construction alternatives; therefore, the degree to which each of these alternatives meets these two criteria is described in the NEPA evaluation discussions. All of the habitat acquisition alternatives met criteria 6 and 7. The acquisition of a property would ensure its biological integrity and simply acquiring the property would not be expected to result in collateral injury or any type of effect on public health and safety, or compatibility with a given remediation process. As such, criteria 6 and 7 are not specifically discussed for each of the habitat acquisition alternatives.

The USFWS, as the Federal Trustee, has determined that the habitat acquisition alternatives selected for implementation qualify for a categorical exclusion, described in 516 DM 8.5(A)(4). This RP/EA concludes that the actions associated with the selected habitat enhancement and construction alternatives will not lead to significant adverse impacts to the environment. Subsequently the USFWS has completed its review of the findings in this RP/EA and has issued a finding of no significant impact (FONSI) on the selected habitat enhancement and construction alternatives.

4.1 Habitat Acquisition Alternatives

Six of the 13 alternatives considered in this RP/EA include land acquisition as their major restoration action. The Federal Trustee, having completed their evaluation of these alternatives, has determined that the acquisitions are intended in part to preserve the watershed and improve local water quality and will not adversely affect floodplains, wetlands, or municipal watersheds. A search of the Texas Historical Commission’s online Atlas Map did not indicate the presence of American Indian religious or cultural sites, archaeological sites, or historic properties within the alternatives. Both Alternative 3: Caddo Lake Habitat Acquisition and Alternative 8: Neches River Bottomland Forest Acquisition will acquire lands adjacent to State Parks, State Wildlife Management Areas, National Wildlife Refuges, or National Forests. Two federally listed plant species, *Geocarpon* (*Geocarpon minimum*) and Neches River rosemallow (*Hibiscus dasycalyx*), may be located in the project areas; however, there is no designated critical habitat within any of the proposed habitat acquisition alternatives. Lands acquired for Alternatives 3 and 8 meet conservation objectives and expand protected areas. As such, these projects would have no adverse effect on federally listed, threatened, or endangered species or their designated critical habitat; species proposed for federal listing; or proposed critical habitat. Therefore, the alternatives selected for implementation are consistent with the categorical exclusion described in 516 DM 8.5(A)(4). Since these six alternatives are categorically excluded from further NEPA evaluation, they are grouped together in this section to allow the Trustees to more efficiently evaluate the alternatives. Discussion of the Trustees CERCLA evaluation for each of the land acquisition alternatives follows.

Summary of Habitat Acquisition Alternatives

Alternative Name	County
Alternative 1: Big Thicket Acquisition and Conservation	Hardin
Alternative 3: Caddo Lake Habitat Acquisition	Marion, Harrison
Alternative 8: Neches River Bottomland Forest Acquisition	Houston, Angelina, Trinity, Anderson
Alternative 10: Talbot Prairie and Forest Land Acquisition	Bowie
Alternative 11: Tonkawa Sandhills Land Acquisition	Rusk, Nacogdoches
Alternative 12: T&J Hunting Properties	Panola

4.1.1 Alternative 1: Big Thicket Acquisition and Conservation

This alternative involves acquisition and protection of up to 1,200 acres of bottomland hardwood forest previously utilized as industrial forest land by a timber company, a willing seller. Upon acquisition, the property would transfer to the United States National Park Service to be incorporated as contiguous to the Big Thicket National Preserve (BTNP). The Trustees evaluated this alternative based on the following criteria.

- *Criterion #1-Direct Ecological Benefits:* This alternative would provide benefits to bottomland hardwood forest; however, the subject properties and adjacent properties have been logged for pine and hardwoods and some pipeline infrastructure remains on the properties. American Forest Management, a for-profit tree management business, manages the property adjacent to the northern boundary of the 1,200 acres. Adjacent preserve property will remain in a natural state in perpetuity. The Trustees determined that the site has lower ecological value due to past and present operations on the property and the long distance from the Facility, weakens the correlation to the injury for benthic invertebrates. In addition, the use of timber sales to generate funds for restoration actions may not align with the goals of the Trustees.
- *Criterion #2-Technical Feasibility:* Preservation of the donated property in perpetuity through inclusion in the BTNP would require an Act of Congress. The lengthy timeline reduces the technical feasibility of this alternative. The Trustees also considered the current state of the property, including its use as industrial forest land for over 100 years, the presence of pipelines and supporting infrastructure, as well the presence of Chinese Tallow and feral hogs, as part of this evaluation. Except for the already conserved BTNP property, timber businesses own the subject and adjacent properties, so it is likely that at least the adjacent property will be logged eventually, reducing the value of the subject tract unless the adjacent property was also preserved. The technical feasibility was considered to be low because of the extended time frame for the conveyance process to be completed, the actions required to restore the landscape to historical

species, and the active timber management activities that will continue to occur adjacent to the alternative.

- *Criterion #3-Cost Effectiveness:* The total alternative cost is estimated to be \$2,400,000 or approximately \$2,000 per acre. This cost includes acquisition, appraisal, title review, closing costs, and environmental studies. Based on previous Trustee experience a range of \$1,000 to \$3,500 per acre is considered reasonable for acquisition of rural acreage in east Texas. These comparative costs are influenced by proximity to urban areas, quality of habitat, and the size of the tract. According to the Texas Lands Trends Report (2016), *“Rural land values vary by location, land use, property size, and other characteristics. Changes in land value were closely tied to distance from major metropolitan growth areas. The average land value, for example, within the top 25 fastest growing counties was \$5,266 per acre in 2012, compared to the state-wide average of \$1,573 per acre.”* The inclusion of the appraisal, environmental studies and closing costs within the \$2,000 per acre cost make this project cost effective.
- *Criterion #4-Reasonable Probability of Success:* Given the current condition of the property, the timeframe required to acquire the property, and the potential for logging at or near the property, the Trustees considered this alternative to have a low probability of success.
- *Criterion #5-Measurable Results:* The measures of success are primarily the acquisition of the property, finalization of the conservation easement, inclusion in the BTNP, and preservation of the property in perpetuity. As with Criterion #2, based on the length of time required for the acquisition and conveyance of the property to the BTNP, the Trustees determined this to have a low probability for timely measurable results.

4.1.2 Alternative 3: Caddo Lake Habitat Acquisition

This alternative involves the acquisition of approximately 3,500 acres within the Caddo Lake system. The acquired habitat would be swamp, slough, and headwaters, with the intention to better connect the landscape into either the Caddo Lake WMA or the Caddo Lake State Park. The Trustees evaluated this alternative based on the following criteria.

- *Criterion #1-Direct Ecological Benefits:* This acquisition would benefit and protect habitat for freshwater benthic invertebrate communities, bottomland hardwood, and the overall freshwater system. Other ecosystem benefits include the preservation and maintenance of natural hydrology, reducing the spread of invasive species, reducing nutrient loads, and the introduction and proliferation of sensitive and threatened fishes. This alternative provides natural resources or services equivalent to the injury to freshwater benthic invertebrate communities in Days, Waggoner, and Howard creeks.
- *Criterion #2-Technical Feasibility:* The technical feasibility depends on the long-term protection of the tract(s). Conservation of the acquired tracts will be reflected in the greater Caddo Lake system, and benefits to water quality, wildlife populations, and habitat patterns could be observed at the landscape scale.
- *Criterion #3-Cost Effectiveness:* There are multiple tracts of land that make up the 3,500 acres within this alternative. There is uncertainty as to which tracts can be purchased until property owners have been contacted; however, the estimated costs range from \$1,000 to \$4,400 per acre

for the various tracts. Costs include the appraisal, title review, survey, environmental assessment, staff time and land acquisition. Based on previous Trustee experience, a range of \$1,000 to \$3,500 per acre is considered reasonable for acquisition of bottomland acreage in east Texas. Only one of the proposed tracts estimated costs above the range. The most expensive tract in the proposal, (\$4,400 per acre) is open water and bottomland forest, would protect a mile of riverbank of Big Cypress Bayou adjacent to Caddo Lake State Park. Because of the exceptional quality of the habitat and proximity to the Caddo Lake State Park, \$4,400 per acre is still considered to be cost effective. The other tracks are priced within the commonly found range of costs that the Trustee consider to be acceptable. The inclusion of necessary activities outside of the acquisition in the estimated costs make Alternative 3 cost effective. Depending on the specific tracts, the acquisition process may include purchase of fee title to be held by TPWD or USFWS, and/or conservation easements to be held by the Nature Conservancy (TNC). All acquisitions will be managed for conservation in perpetuity. The purchase price of the land would be based on a recent appraisal to ensure it is purchased at current market value.

- *Criterion #4-Reasonable Probability of Success:* There is a high probability of success for this alternative based on the past partnerships of the managing entities and stability of the Caddo Lake system. The proponents of this alternative, the TPWD and TNC, have demonstrated successful implementation of similar projects, such as the acquisition of Palo Pinto Mountains State Park, Goose Island State Park, and Powderhorn Ranch, and therefore, this alternative is considered to have a high probability of success by the Trustees.
- *Criterion #5-Measurable Results:* The measure of success is the acquisition of the property, finalization of the conservation easement, and preservation of the property in perpetuity. The Trustees determined the project meets this criterion.

4.1.3 Alternative 8: Neches River Bottomland Forest Acquisition

This alternative involves the acquisition and protection of approximately 1,100 acres of land, including riparian bottomland hardwood forest along the Neches River. The Trustees evaluated this alternative based on the following criteria.

- *Criterion #1-Direct Ecological Benefits:* The properties in this alternative contain riparian areas that become inundated similarly to riparian areas adjacent to Days, Howard, and Waggoner creeks. This alternative provides natural resources or services equivalent to the injury to freshwater benthic invertebrate communities in Days, Waggoner, and Howard creeks and any impacts to the riparian corridor along the creeks. Additionally, this alternative will help ensure that the wetlands of the Neches River continue to provide high quality habitat, clean water, flood retention, recreation, and drinking water to communities upstream and downstream.
- *Criterion #2-Technical Feasibility:* The technical feasibility depends on the long-term protection of the tract(s). For this alternative, the Trustees would protect tracts within the Neches River NWR through fee title acquisition. Upon acquisition, the property would be donated to USFWS. This alternative is expected to take 24 months to complete and all acquisitions would be managed for conservation in perpetuity. The Trustees determined the project meets this criterion.

- *Criterion #3-Cost Effectiveness:* Approximately 1,100 acres in the Neches River NWR have been identified as potential targets for acquisition. There is uncertainty as to which tracts can be purchased until negotiations with property owners have been completed; however, the estimated cost per acre is approximately \$1,500 to \$2,100 per acre. Costs include the appraisal, title review, survey, environmental assessment, staff time and land acquisition. Based on previous Trustee experience, a range of \$1,000 to \$3,500 per acre is considered reasonable for acquisition of bottomland acreage in east Texas. For example, the recent Trustee-led acquisition of 612 acres in the Neches River NWR cost \$1,825 per acre. The estimated costs for Alternative 8 are within this range. The purchase price of the land would be based on a recent appraisal to ensure it is purchased at current market value.
- *Criterion #4-Reasonable Probability of Success:* The Conservation Fund (TCF), along with their proposal partner, the USFWS, have demonstrated successful implementation of similar projects. In the last 10 years, TCF has secured over \$60 million in public and private dollars to conserve bottomland forests bordering the length of the Neches River. This alternative has a high probability of success based on past performance by TCF and the past partnerships of the managing entities and stability of the Neches River NWR.
- *Criterion #5-Measurable Results:* The measure of success is primarily the acquisition of the property in perpetuity, finalization of the conservation easement, and the conservation and preservation of the property in perpetuity. The Trustees determined the project meets this criterion.

4.1.4 Alternative 10: Talbot Prairie and Forest Land Acquisition

This alternative involves the acquisition and protection of approximately 366 acres of land including 136 acres of endemic *Silveus'* dropseed prairie and 230 acres of hardwood forest, 75 percent of which is seasonally flooded. The Trustees evaluated this alternative based on the following criteria.

- *Criterion #1-Direct Ecological Benefits:* The property is the highest quality native prairie remnant in the vicinity and possibly in Bowie County. This proposed alternative provides ecological services equivalent to the injury, in that benthic invertebrate communities within the wetlands and within the drainage areas would be preserved and protected. The protection of the 366 acres would reduce urban runoff and improve water quality in the area. This alternative provides ecological benefits to riparian, bottomland hardwoods, aquatic, and wetland habitats within 25 miles of the Facility and within the same river basin and county as the Facility. Additionally, this alternative will add to the representation of *Silveus'* dropseed prairie and calcareous hardwood forest in conservation ownership.
- *Criterion #2-Technical Feasibility:* This alternative is considered technically feasible. In 2012, TNC successfully assisted the Native Prairies Association of Texas (NPAT) with acquiring a nearby preserve and currently enforces a deed restriction on that property.
- *Criterion #3-Cost Effectiveness:* Total costs are estimated to be \$1,000,000 or approximately \$2,700 per acre. The costs include the appraisal, title policy, survey, environmental assessment, land acquisition, and an endowment to TNC to support monitoring of the conservation easement. Based on previous Trustee experience, a range of \$1,500 to \$3,200 per acre is considered

reasonable for acquisition of wet prairie habitat acreage. The estimated costs for this alternative are within this range. The Trustees consider this alternative to be cost effective based on a comparison to similar projects and the inclusion of administrative costs and the endowment to TNC. The purchase price of the land would be based on a recent appraisal to ensure property is purchased at current market value.

- *Criterion #4-Reasonable Probability of Success:* For this property, the NPAT, a Texas-based land trust, would purchase and manage the property. TNC would accept a conservation easement on the property. NPAT and TNC would jointly create and submit to the Trustees a land management plan with the goal of maintaining the optimal diversity of plant and animal species. This alternative has a high probability of success based on the past partnerships of the managing entities.
- *Criterion #5-Measurable Results:* The measurable results are directly associated with the successful acquisition of the property, finalization of the conservation easement, and the conservation and preservation of the property in perpetuity. A land management plan would be submitted to the Trustees to further define the measures of success. The Trustees determined the project meets this criterion.

4.1.5 Alternative 11: Tonkawa Sandhills Land Acquisition

This alternative includes the acquisition of 4,900 acres for preservation in the Tonkawa Sandhills of Rusk and Nacogdoches counties. The Trustees evaluated this alternative based on the following criteria.

- *Criterion #1-Direct Ecological Benefits:* The acquisition area includes riparian and bottomland hardwood forest, natural springs, sandhills, and hydric bogs as features of the sandhill ecosystem. The property contains approximately 2,880 acres of planted pine stands composed predominantly of loblolly pine, which naturally occurs in more mesic communities, and slash pine, which is non-native in east Texas. Previous land use including oil and gas development and road and utility crossings have impacted streams and riparian corridors. Almost all the upland areas would require restoration (70% of the total alternative area). Upland habitat on the property has been severely degraded, predominately through soil organic matter depletion from site preparation practices, farming activities, and the replacement of native shortleaf pine with loblolly and slash pine. This proposed alternative would provide similar ecological services directly comparable to the injury, in the bottomland hardwoods and benthic communities within the wet portions of the property, however, due to the degraded nature of the upland communities, the Trustees determine ecological benefits to be moderate as a whole.
- *Criterion #2-Technical Feasibility:* The acquisition of this property is technically feasible. The amount of restoration required on both the riparian and upland areas, as well as current and future oil and gas operations on the property, are of concern to the Trustees with regard to the technical feasibility of this project. In addition, an inholding near the center of the property is owned by a private individual for recreational hunting and timber production.
- *Criterion #3-Cost Effectiveness:* The estimated total cost of this alternative is \$10,000,000 or approximately \$2,000 per acre. The cost includes the appraisal, survey, Phase I environmental report, title policy, closing costs, and an endowment for the conservation easement. The cost of acquisition of the acreage is reasonable as compared to other similar projects, especially since the

costs include implementation costs and an endowment. The purchase price of the land would be based on a recent appraisal to ensure it is purchased at current market value.

- *Criterion #4-Reasonable Probability of Success:* The 4,900 acres would be placed into a conservation easement with TNC to ensure the long-term protection of the property. The acquisition and execution of the conservation easement are highly probable given past partnerships with the managing entities. Once acquired, a restoration and management plan governing public access, riparian wetland protection, and habitat restoration activities would be developed. The Trustees consider this alternative to have a mixed probability of long-term success based on current and past land use.
- *Criterion #5-Measurable Results:* The measurable results are directly associated with the successful acquisition of the property and finalization of the conservation easement, and the conservation and preservation of the property in perpetuity which the Trustees determined to be feasible.

4.1.6 Alternative 12: T&J Hunting Properties

This alternative involves the purchase of two separate properties: 1) 111 acres of bottomland hardwoods in Panola County and 2) 30 acres of wetlands and bottomland hardwoods along the Sabine River.

- *Criterion #1-Direct Ecological Benefits:* The acquisition of these properties would provide ecological services (e.g., benthic invertebrate services) consistent with the injury. Both tracts are composed of deciduous forested wetlands and frequently flooded bottomland hardwoods forming a riparian forest ecosystem that supports a variety of east Texas wildlife and bird habitats. However, the proposed properties are small (111 acres and 30 acres), isolated, and not contiguous with other preserved properties in the region, thereby reducing their overall benefit.
- *Criterion #2-Technical Feasibility:* The floodplain perpetuity easements would be held by the United States Corps of Engineers or the United States Department of Agriculture. Based on previous experience, the Trustees are concerned that easements held by these entities would have requirements that do not align with Trustee restoration goals. Historically managed for timber production as a hunting club, the tracts would be owned by the T&J Hunt Club. Under this alternative, the properties would be placed under conservation easements and managed for wildlife diversity and limited recreational hunting and fishing. The technical feasibility of this alternative is low because the perpetuity requirement for the easement(s) and future land use associated with the property may not align with Trustee restoration goals.
- *Criterion #3-Cost Effectiveness:* The estimated total cost of this alternative is \$1,800,000: \$1,300,000 for the 111-acre site (approximately \$12,000 per acre) and \$500,000 for the 30-acre site (approximately \$16,500 per acre). Based on previous Trustee experience a range of \$1,000 to \$3,500 per acre is considered reasonable for acquisition of acreage in east Texas. These comparative costs are influenced by proximity to urban areas, quality of habitat, and the size of the tract. The estimated costs, as presented, do not include costs for appraisal, environmental studies and closing costs, reducing cost effectiveness. Based on the comparative costs for acquisition, this alternative is not cost effective.

- *Criterion #4-Reasonable Probability of Success:* Although conservation easements on the properties could likely be obtained, the probability of success for this alternative is low because of Trustee concerns with the conservation easement requirements and restrictions, and the prohibitive cost for small parcels that are discontinuous with currently preserved acreage.
- *Criterion #5-Measurable Results:* The measurable results are directly associated with the successful acquisition of the properties, finalization of the conservation easement, and management in perpetuity. As with Criterion #2, based on past experience with floodplain perpetuity easements and the requirements of the entities that would hold them, the Trustees determined the project did not meet this criterion.

4.2 Habitat Enhancement and Construction Alternatives

The remaining seven alternatives considered in this RP/EA focus on habitat enhancement and construction. Since these projects are not eligible for a NEPA categorical exclusion, this section assesses the CERCLA evaluation of each alternative as well as the environmental consequences analysis pursuant to NEPA.

Summary of Habitat Enhancement and Construction Alternatives

Alternative Name	County
Alternative 2: Bottomland Hardwood Restoration and Chinese Tallow Eradication	Nacogdoches
Alternative 4: Days Creek Enhancement and Restoration	Bowie
Alternative 5: Days Creek Urban Wetland Restoration and Enhancement	Bowie
Alternative 6: Longview Arboretum and Nature Park	Gregg
Alternative 7: Mineola Nature Preserve Restoration and Enhancement	Wood
Alternative 9: Sulphur Springs Wastewater Treatment Plant Wetlands Habitat	Hopkins

4.2.1 Alternative 2: Bottomland Hardwood Restoration and Chinese Tallow Eradication

This alternative involves treatment of Chinese tallow, an invasive species, and planting of hardwood species. This alternative is located in Nacogdoches County within the Stephen F. Austin Experimental Forest which is part of the Angelina National Forest. The treatment area would be 1,800 acres in the Stephen F. Austin Experimental Forest and 2,200 acres in the Alazan Bayou WMA. The treatment area is infested with Chinese tallow and is seasonally flooded. Improvements would help the long-term sustainability of important habitat and natural systems.

4.2.1.1 CERCLA Evaluation

- *Criterion #1-Direct Ecological Benefits:* The removal of Chinese tallow and improvement of Texas bottomland/floodplain would increase the biological diversity and therefore would ultimately benefit riparian and benthic invertebrate health in the bottomland hardwood habitat; however, the benefits may not be realized for 5 years or more. Any restoration and rehabilitation of bottomland and floodplain communities will ultimately benefit the benthic invertebrate communities and water quality consistent with Trustee goals for this project.
- *Criterion #2-Technical Feasibility:* The methods used in the eradication of Chinese Tallow are established, and the Trustees determined that this project is technically feasible. However, the project proponent expects this alternative could take at least 5 years to complete. Additional time may be needed to ensure the seedbank is devoid of Chinese tallow seeds and a sufficient number of hardwood species become established in the affected area. The Trustees are also concerned with the technical feasibility involved in restoring an area infested with an invasive species and returning it to native hardwood bottomland for perpetuity. It is difficult to predict success based on the scale and objective of the eradication phase and restoration phase. Chinese tallow can be difficult to control because it will regrow from the roots and from seeds, requiring chemical control using systemic herbicides.
- *Criterion #3-Cost Effectiveness:* Total alternative cost is estimated to be approximately \$1,700,000 or approximately \$425 per acre. This cost includes: 1) \$700,000 for cutting stumps, 2) \$700,000 for herbicide foliar spraying, 3) \$100,000 for hardwood planting using USFS supplied plants, 4) \$100,000 for hardwood planting from seedlings, and 5) \$100,000 for monitoring over 5 years.

The costs for stump cutting and herbicide foliar spray are estimated to be \$175 per acre, each. Published costs for mowing or other mechanical manipulations depends on labor, fuel, and machinery costs. Herbicide applications using broadcast application methods range from \$80 to \$120 per acre. The estimated project costs are slightly more expensive than published values, but a direct comparison is difficult without additional breakdown of assumptions used to develop the project costs (e.g., equipment rental, fuel, labor, and herbicide costs).

Estimated costs for planting hardwood seedling (bare root) is \$200,000 or \$50 per acre. This assumes that the USFS will supply the plant material. Costs for planting hardwoods are influenced by planting rates, labor rates, and costs for any necessary supporting materials such as tree shelters or geotextile mats. Published costs per acre for planting of trees range from \$350 to \$550. Because of the support from the USFS, the planting of hardwoods in this alternative is estimated to be \$50 per acre and is considered cost effective.

Monitoring is assumed to occur over a 5-year period at \$25 per acre for a total estimated cost of \$100,000. Information is not provided on the activities to be conducted during monitoring, nor are there costs included or discussed to address corrective actions if eradication efforts are not sufficiently effective or if the survival rate of the planted hardwoods is unacceptably low.

- *Criterion #4-Reasonable Probability of Success:* The Trustees are concerned with the long-term success involved in restoring an area infested with an invasive species and returning it to native hardwood bottomland in perpetuity. The Alazan Bayou WMA and the USFS already have

established Chinese tallow treatment programs and would continue treatments after project activities have concluded. A project partner, the Southern Research Station, can provide expertise in identifying priority areas most suitable for planting hardwoods and monitoring hardwood survival rates. The National Wild Turkey Federation's liaison to the USFWS has proven experience with bottomland hardwood restoration and would assist with project oversight by providing guidance on project implementation and aiding in measuring project success. The project proponents did not respond to requests for more information on the project, calling into question the probability of success. The Trustees determined the project did not meet this criterion.

- *Criterion #5-Measurable Results:* A work plan with milestones and clear measures of success would be developed with the Trustees. Tasks include Chinese tallow treatment, hardwood planting, and monitoring. Monitoring beyond the 5-year predicted life of the alternative may be required along with re-planting of hardwoods if sufficient success is not achieved. This project will require long-term monitoring and maintenance, as well as agreement on decision points between multiple stakeholders. The Trustees determined that clear performance measures will be difficult to establish and evaluate.

4.2.1.2 NEPA Evaluation

Environmental and Socio-Economic Impacts Evaluation

The removal and eventual eradication of Chinese tallow (*Triadica sebifera*, formerly known as *Sapium sebiferum*) within the Stephen F. Austin Experimental Forest and Alazan Bayou WMA would benefit the bottomland hardwood ecosystem of the Angelina National Forest in Nacogdoches County. Chinese tallow represents a significant invasive species problem in many areas of Texas and across the South. The species adversely affects the diversity of native plants by invading and eventually dominating habitats including marshes, coastal prairies, river bottoms, and upland forests, as well as disturbed sites and abandoned agricultural fields. Chinese tallow prefers wet soils but is very adaptable. The species has become a serious problem on private and federal lands, such as the Big Thicket National Preserve and national forests in Texas. Chinese tallow can transform areas into a single-species forest. The rapid forestation of Chinese tallow has contributed significantly to the degradation of wetlands along the Gulf Coast. Chinese tallow may alter soil chemistry, allowing the species to self-perpetuate once established.

Eradication coupled with plantings of native hardwood species within the 4,000 acres of affected area is, in part, proposed using herbicide application techniques. Herbicides can be effective but are temporary control measures requiring repeated treatments. Based on the scale and objective of restoration, it is difficult to predict and guarantee success. Chinese tallow can be difficult to control because the trees will regrow from the roots and from seeds, requiring chemical control using systemic herbicides. No negative socio-economic effects would be anticipated as a result of this alternative. As with the other proposed alternatives, restoration of bottomland hardwoods would positively impact riparian ecosystems, indirectly benefiting recreation, education opportunities, and local economies. A cost-benefit analysis of this alternative is difficult to evaluate due to the low certainty of total alternative costs and probability of success.

Physical, Biological, and Cultural Impacts Evaluation

Air Quality, Noise, Traffic, Energy: This alternative is located in a low-population rural setting. The increased presence of heavy equipment has little potential to disturb local residents. Any noise, traffic, or air quality impacts would be temporary. Minimal equipment use would be expected to implement this alternative; therefore, no air quality, noise, traffic, or energy impacts would be anticipated as a result of this alternative.

Water Quality, Geology: Over the long term, the reestablishment of native hardwood species displaced by Chinese tallow would help improve local water quality, increase local species diversity, and increase resilience to erosion and nutrient loading during high precipitation events.

Contaminants, Public Health and Safety: Restoration activities are not expected to have any impacts on public health and safety. The introduction and use of herbicides, when properly applied, would not negatively impact human or ecological health; however, the risk of contamination is difficult to evaluate without a detailed proposal on type and rate of herbicide application. Prior to implementation, the Trustees would coordinate and consult with applicable county, state, and federal regulatory authorities to properly evaluate and minimize environmental impacts from herbicide application in terrestrial and aquatic habitats.

Biological Environment: The combined effort of Chinese tallow destruction and native tree plantings would substantially improve vegetative diversity, and eventually faunal diversity within the riparian wetlands of the Bayou Loco, Bonaldo Creek, and Upper Angelina River watersheds. Invasive species eradication and native species reestablishment can take years, with an initially slow improvement to local ecologies. Ultimately, the construction, enhancement, and preservation of riparian wetland services achieved through the proposed alternative restoration activities would positively impact wildlife, invertebrate, and wetland plant communities.

Endangered Species: Several state-and federally-listed species may be present in the alternative area. The site contains habitat for the following federally-listed species: red-cockaded woodpecker (*Picoides borealis*), Louisiana pine snake (*Pituophis ruthveni*), and the Neches River rose-mallow (*Hibiscus dasycalyx*). The proposed actions may result in limited exposure to herbicide; however, impacts are avoidable when applying best management practices in concert with conducting endangered species surveys and employing monitors. The eradication of Chinese tallow and planting of native species would likely benefit threatened and endangered species and their designated critical habitats over time.

Prior to project implementation, the Trustees would coordinate and complete consultation with USFWS to address any potential impacts to protected species in accordance with Section 7 of the ESA. The Trustees, in consultation with USFWS, would incorporate and implement conservation measures recommended during consultation in final project design and implementation to avoid or minimize impacts to protected species and critical habitats.

Environmental Justice: This alternative would not have the potential to negatively or disproportionately affect minority or low-income populations in the alternative area, including economically, socially, or in terms of conditions affecting their health. Stephen F. Austin Experimental Forest and Alazan Bayou WMA

are already managed for conservation purposes. The proposed activities would help restore an environment that is of benefit to all citizens.

Recreation: The restoration of communities at the Alazan Bayou WMA could enhance the current level of recreation. Removal of invasive species should improve habitat for multiple species of plants and animals which would likely improve recreational opportunities such as hunting, fishing, hiking, and wildlife viewing.

Cultural Resources: There are no known historic sites or significant cultural, scientific, or historic resources in the area that would be affected by the proposed restoration actions. If this alternative is selected, a complete review of the site under section 106 of the National Historic Preservation Act of 1966 (NHPA) would be completed prior to any construction activities being implemented, with consideration of measures to avoid, minimize, or mitigate any adverse effects on any cultural resources located within the site area. This alternative would be implemented in accordance with all applicable laws and regulations applicable to the protection of cultural and historic resources.

4.2.2 Alternative 4: Days Creek Enhancement and Restoration

This alternative combines various components of the Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration project idea into an alternative that would preserve and enhance approximately 200 acres of forested riparian habitats and restore and stabilize about 6 miles of urban creek channels.

4.2.2.1 CERCLA Evaluation

- *Criterion #1-Direct Ecological Benefits:* These actions would directly compensate for habitat value lost at and adjacent to the Facility within the same watershed through the reestablishment of natural stream meanders, creation of wetland ecosystem services, and the preservation of existing habitats. The selected components that comprise Alternative 4 align with the Trustees' objective to compensate for injuries to freshwater benthic and riparian habitats in the South Central Plains ecoregion through the preservation, restoration, and creation of analogous habitat. Because these alternative components are located in Bowie County and in the same watershed and river basins (Red River and Sulphur River) as the injury, any enhancements to water quality in the area would benefit any protected species in the watershed and river basin impacted by the injury.
- *Criterion #2-Technical Feasibility:* Alternative 4 is technically feasible given the participation of engineers, hydrologists, and city planners in the planning process with oversight by the Trustees. This alternative is restoration and enhancement of existing stream corridors but also includes some development of wetlands and wet forest adjacent to the existing water ways. Because the wetlands and forested habitats are not isolated, there is a high likelihood that they will be viable and self-sustaining for the long term. The proposed activities are commonly completed and highly effective.
- *Criterion #3-Cost Effectiveness:* The Trustees estimate the total cost of this alternative to be \$9,800,000. These components utilize mostly City of Texarkana property and there are no costs for land purchase. Typical urban stream restoration costs range between \$500 and \$1,200 per foot and are generally more expensive than stop gap measures such as detention ponds to

manage nitrogen loads from stormwater at \$30-\$120 per foot or placement of rip-rap to armor streambanks at \$0 to \$120 per foot. The long-term benefits of urban stream restoration are primarily water quality improvements and infrastructure protection. Other benefits include educational, ethical, and community benefits that arise from restoring a naturalized environment within an urban setting, as well as enhancing aquatic and riparian ecosystems along streams with improved water quality (Kenney et al., 2012).

Cost estimations for wetland restoration in urban areas are complex given the many human and natural constraints and can vary widely. The most expensive cost factors tend to be the design accommodations (for example, access, clearing, grading, placement of weirs, pumps or other controls, and excavations or earthwork) that must be made for co-existing or adjacent land uses and infrastructure. Estimates of restoration of seasonal wetlands and creeks range from \$9,000 to \$40,000 per acre (Steere, 2000). Zentner et al (2003) also describes the costs for constructed wetlands from seasonal or wet meadows. These costs include grading and contouring to manage and encourage the water input but assume that water is readily available and is easily manipulated. Plantings are usually required because naturally dominant native plants do not readily invade the restored basin. Costs for plants and planting vary widely depending on type of plants, planting method, density of plants and the potential replanting of areas if unsuccessful. Costs for 1 acre of wetland restoration in a seasonal or wet meadow range from \$12,000 to \$42,000 (Zentner et al., 2003).

Riparian woodlands consist of a channel, an overstory of trees and shrubs and an understory of native herbs. Restoration or reforestation of the riparian corridor is dependent on multiple factors. Planting for the riparian woodland is complex because of the range of plant sizes and types and the potential need for irrigation. Bair (2000) estimates that costs range from \$4,000 to \$8,000 per mile with an average of \$5,000 a river mile or \$110 per acre and was developed assuming planting hard woods and shrubs with conventional hand crews and heavy equipment (Bair, 2000). Zentner et al. (2003) estimates that typical riparian woodland restoration costs are approximately \$40,000 per acre, but these costs are comprehensive and include surface grading, a diverse and highly dense planting strategy, irrigation and mowing or herbicide application to eliminate weeds (Zentner, et al., 2003).

Costs for bank stabilization range from \$46,000 to \$222,000 per mile with a mean of \$86,000 per mile (Bair, 2000). Factors that influence the costs include:

1. Project size – Larger projects tend to have a lower cost per mile. Planning, design, and permitting requirements on small bank stabilization projects (<3000 feet) can quickly drive up the cost per mile. Large scale projects (1 to 9 miles) can absorb or reduce the implementation to fixed cost ratio and are more efficient.
2. Treatment intensity – Treatment intensity varies from site to site. For example, 200 feet of bank at one site may be treated with a single log jam or linear rock structures (e.g., bank barbs), while another site with 200 feet of unstable bank may require a series of barbs and floodplain contouring to stabilize.
3. Stream size – Planning, design, regulatory coordination, and treatment intensity typically increase with stream size and are inversely proportional to stream order.

4. Access – Access to the site usually dictates the equipment type and labor intensity. Clearing of debris or construction of temporary roads may be necessary. If larger equipment is required, then the scope and dimensions of the physical access may be greater than if smaller equipment is sufficient.
5. Other factors include material, equipment, and labor availability and the length of time for the project.

Each component in this alternative is considered cost effective for the amount of creek restoration that will be gained. A breakdown of the costs per alternative component is listed below.

- o This combination of alternative components (1, 2 and 3) would result in restoration of Cowhorn Creek upstream of the Facility. Approximately 16,600 linear feet, 2.5 acres of forested habitat, and six acres of wetland along Cowhorn Creek would be restored for \$2,200,000. Component 1 is naturalization of 2,600 linear feet of the Cowhorn Creek channel in the downtown area for \$300,000. Component 2 is stabilization of approximately 11,000 linear feet of eroding streambanks and native plantings along 9,200 linear feet for \$550,000. Component 3 is naturalizing the alignment, stabilizing and enhancing approximately 3,000 linear feet along Cowhorn Creek for \$1,350,000. Approximately 6 acres of wetlands will be constructed, and 2.5 acres of forested habitat will be preserved. At an assumed cost of \$42,000 per acre, the wetland construction and preservation would cost \$357,000 leaving \$1,843,000 or approximately \$111 per linear foot for stream restoration if funding were solely applied to stream restoration. The components (1, 2 and 3) estimated costs are well below the typical stream restoration published costs.
- o Two alternative components (4 and 5) would preserve and enhance approximately 168 acres of wet forested habitat along Days Creek. Component 4 is preservation of 32 acres of wet forested habitat and enhancement of an additional 36 acres for \$40,000. Planned enhancements include litter pickup, understory seeding with native shade tolerant species mix to increase the biodiversity. Component 5 is preservation of 100 acres of forested riparian habitat for \$110,000. The City of Texarkana currently owns these properties and costs will address enhancements for 36 acres and administrative costs for preservation of 132 acres. Total costs for these components are estimated to be \$150,000 or approximately \$900 per acre. The components (4 and 5) estimated costs are in line with the published estimates for simple acquisition of acreage of at least \$1,000 per acre.
- o Alternative component 6 is restoration and enhancement of approximately 2,000 linear feet along Howard Creek and the construction of approximately 23 acres of wetlands. This component costs are estimated to be \$1,000,000. At \$12,000 to \$42,000 per acre of constructed wetland cost, the total cost of construction of the 23 acres of wetland could range from \$276,000 to \$966,000 leaving anywhere from \$714,000 to \$24,000 for restoration and enhancement of 2,000 linear feet of Howard Creek. This component is considered cost effective because there are no property acquisition costs; however, the costs between the wetlands construction and stream restoration will have to be balanced appropriately so that all of the ecological goals are achieved.

- o Alternative components 7, 8, and 9 would restore and enhance Swampoodle Creek at a total cost of \$6,050,000. Component 7 is construction of 2.85 acres of wetlands, removal of 665 linear feet of concrete lining in the stream channel and naturalization of the stream through Ferguson Park. The cost of component 7 is \$3,700,000 and includes the costs for removal of 1,100 to 1,700 linear feet of concrete downstream into the area represented in component 9. The cost of component 9 is \$650,000 and includes channel naturalizing/excavation, re-grading and planting. Component 8 is stabilization of 11,000 linear feet along Swampoodle Creek before it enters Days Creek north of the Facility at a cost of \$1,700,000. The 2.85-acre wetland would be constructed on the existing channel and therefore the water source is readily available. At an assumed cost of \$42,000 per acre, the wetland construction would cost \$120,000 leaving approximately \$5,930,000 or approximately \$400 per linear foot for stream restoration if funding were all applied to stream restoration. The components (7, 8 and 9) estimated costs are well below the typical stream restoration and wetland restoration comparison costs.
- o Alternative component 10 is restoration of approximately 2,000 linear feet along Waggoner Creek with costs estimated to be \$400,000 or \$200 per linear foot. The component 10 estimated costs are well below the typical stream restoration published costs of \$500 to \$1,200.
- *Criterion #4-Reasonable Probability of Success:* The probability of success is considered high by the Trustees. The City of Texarkana is committed to the long-term success of this alternative as evidenced by more efficient management of storm water in the city. The properties are all owned by the City of Texarkana, so there are no land purchase that are required. The various components are located along existing urban streams and creeks that run through the City of Texarkana and south of the city. Because the proposed wetland restoration projects are located adjacent to existing streams, the maintenance of the wetlands should be less challenging than if the proposed components were upland fields located away from a perennial water source. Engineers will have to understand how to maintain consistent water flow in the creeks and wetlands as well as providing for urban flood controls. The wetlands can be used as a buffer for water management during times of heavy rains but must also be maintained as wet during dry times.
- *Criterion #5-Measurable Results:* Planning documents (e.g., engineering designs) will be developed but readily available standards and methodologies to measure performance and construction completion are common practice in the industry. The measures of success can be further defined with the Trustees during the planning process. A long-term management and monitoring plan would be developed with the Trustees to ensure that the wetlands were maintained properly, and any re-planting occurred in a timely manner.

4.2.2.2 NEPA Evaluation

Environmental and Socio-Economic Impacts Evaluation

The environmental and socio-economic impacts of the described restoration actions in this alternative are largely beneficial. This proposed stream channel restoration stabilizes the stream banks through native plantings, bioengineering, and recreating the natural plan alignments. This alternative would improve

water quality, reduce erosion and nutrient loading from adjacent urban land use, improve benthic and forage fish habitats, and naturalize hydrologic regimes. Similar benefits are anticipated with the creation of emergent and forested riparian wetlands along the waterways. Preservation of large tracts of deciduous and bottomland forest will ensure the continued presence of high quality refuge habitat for wildlife. The actions associated with this alternative could potentially affect noise levels and the pursuit of recreational activities in the vicinity of the alternative area. However, these effects will be minor and short-term and are not expected to influence long-term use of the area by the public. Beyond the short-term effects mentioned above, the area is expected to foster and enhance the ecological value and continued public use of the affected portion of the area through the improvements to the environment. Increases in productivity should improve species abundance and diversity at the site and enhance public use of the area, especially for environmental education and bird watching. Hydrologic improvements are expected to reduce flooding and erosion concerns. Implementation of this alternative would have a positive effect on the local economy and its citizens, given its proximity to the population center. Considering the setting and information available, the Trustees do not believe there is any meaningful uncertainty as to potential effects or unknown risks to the environment associated with implementing the proposed actions.

Physical, Biological, and Cultural Impacts Evaluation

Air Quality, Noise, Energy, Traffic: This alternative is located in a populated area with residential land use. Minor short-term adverse impacts to noise, traffic, and air quality may result from the construction and enhancement of wetlands. Exhaust emissions, construction traffic and noise, and energy consumption from construction equipment may result, but these impacts would be minimal and only occur during the construction phase of the alternative. Air contaminants would be quickly dissipated by prevailing winds. There would be no long-term negative impacts.

Water Quality and Geology: In the short term, during the period of construction, earth-moving activities will increase turbidity in the area resulting in moderate adverse impacts. Over the longer term, the selected restoration action will re-establish, enhance, and increase the acreage of freshwater wetlands and help improve local water quality via filtration of larger volumes of water through better management of rainfall runoff. Cowhorn, Days, Swampoodle, and Waggoner creeks are all on the TCEQ Concerns List for organics and/or impaired habitat and microbenthic communities (TCEQ, 2015). The restoration actions will improve these known water quality issues, directly addressing habitat and species concerns recognized by the State in these waterbodies.

Freshwater wetland and stream restoration would improve riparian habitat function but would not displace or diminish unique geographic areas. No unique or rare habitat would be destroyed due to alternative implementation. Stream restoration activities will facilitate a natural flux of sediment in and out of floodplains. The return of more natural hydrologic regimes would reduce the “flashiness” of stream hydrology responsible for flash flooding and extreme erosion.

Contaminants, Public Health and Safety: Restoration activities are not expected to have any impacts on public health and safety. The risk of spills from construction equipment should be acknowledged but can be minimized using secondary containments and other preventative measures. Likewise, sediment runoff

from clearing and construction activities is possible; however, silt fences and other measures can be implemented to prevent erosion.

Biological Environment: During the active restoration phase of this alternative, potential short-term and localized impacts include increased noise levels from vehicle traffic and use of large equipment. Increases in turbidity during construction are also possible. Work in stream channels will utilize proper sediment and erosion control measures. These effects will be minor and short-term and are not expected to influence long-term use of the area by wildlife. The Trustees do not believe that the proposed alternative would have a net adverse effect on vegetation and wildlife. There is currently limited wetland vegetation at the sites of proposed alternative construction. Any wildlife that may be present in the area during restoration activities are likely mobile and would move during construction activity. There is adequate habitat adjacent to the area to provide sufficient space for refuge during operations. Ultimately, the wildlife, invertebrate, and wetland plant communities would be positively impacted by the construction, enhancement, and preservation of riparian wetland services that would be achieved through the proposed alternative restoration activities.

Endangered Species: As noted in Section 2.2.3, several state- and federally-listed species may be present in Bowie County; however, the proposed actions are not likely to adversely affect threatened or endangered species or their designated critical habitats. The area is heavily urbanized and does not provide habitat to threatened and endangered species. Some listed species, such as the bald eagle, may benefit from the restoration alternatives. Prior to project implementation, the Trustees would coordinate and complete consultation with USFWS on this alternative regarding any potential impacts to protected species in accordance with section 7 of the ESA. The Trustees, in consultation with USFWS, would incorporate and implement conservation measures recommended during consultation in final project design and implementation to avoid or minimize impacts to protected species and critical habitats.

Environmental Justice: The proposed alternative does not have the potential to negatively or disproportionately affect minority or low-income populations in the City of Texarkana, either economically, socially, or in terms of conditions affecting their health. In particular, Cowhorn Creek enhancement components are located in a low-income housing area of Texarkana and would directly benefit an economically disadvantaged population. The alternative outlines plans which would include an H&H study to avoid unintentional flooding as a result of construction or final disposition of stream hydrology. The proposed activities would help restore an environment that is of benefit to all citizens.

Recreation: The noise and increased turbidity of surface waters resulting from earth-moving activities during alternative construction are expected to discourage and decrease recreational activities in the vicinity of the site during construction. Any such effect will be limited to the short time period of construction and should be minor. Over the longer term, the selected restoration action will increase the quality, quantity, and productivity of natural areas. The unique urban setting of these alternatives provides an opportunity to increase educational and recreational values of existing natural resources in the City. The restored riparian habitat in Days Creek will support many recreational activities (e.g., bird watching), and the improvement in site conditions will enhance opportunities for, and quality of, a variety of recreational uses.

Cultural Resources: There are no known historic sites or significant cultural, scientific, or historic resources in the area that would be affected by the proposed restoration actions. If this alternative is selected, a complete review of the site under section 106 of the NHPA would be completed prior to any construction activities being implemented, with consideration of measures to avoid, minimize, or mitigate any adverse effects on any cultural resources located within the site area. This alternative would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

4.2.3 Alternative 5: Days Creek – Urban Wetland Restoration and Enhancement

The Trustees developed Alternative 5 by combining various components of the Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration project idea into an alternative focused on urban wetland restoration. This alternative includes approximately 66 acres of urban wetland restoration and enhancement of approximately 15,000 linear feet of creek stabilization, development, or restoration in and around the City of Texarkana within the Days Creek and Swampoodle Creek watersheds and Spring Lake Park.

4.2.3.1 CERCLA Evaluation

- *Criterion #1-Direct Ecological Benefits:* The creation and enhancement of urban wetlands, wet woods, and riparian habitat, and the stabilization/restoration of urban stream channels would improve water quality and other ecological services associated with aquatic habitats. This alternative is generally located upstream of the Facility, and the creation of enhanced ecosystem services (improved water quality and management of urban runoff) would directly benefit the portions of Days and Waggoner creeks that flow adjacent to the Facility. However, a lack of continuity between the alternative components (i.e., they are disconnected geographically) could lower the ecological benefits from the project. For example, a 5-acre isolated wetland in an urban setting provides some level of ecological value but is not as productive and provides less ecological value than wetlands that are part of a connected system such as a larger wetland or creek. The Trustees concluded that there are direct ecological benefits, but they are limited due to the lack of connectivity between the restoration areas and the potential future surrounding urban encroachment.
- *Criterion #2-Technical Feasibility:* The Trustees have concerns about the technical feasibility for this alternative. The majority of the project components included in this alternative are urban, isolated wetlands not constructed in naturally wet areas and therefore unlikely to be self-sustaining.
- *Criterion #3-Cost Effectiveness:* Costs for wetlands developed vary widely depending on if the project site is currently a perennial wetland, seasonal wetland, or wet meadow. The costs per acre for the creation of wetlands from mowed, upland lots in an urban environment is higher than the acquisition, restoration, and preservation of existing wet areas or freshwater wetlands. As described in Section 4.2.2, the costs for constructed wetlands from seasonal or wet meadows range from \$9,000 to \$42,000 per acre, and the costs for bank stabilization range average \$86,000 per mile.

The Trustees estimate the total cost of Alternative 5 to be \$6,600,000. Individual component costs are described below².

- o Component 1: Create approximately 18 to 20 acres of freshwater wetlands. Estimated costs are \$1,200,000 or approximately \$60,000 per acre. The wetlands will be located between Days Creek and the City's wastewater treatment plant in cleared open areas that are currently uplands consisting predominantly of mowed grass. Published costs for constructed wetlands from seasonal or wet meadows range from \$9,000 to \$42,000 per acre. This component cost is greater than the higher end of the range, but the area prior to wetlands construction is not considered a seasonal or wet meadow, but an upland mowed field and therefore costs are expected to be higher. Development of wetlands from upland non-wet areas most likely include excavation, earth moving, plantings, and some method to maintain the water in the area. Given the comparable costs, this component cost is reasonable.
- o Component 2: Stabilize approximately 4,000 linear feet downstream of the Facility and create a series of treatment wetlands near the City's mulch operation and wastewater treatment plant. Estimated component costs are \$2,000,000. Assuming the total acreage of the wetlands will be 30 acres, the cost is approximately \$1,260,000 (assuming \$42,000 per acre), and the remaining \$740,000 could be applied to stream stabilization (approximately \$185 per linear foot). This component cost as compared to published values is cost effective, but sufficient detail on the scope of the stabilization or the current nature of the areas slated to become wetlands (i.e., how wet the areas are currently) is not well understood.
- o Component 3: Create 1.2 acres of wet woods within Karrh Park. Estimated alternative costs are \$15,000 or approximately \$12,500 per acre. As compared to published costs for development of wet woods, this component is reasonable.
- o Component 4: Restore and enhance 1.6 acres of wooded habitat. Estimated alternative costs are \$115,000 or approximately \$72,000 per acre. Zentner et al. (2003) estimates that typical riparian woodland restoration costs are approximately \$40,000 per acre. Comparative wetland construction costs are reported to be \$42,000. Based on these comparisons, the restoration an enhancement of 1.6 acres of wooded habitat is not cost effective.

² A cost was not estimated for component 7. This component involves working with a private landowner along an approximate 310-linear-foot segment of an unnamed stream channel, establishing a conservation easement, and restoring approximately 0.5 acres of riparian habitat.

- o Component 5: Create 12 acres of wooded wetlands along C.K. Bender Elementary School property. Estimated alternative costs are \$1,550,000 or approximately \$129,000 per acre. Comparative wetland construction costs are reported to be \$42,000. Based on this comparison, the creation of 12 acres of wooded wetlands is not cost effective.
- o Component 6: Restore approximately 2 acres of wet woods around an existing pond and stream channel within Karrh Park. Estimated alternative costs are \$220,000 or \$110,000 per acre. Comparative wetland construction costs are reported to be \$42,000. Based on this comparison, the creation of 2 acres of wet woods is not cost effective.
- o Component 8: Create approximately 5 acres of wetland between Martin Luther King Boulevard and West 4th Street. Estimated alternative costs are \$300,000 or \$60,000 per acre. Comparative wetland construction costs are reported to be \$42,000. Based on this comparison, the creation of 5 acres of wetlands is not cost effective.
- o Component 9: Create approximately 10 acres of wetland along Swampoodle between College Drive and West 4th Street. Estimated alternative costs are \$600,000 or approximately \$60,000 per acre. Comparative wetland construction costs are reported to be \$42,000. Based on this comparison, the creation of 10 acres of wetlands is not cost effective.
- o Component 10: Restore approximately 6 acres of riparian habitat along 11,000 linear feet of Swampoodle between College Drive and West 4th Street. Estimated alternative costs are \$60,000 or approximately \$10,000 per acre. Planting for the riparian woodland is complex because of the range of plant sizes and types and the potential need for irrigation. Bair (2000) estimates that costs range from \$4,000 to \$8,000 per mile with an average of \$5,000 a river mile or \$110 per acre assuming conventional hand crews and heavy equipment are used for planting hard woods and shrubs. Zentner et al. (2003) estimates that typical riparian woodland restoration costs are approximately \$40,000 per acre, but these costs are comprehensive and include surface grading, a diverse and highly dense planting strategy, irrigation, and mowing or herbicide application to eliminate weeds. Because this component is to occur within the urban area of College Drive and West 4th street, it is assumed that significant earth moving, planting, and management of water would be required. Based on these assumptions and the comparative cost analysis, component 10 is reasonably cost effective.
- o Component 11: Create approximately 5 acres of wetlands along Spring Lake in Spring Lake Park. Estimated alternative costs are \$300,000 or approximately \$60,000 per acre. Comparative wetland construction costs are reported to be \$42,000. Based on this comparison, the creation of 5 acres of wetlands is not cost effective.
- o Component 12: Construct approximately 3 acres of wetlands and approximately 300 feet of boardwalk at Spring Lake Park. Estimated alternative costs are \$240,000 or approximately \$80,000 per acre. Comparative wetland construction costs are reported to be \$42,000. Based on this comparison, the creation of 3 acres of wetlands is not cost effective.

- *Criterion #4-Reasonable Probability of Success:* The Trustees consider this alternative to have a reasonable probability of success. The commitment by the City of Texarkana is key to the success of this alternative.
- *Criterion #5-Measurable Results:* For the majority of these alternative components, the primary measure of success is the creation of the wetlands. A long-term management plan would be developed with the Trustees to ensure that the wetlands were maintained properly, and any re-planting occurred in a timely manner. Various planning documents (e.g., engineering designs) would be developed. The measures of success and monitoring can be further defined with the Trustees during the planning process.

4.2.3.2 NEPA Evaluation

Environmental and Socio-Economic Impacts Evaluation

The environmental impacts of Alternative 5 are largely beneficial; however, those benefits were deemed relatively small compared to the larger stream rehabilitation and preservation projects selected by the Trustees. The creation of small, isolated wetlands in an urban setting can provide environmental benefits through improvements in water quality, aesthetics, and localized flood control. These areas can be susceptible to invasive species and eutrophication, making them expensive to maintain. There are small socio-economic benefits to the alternative components (e.g., added educational and recreational value to school grounds).

Physical, Biological, and Cultural Impacts Evaluation

Air Quality, Noise, Energy, Traffic: This alternative is located in a populated area with residential land use. Minor short-term adverse noise, traffic, and air quality impacts may result from the construction and enhancement of wetlands. Exhaust emissions, construction traffic and noise, and energy consumption from construction equipment may result, but these impacts would be minimal and only occur during the construction phase of the alternative. Air contaminants would be quickly dissipated by prevailing winds. There would be no long-term negative impacts.

Water Quality and Geology: In the short term, during the period of construction, earth-moving activities would increase turbidity in the area. After construction, regrading, and planting is completed, water quality would significantly improve. Over the longer term, the wetland construction and use would improve local water quality up to the capacity of the wetlands to treat flow-through surface water. Stream restoration activities will facilitate a natural flux of sediment in and out of floodplains. The return of more natural hydrologic regimes reduces the “flashiness” of stream hydrology responsible for flash flooding and extreme erosion. However, the small size and location of the projects included in this alternative limits the potential for water quality improvement.

Contaminants, Public Health and Safety: Wetland construction activities are not expected to have any negative impacts on public health and safety. The risk of spills from construction equipment should be acknowledged but can be minimized using secondary containments and other preventative measures. Likewise, sediment runoff from clearing and construction activities is possible; however, silt fences and other measures can be implemented to prevent erosion.

Biological Environment: Minor long-term ecological benefits may be recognized by the construction and enhancement of small, isolated urban wetlands. Those benefits come at the price of considerable maintenance costs, litter cleaning, invasive plant treatment, and possible eutrophication concerns. Some bird and wildlife species may utilize these wetlands for foraging and nesting; however, more sensitive species may avoid these areas or be unsuccessful in living and breeding in them.

Endangered Species: The proposed actions are not likely to adversely affect threatened or endangered species or their designated critical habitats. The site is heavily urbanized and does not currently provide habitat to threatened and endangered species. Prior to project implementation, the Trustees would coordinate and complete consultation with USFWS on this alternative regarding any potential impacts to protected species in accordance with section 7 of the ESA. The Trustees, in consultation with USFWS, would incorporate and implement conservation measures recommended during consultation in final project design and implementation to avoid or minimize impacts to protected species and critical habitats.

Environmental Justice: The proposed alternative does not have the potential to negatively or disproportionately affect minority or low-income populations in the City of Texarkana, either economically, socially, or in terms of conditions affecting their health. Components of this alternative are generally not located in demographically-disadvantaged neighborhoods. The proposed activities may improve environmental conditions to the benefit of all citizens.

Recreation: There are components that would directly benefit the public by improving or creating recreational opportunities (e.g., creation of a boardwalk, wetland creation in a city park). None of the alternative components would negatively influence the availability and quality of recreation within the City of Texarkana.

Cultural Resources: There are no known historic sites or significant cultural, scientific, or historic resources in the area that would be affected by the proposed restoration actions. Prior to project implementation, the Trustees would coordinate and complete consultation with USFWS on this alternative regarding any potential impacts to protected species in accordance with section 7 of the ESA. The Trustees, in consultation with USFWS, would incorporate and implement conservation measures recommended during consultation in final project design and implementation to avoid or minimize impacts to protected species and critical habitats. If this alternative is selected, a complete review of the site under section 106 of the NHPA would be completed prior to any construction activities being implemented, with consideration of measures to avoid, minimize, or mitigate any adverse effects on any cultural resources located within the site area. This alternative would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

4.2.4 Alternative 6: Longview Arboretum and Nature Park

This alternative would fund the construction of Phase 1 of a public park as part of the Master Plan for the Longview Arboretum and Nature Center. The proposal includes the development of a nature center, gardens, and associated infrastructure.

4.2.4.1 CERCLA Evaluation

- *Criterion #1-Direct Ecological Benefits:* Once completed, the Longview Arboretum and Nature Park would improve water quality and mitigate the effects of stormwater. Restoration for pine woodlands, bottomland hardwood, and riparian areas is planned within the 28-acre park. Due to the scale of the restoration of bottomland hardwoods and riparian areas, as well as potential future development of the surrounding area, the Trustees concluded that direct ecological benefits are small in comparison to other alternatives proposed in this RP/EA.
- *Criterion #2-Technical Feasibility:* The Longview Arboretum and Nature Park will be situated within a 28-acre area and will require significant construction and management. The long-term technical feasibility was determined to be low by the Trustees.
- *Criterion #3-Cost Effectiveness:* The estimated total cost of this alternative is \$1,100,000. The funding would primarily address infrastructure costs for waterlines and faucets, bridges, maintenance facility, development of lawn area and irrigation, restrooms and utilities, pond creation and creek improvements, restoration and management, contractual fees, permitting, and contingency. Although this alternative does include development of aquatic and wetland habitat, funds will largely be applied to the infrastructure placement. Given the limited amount of ecological benefits to forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats, this alternative is not considered cost effective.
- *Criterion #4-Reasonable Probability of Success:* This alternative has a reasonably high probability of success as an arboretum and park in an urban setting. The City of Longview has completed significant planning and investigation as is shown in the Master Plan documentation, though the availability of future funds needed to complete the project is unknown.
- *Criterion #5-Measurable Results:* The Phase I infrastructure development would provide minimal measurable result that align with the Trustees' goal to restore, replace, or acquire the equivalent of the injured natural resources.

4.2.4.2 NEPA Evaluation

Environmental and Socio-Economic Impacts Evaluation

The installation of the Longview Arboretum and Nature Park would provide some environmental benefits to the larger urban environment through the creation of new green spaces, increased coverage of native flora, and possible a wildlife refuge. A detailed environmental impacts evaluation of this alternative is difficult to ascertain due to the limited ecological objectives of the alternative and the divergence of alignment from offsetting damages associated with losses of ecological services at the Facility. The majority of benefits are associated with socio-economic effects of the alternative. Considerable outdoor recreational opportunities would be created constructing the alternative.

Physical, Biological, and Cultural Impacts Evaluation

Air Quality, Noise, Energy, Traffic: The site of the arboretum and park is located in a populated residential area. Minor short-term adverse impacts may result from the development of the arboretum and park. Exhaust emissions, construction traffic and noise, and energy consumption from this equipment may

result, but these impacts would be minimal and only occur during the construction phase of the alternative. Air contaminants would be quickly dissipated by prevailing winds. There would be no long-term negative impacts.

Water Quality and Geology: After construction, regrading, and planting are completed, water quality may improve in Grace Creek through reduced erosion, nutrient loads, and runoff. These improvements would be contingent upon management of fertilization application, water drainage, water storage, and landscaping associated with the final design.

Contaminants, Public Health and Safety: The alternative should not result in any contaminants released into the environment. The risk of spills from construction equipment should be acknowledged but can be minimized using secondary containments and other preventative measures. Likewise, sediment runoff from clearing and construction activities is possible; however, silt fences and other measures can be implemented to prevent erosion.

Biological Environment: The construction of an arboretum and park in the City of Longview may provide nesting sites for local fauna; however, benefits to the biological environment are anticipated to be minimal. Urban green spaces are common through the City already. The arboretum and park are planned to be managed for recreation and educational uses, minimizing the opportunity for in-kind compensation of ecosystem services lost at the Facility.

Endangered Species: The proposed actions are not likely to adversely affect threatened or endangered species or their designated critical habitats. The site is urbanized and does not currently provide critical habitat to threatened and endangered species. Some listed migratory waterfowl and wading birds, including piping plover (*Charadrius melodus*), least tern (*Sterna antillarum*), and red knot (*Calidris canutus rufa*), may benefit from the construction of the alternative.

Prior to project implementation, the Trustees would coordinate and complete consultation with USFWS on this alternative regarding any potential impacts to protected species in accordance with section 7 of the ESA. The Trustees, in consultation with USFWS, would incorporate and implement conservation measures recommended during consultation in final project design and implementation to avoid or minimize impacts to protected species and critical habitats.

Environmental Justice: Adjacent land use to the proposed alternative is limited to commercial development. The proposed alternative impacts, positive and negative, would be realized throughout the City of Longview for all its residents. The proposed alternative does not have the potential to negatively or disproportionately affect minority or low-income populations in the City of Longview, either economically, socially, or in terms of conditions affecting their health. The proposed activities should improve access to green spaces and educational opportunities of benefit to all citizens.

Recreation: The alternative would substantially improve recreational opportunity (e.g., hiking, birding) in the City of Longview. The alternative has a unique design that would inspire and educate residents and visitors.

Cultural Resources: There are no known historic sites or significant cultural, scientific, or historic resources in the area that would be affected by the proposed actions. If this alternative is selected, a complete

review of the site under section 106 of the NHPA would be completed prior to any construction activities being implemented, with consideration of measures to avoid, minimize, or mitigate any adverse effects on any cultural resources located within the site area. This alternative would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

4.2.5 Alternative 7: Mineola Nature Preserve – Restoration and Enhancement

This alternative includes the following restoration and rehabilitation activities: 1) plant hardwood trees and prevent the establishment of invasive species, 2) perform hydrological work to improve drainage so that the natural flow of water is not restricted, and 3) mechanically clear land (e.g., mulching/grinding activities) to remove large woody debris piles in the southeast portion of the Mineola Nature Preserve (Preserve) to improve hydrology.

4.2.5.1 CERCLA Evaluation

- *Criterion #1-Direct Ecological Benefits:* This alternative provides direct ecological benefits to forested riparian, bottomland hardwoods, aquatic and wetland habitats in the geographic area identified by the Trustees. These restored habitats are equivalent to the injury to freshwater benthic invertebrate communities in Days, Waggoner, and Howard creeks in that they enhance freshwater flow and riparian and bottomland hardwood diversity and health. Because of the enhancements to the Preserve, aquatic habitat and surface water flow would be improved, providing habitat for benthic invertebrate communities. In addition, the Preserve provides connectivity along the Sabine River due to its proximity to the Little Sandy National Wildlife Refuge and the Old Sabine Bottom Wildlife Management Area.
- *Criterion #2-Technical Feasibility:* The Preserve is owned and maintained by the City of Mineola as part of a comprehensive development plan to protect wildlife and habitat. The active management of the Preserve by the City has led to a good understanding of where the actions described in this alternative will be most effective for the long term. All the activities proposed would be technically feasible.
- *Criterion #3-Cost Effectiveness:* Total estimated cost for this alternative is \$500,000. The planting of hardwood trees is estimated to cost \$150,000 and includes site preparation, purchase and planting of seedlings, herbicide application, and annual maintenance and monitoring for 5 years. Published costs for planting of trees range from \$350 to \$550 per acre. Only a portion of the 2,911-acre Preserve will be planted. The cost of \$150,000 for this alternative would allow approximately 300 acres to be replanted with hardwoods.

Hydrological improvements are estimated to cost between \$125,000 and \$175,000. The alternative would occur over 2 years followed by annual monitoring for 5 years. Costs for mowing or other mechanical manipulations depends on labor, fuel, and machinery costs. Hydrological improvements might include placement of culverts or other structures to enhance the natural flow of water. The cost of \$175,000 for this alternative would include surveying, engineering designs, heavy equipment, and labor.

Debris removal would be achieved by purchasing mulching/grinding equipment, which is estimated to be \$150,000 with an additional \$50,000 for a part-time operator. Equipment for management of dead trees

and debris ranges from \$20,000 for a trailer chipper/shredder pulled behind a standard pickup truck to \$200,000 for a tub grinder that can demolish large tree trunks. More expensive models up to \$600,000 are available that can turn 45-inch diameter trees into mulch. The estimate of \$150,000 for this alternative would allow for purchase of a reasonable sized commercial shredder.

- *Criterion #4-Reasonable Probability of Success:* The TPWD and the City of Mineola have already demonstrated a successful working relationship with the initial development of the Preserve in 2002. The City of Mineola and the TPWD have a Texas Recreation and Parks Account Agreement which requires the City of Mineola to obtain prior authorization from the TPWD before performing certain types of activities at the Preserve. This alternative was given a high probability of success by the Trustees.
- *Criterion #5-Measurable Results:* Potential measures of success include 1) successful planting and growth of native hardwoods, 2) measured improvement in water flow and water quality, and 3) removal of debris. These measures require considerable development through an implementation and monitoring plan.

4.2.5.2 NEPA Evaluation

Environmental and Socio-Economic Impacts Evaluation

The environmental and socio-economic impacts of the described restoration action for the Mineola Nature Preserve are entirely beneficial. This alternative entails the restoration and enhancement of areas already under conservation through planting, improvements to surface water drainage, and removal of excess large wood debris. Given the setting and information available, the Trustees do not believe there is any meaningful uncertainty as to potential effects or unknown risks to the environment associated with implementing the selected actions. The proposed actions will provide direct ecological benefits to the various wetland habitats within the Preserve and to the overall aquatic ecosystem. Additionally, the proposed alternative would also provide improved habitat for various wildlife species.

The Preserve supports visitor access for hiking, biking, birding, wildlife viewing, horseback riding, fishing, camping, and education and event opportunities. Clearing, construction, and earth-moving activities associated with restoration and enhancement of Preserve lands will affect noise levels and the pursuit of recreational activities in the nearby area. However, these effects will be short-term and are not expected to influence long-term use of the area by the public. Beyond the short-term effects mentioned above, the proposed restoration work is expected to enhance the ecological value and foster continued public use of the affected portion of the Preserve through the improvements to the environment. Increases in productivity should improve species abundance and diversity and enhance public use of the area, especially for environmental education, recreational fishing, and bird watching. Implementation of this proposed alternative could positively affect the local economy and its citizens through increased visitation to the Preserve.

Physical, Biological, and Cultural Impacts Evaluation

Air Quality, Noise, Energy, Traffic: The Preserve is not located in a populated area; however, minor short-term adverse impacts may result from the proposed construction activities. Exhaust emissions,

construction traffic, and noise may periodically and temporarily disturb wildlife in the immediate vicinity of the site, or cause movement of wildlife away from the Preserve. Similarly, recreating humans may avoid this area due to noise during construction, but as with wildlife, these impacts would only occur during the construction phase of the alternative, with minimal impacts, and air contaminants should be quickly dissipated by prevailing winds. There would be no long-term negative impacts.

Water Quality and Geology: In the short term, earth-moving activities during the period of construction may increase turbidity in adjacent surface waters to some degree. Best management practices (e.g., containment berms, erosion control) should be employed to minimize the extent, duration, and intensity of water quality impacts during construction. After construction is completed, the sediments should generally be stable as the material removed from the artificial uplands has already de-watered. Over the longer term, the selected restoration action will re-establish, enhance, and increase productivity by removal of excess large woody debris, restoration of natural hydrology, and new plant growth, and help improve local water quality.

Contaminants, Public Health and Safety: Restoration activities are not expected to have any impacts on public health and safety. The restoration alternative would not present any unique physical hazards to humans. The risk of spills from construction equipment should be acknowledged but can be minimized using secondary containments and other preventative measures. Likewise, sediment runoff from clearing and construction activities is possible; however, silt fences and other measures can be implemented to prevent erosion.

Biological Environment: The Preserve has a relatively high diversity of ecological communities for its overall size. Communities present include open water, emergent marshes, wetland scrub, forested bottomland hardwoods, riparian wetlands, improved pastureland, and upland hardwood/pine habitat. Waterfowl and bird species utilizing the Preserve are diverse and abundant.

During the active restoration phase of this proposed alternative, short-term and localized impacts including increased noise levels from vehicle traffic and use of large equipment could occur. Impacts to water quality within and near the proposed alternative site during construction are also possible. These effects will be minor and short-term and are not expected to influence long-term use of the area by wildlife such as wintering ducks, shore birds, or wading birds. Mobile fish and invertebrates would probably not be affected, since these would most likely leave the area and return after completion of construction activities. The Trustees do not believe that the proposed alternative would have a net adverse effect on vegetation and wildlife. Any wildlife that may be present in the area during restoration activities are likely mobile and would move during construction activity. There is adequate habitat adjacent to the area to have sufficient opportunity for refuge during operations. Ultimately, the wildlife, invertebrate, and wetland plant communities would be positively impacted by the enhancement of wetland services that would be achieved through the proposed alternative restoration activities.

Endangered Species: As noted in Section 2.2.3, several state- and federally-listed species may be present. A TPWD assessment of potential threatened and endangered species was provided by the project proponent. Potential species include bald eagle, creek chubsucker, paddlefish, alligator snapping turtle, Louisiana pine snake, northern scarlet snake, and timber rattlesnake. A query of federally-listed species habitat on USFWS resource list database did not return any listed species likely to use the on-site habitat.

The proposed action is not likely to adversely affect threatened or endangered species or their designated critical habitats. Some listed species, such as the bald eagle and alligator snapping turtle, can be temporarily relocated during construction, if deemed necessary, but would ultimately benefit from the restoration. If necessary, the Trustees would coordinate and complete consultation with USFWS on this alternative regarding potential impacts to protected species in accordance with section 7 of the ESA prior to project implementation. Surveys would be completed and, if protected species were present, conservation measures recommended during consultation would be incorporated in final project design and implementation to avoid or minimize impacts to protected species and critical habitats.

Environmental Justice: The proposed alternative does not have the potential to negatively or disproportionately affect minority or low-income populations in the Mineola area, including economically, socially, or in terms of conditions affecting their health. The proposed restoration alternative has no unique attributes or characteristics in regard to the mission or activities currently imposed at the Preserve. The proposed activities would help restore an environment that is of benefit to all citizens.

Recreation: The restoration of biological communities at the Preserve could enhance the current level of recreation.

Cultural Resources: There are no known historic sites or significant cultural, scientific, or historic resources in the area that would be affected by the proposed restoration actions. If this alternative is selected, a complete review of the site under section 106 of the NHPA would be completed prior to any construction activities being implemented, with consideration of measures to avoid, minimize, or mitigate any adverse effects on any cultural resources located within the site area. This alternative would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

4.2.6 Alternative 9: Sulphur Springs Wastewater Treatment Plant Wetlands Habitat

This alternative involves working with the City of Sulphur Springs to convert 100 acres of grass meadow to wetlands and purchase an additional 100 acres of wetlands around Lake Sulphur Springs for preservation and recreational use. The process would include transferring water from the existing wastewater treatment plant to the constructed wetlands.

4.2.6.1 CERCLA Evaluation

- *Criterion #1-Direct Ecological Benefits:* The alternative does provide enhancement of benthic and freshwater habitats through the construction and acquisition of wetlands. Isolated constructed wetland habitats provide unique ecological benefits, but they may not be equivalent to the service losses associated with the Facility.
- *Criterion #2-Technical Feasibility:* The initial design documentation demonstrates that the alternative is technically feasible; however, the technical feasibility of developing and maintaining a constructed wetland using pipes and pumps to provide water does not result in a self-sustaining wetland in perpetuity.
- *Criterion #3-Cost Effectiveness:* The total cost of this alternative, \$6,000,000, includes the purchase of land, construction of 100 acres of wetlands, preservation of another 100 acres of

existing wetlands, recreational amenities, and all the utilities necessary to get reclaimed water from the wastewater treatment plant to the wetlands area. This is a cost of approximately \$30,000 per acre, though this cost does not distinguish between construction and preservation. Costs for wetland construction can typically cost \$42,000 per acre. Given this comparison, the construction of 100 acres of wetlands and preservation of another 100 acres would be below typical cost and therefore considered acceptable. The greatest costs associated with this project (\$3.4 million) appear to be related to the construction of the water conveyance pipeline systems which run over long distances at the project site. The development of infrastructure piping, and their associated cost, does not align with the Trustees' restoration goals (restoration of riparian and benthic invertebrate habitat).

- *Criterion #4-Reasonable Probability of Success:* The Trustees determined the project has a reasonable probability of success; however, although the acquisition and maintenance of existing wetlands is likely to provide cumulative benefit, the long-term success of developing and maintaining a constructed wetland using pipes and pumps to provide water is a concern to the Trustees. The constructed wetlands are isolated and not contiguous with larger tracts of preserved wetland habitat.
- *Criterion #5-Measurable Results:* Potential measurable results for this alternative would be the successful development of constructed wetlands and maintenance of constructed and acquired wetlands; however, considerable planning and development are required. The infrastructure development would provide minimal measurable results that align with the Trustees' goal to restore, replace, or acquire the equivalent of the injured natural resources.

4.2.6.2 NEPA Evaluation

Environmental and Socio-Economic Impacts Evaluation

The construction of 100 acres of wetland habitat associated with the existing wastewater treatment plant would provide entirely positive benefits to the City of Sulphur Springs. The wetlands would accept water from the treatment plant to provide tertiary treatment of plant effluent. The additional supply of water from the constructed wetlands to Lake Sulphur Springs would supplement water supplies and improve water quality downstream via natural wetland filtration mechanisms. Additional benefits include the creation of ecological habitat, recreational opportunities, and educational assets. It is unclear as to the specific type of wetland habitat that would be created, but most flow-through wetlands designed for water treatment are emergent marshes due to the superior water quality treatment services they provide. These habitats provide unique ecological benefits but may not be equivalent to the services lost associated with the Facility.

Socio-economic effects would be largely positive. Improvements to downstream water quality would make the use of Lake Sulphur Springs as drinking water source more feasible. The cost-benefit balance of such an alternative is difficult to ascertain due to the uncertainty of future water use; however, recreational and ecological uses are already established and would largely benefit from the alternative.

Physical, Biological, and Cultural Impacts Evaluation

Air Quality, Noise, Energy, Traffic: The proposed site for creation of the wetland habitat is located near a residential area of the City of Sulphur Springs. Minor short-term adverse impacts may result from the construction of wetlands and installation of pumps and pipes. Exhaust emissions, construction traffic and noise, and energy consumption from construction equipment may result, but these impacts would be minimal and only occur during the construction phase of the alternative. Air contaminants would be quickly dissipated by prevailing winds. There would be no long-term negative impacts.

Water Quality and Geology: In the short term, earth-moving activities during the period of construction will increase turbidity in the area resulting in a moderate adverse impact. After construction, regrading, and planting are completed, water quality will significantly improve. Over the longer term, the selected wetland construction and use will improve local water quality via filtration of larger volumes of water as better management of rainfall runoff will be in place. Significant water quality benefits would be achieved through additional removal of nitrogen and phosphorus loads to the lake. The alternative would not result in any geological or soil effects.

Contaminants, Public Health and Safety: Wetland construction activities are not expected to have any negative impacts on public health and safety. The risk of spills from construction equipment should be acknowledged but can be minimized using secondary containments and other preventative measures. Likewise, sediment runoff from clearing and construction activities is possible; however, silt fences and other measures can be implemented to prevent erosion. The reduction of nutrient loads into downstream waters reduces the risk of detrimental algal and bacterial blooms, which can cause significant harm to human health.

Biological Environment: The construction of the 100-acre wetland may provide forage and nesting sites for local and migratory fauna. The City of Sulphur Springs anticipates acquiring an additional 100 acres of existing wetlands around the Lake of Sulphur Springs. This combined approach would increase the quality of habitat the lake provides to wildlife. Constructed wetlands, especially those used for water quality treatment, may be susceptible to encroachment of invasive plant species. Considerable effort may be required to maintain native plant community structure. If the alternative is implemented successfully, wildlife, invertebrate, fish, and wetland plant communities would be positively impacted by the additional wetland services achieved through the proposed alternative.

Endangered Species: The proposed actions are not likely to adversely affect threatened or endangered species or their designated critical habitats. The site is heavily urbanized and do not currently provide critical habitat to threatened and endangered species. Some listed migratory waterfowl and wading birds (e.g. piping plover, red knot, and least tern) may benefit from the creation of wetlands at Lake Sulphur Springs. If necessary, the Trustees would coordinate and complete consultation with USFWS on this alternative regarding potential impacts to protected species in accordance with section 7 of the ESA prior to project implementation. Surveys would be completed and, if protected species were present, conservation measures recommended during consultation would be incorporated in final project design and implementation to avoid or minimize impacts to protected species and critical habitats.

Environmental Justice: The proposed alternative impacts, positive and negative, would be realized throughout the City of Sulphur Springs by all residents. The proposed alternative does not have the potential to negatively or disproportionately affect minority or low-income populations in the City of Sulphur Springs, including economically, socially, or in terms of conditions affecting their health. The proposed activities should improve environmental conditions that are of benefit to all citizens.

Recreation: Proper alternative design and preventative measures should minimize the noise and potential for increased turbidity of surface waters arising from earth-moving activities during alternative construction. Over the longer term, the proposed wetland construction will increase the quality of recreational value at Lake Sulphur Springs. The unique urban setting of this alternative provides an opportunity to increase educational and recreational values of existing natural resources in the City. Improved water quality and expansion of wetland habitat would enhance opportunities for, and quality of, a variety of recreational uses.

Cultural Resources: There are no known historic sites or significant cultural, scientific, or historic resources in the area that would be affected by the proposed restoration actions. If this alternative is selected, a complete review of the site under section 106 of the NHPA would be completed prior to any construction activities being implemented, with consideration of measures to avoid, minimize, or mitigate any adverse effects on any cultural resources located within the site area. This alternative would be implemented in accordance with all applicable laws and regulations concerning the protection of cultural and historic resources.

4.2.7 Alternative 13: No Action

Under the “No Action” alternative, the Trustees would take no action to restore, rehabilitate, replace, or acquire natural resources or services equivalent to those lost due to hazardous substance releases at or from the Facility or remedial actions taken to prevent further or future harm.

4.2.7.1 CERCLA Evaluation

The Trustees’ injury assessment indicated that benthic resources were injured due to hazardous substances released from the Facility. Response actions have not yet been determined for this Facility, but they may not fully allow the injured resource to recover and would not compensate the public for the resource services lost over time due to the injuries. Natural resources will likely take decades to return to baseline ecological conditions. The Trustees believe there are feasible and appropriate opportunities within the northeast and east Texas watersheds to restore, replace, or provide services equivalent to those lost due to the release of hazardous substances and subsequent benthic, riparian, and bottomland hardwood injury (see 2.3 and 2.4). Under the “No Action” alternative, restoration actions needed to compensate the public for the natural resource injuries would not occur. The no-action alternative would not provide the conditions necessary for recovery of the injured riparian ecosystem in a comprehensive, timely manner. With no action, key natural resources and services might not ever return or be replaced. If the proposed alternatives are not implemented, an opportunity would be lost to preserve the habitats specifically injured by actions at the Facility. Additionally, the public would not be compensated for the loss of ecosystem services associated with the Facility. This is inconsistent with the goals of the natural resource

damage provisions of CERCLA. The Trustees determined that the “No Action” alternative should be rejected on this basis.

The Trustees evaluated the potential for restoration actions associated with both the proposed and the No Action alternative to impact the following: the physical environment (air and noise pollution, water quality, geological and energy resources, contaminants), the biological environment (fisheries, vegetation, wildlife and endangered species), the cultural and human use environment (environmental justice, recreation, traffic, and cultural resources), and the potential for cumulative impacts. Remedial actions proposed for or undertaken at the Facility are of a nature that precludes natural recovery under this option.

4.2.7.2 NEPA Evaluation

Environmental and Socio-Economic Impacts Evaluation

Under this alternative, no direct action would be taken to compensate for injured natural resources; instead, the natural processes for recovery of the injured natural resources would be allowed to occur at the Facility. The principal advantages of this approach are the ease of implementation and cost effectiveness. This approach relies on the capacity of the ecosystem to “self-heal.” While some natural recovery of the injured natural resources in the riparian communities associated with and downstream from the Facility will likely occur over time, compensation for loss of ecological services would not be provided under the No Action recovery alternative. Losses were suffered in the aquatic stream benthos and forested riparian wetlands, and technically feasible, cost-effective alternatives exist to compensate for these losses. Therefore, the No Action alternative was not selected for implementation.

Physical, Biological, and Cultural Impacts Evaluation

Air Quality, Noise, Energy, Traffic: There would be no negative impacts to air quality, noise, energy, or traffic from the No Action alternative.

Water Quality and Geology: Under the No Action alternative, surface water quality and streambank stability benefits anticipated in Days Creek due to the proposed restoration actions would not occur. Under the No Action alternative there would be no compensation of additional freshwater wetlands in the area.

Contaminants, Public Health and Safety: The No Action alternative would not change current conditions or create a new potential for the release of contaminants affecting public health and safety.

Environmental Justice: By taking no action, there would be no enhanced benefits to the public from improvements to water quality in the area. The lack of meaningful recovery would contribute negatively to the economic and social well-being of all citizens.

Recreation: The No Action alternative would not implement the proposed actions and therefore would not result in any increased opportunities for recreational use.

Cultural Resources: The No Action alternative would have no effect on cultural resources in the area.

4.3 Cumulative Impacts

The combined proposed preservation and restoration actions outlined in this RP/EA are expected to result in cumulative landscape-level benefits across east and northeast Texas bottomland hardwood and riparian ecosystems. The direct effects of the potential alternatives are local; however, the nature of watersheds is such that both benefits and impacts to one area can affect the system on a regional scale. While the alternative actions would not result in any change in the larger current pattern of boat traffic, economic activity, or land use, the creation and protection of habitat for benthos and fish species may contribute to an improved fishery. Naturalization of stream channels and the creation and preservation of floodplain in the Days Creek watershed will improve flood protection in a growing urban area. The addition of wetland acreage in the Days Creek watershed and enhancement activities at the Mineola Nature Preserve has the direct potential to improve water quality. The preservation of wildlife habitat in the proposed acquisition actions supplements existing habitat in the region, expanding and connecting critical habitat and increasing the resiliency of bird and mammal populations that utilize the network of wetlands and wildlife corridors of the greater ecosystem. The construction of the arboretum and park in the City of Longview could have cumulative economic impacts by benefitting local business and improving the quality of life through aesthetics and recreational opportunities; however, those cumulative impacts would only indirectly benefit the benthos and instream aquatic habitats injured by the release of hazardous substances at or from the facility.

Overall, no significant adverse cumulative impacts are anticipated from the proposed actions. A net cumulative beneficial impact may result from synergy with past, current, and future restoration activities.

In this RP/EA, the proposed restoration actions to compensate for environmental damages associated with the Facility were considered in light of multiple planning efforts and opportunities in the region. These alternatives build upon prior and anticipated conservation activities implemented by the Trustees and their partners. Further, the actions selected are intended to compensate the public for resources injuries caused by the release of hazardous substances into the watershed.

5.0 SUMMARY OF THE SELECTED RESTORATION ALTERNATIVES

The Trustees considered each alternative individually and comparatively to identify the alternatives that best provide direct ecological benefits to forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats cost effectively and with the highest probability of success in perpetuity. All the alternatives were ecologically equivalent to the injury (i.e., providing some kind of bottomland or aquatic benefit), and several of the alternatives added large amounts of acreage to existing preserved habitat areas (e.g., Caddo Lake Habitat Acquisition, Mineola Nature Preserve or Neches River Acquisition). The Trustees selected five alternatives for implementation: Alternative 3: Caddo Lake Habitat Acquisition, Alternative 4: Days Creek – Enhancement and Restoration, Alternative 7: Mineola Nature Preserve, Alternative 8: Neches River Bottomland Forest Acquisition, and Alternative 10: Talbot Prairie and Forest Land Acquisition.

5.1 Individual Alternative Summaries

A summary of the assessment and the conclusions of the Trustees for each of the alternatives is presented below.

5.1.1 Alternative 1: Big Thicket Acquisition and Conservation

This alternative involves acquisition and protection of up to 1,200 acres of bottomland hardwood forest previously utilized as industrial forest land from a timber company, a willing seller. Upon acquisition, the project would transfer the property to the United States National Park Service to be incorporated as contiguous to the Big Thicket National Preserve (BTNP).

This alternative would provide benefits to bottomland hardwood forest; however, since the subject properties and adjacent properties have been logged for pine and hardwoods, and some pipeline infrastructure remains on the properties, the Trustees determined that the site has lower ecological value than other options considered. Preservation of the donated property in perpetuity through inclusion in the BTNP would require an Act of Congress. The associated lengthy timeline reduces the technical feasibility of this alternative. Although the cost of acquisition of the acreage is considered reasonable, the use of timber sales to generate funds for restoration actions may not align with the goals of the Trustees. The probability for success was considered to be low because of the extended time frame required for the conveyance process to be completed, the actions required to restore the landscape to historical species, and the active timber management activities that will continue to occur adjacent to the subject properties. The Trustees did not select Alternative 1 for implementation.

5.1.2 Alternative 2: Bottomland Hardwood Restoration and Chinese Tallow Eradication

This alternative involves treatment of Chinese tallow and planting of bottomland hardwood species. The treatment area would comprise 1,800 acres in the Stephen F. Austin Experimental Forest and 2,200 acres in the Alazan Bayou WMA. The treatment area is infested with Chinese tallow but is also seasonally flooded, and improvements would help the long-term sustainability of important habitat and natural systems.

The removal of Chinese tallow and improvement of Texas bottomland/floodplain would increase the biological diversity and ultimately benefit riparian and benthic invertebrate health in the bottomland hardwood habitat. The Trustees expect the alternative could take at least 5 years to complete but could take longer to completely ensure that the seedbank is devoid of Chinese tallow seeds and a sufficient number of hardwood species become established in the affected area. Total alternative cost is estimated to be \$1,700,000 or approximately \$425 per acre. This cost includes: 1) \$700,000 for cutting stumps, 2) \$700,000 for herbicide foliar spraying, 3) \$100,000 for hardwood planting using USFS supplied plants, 4) \$100,000 for hardwood planting from seedlings, and 5) \$100,000 for monitoring over 5 years. Although these costs appear to be reasonable and cost effective given relevant comparisons, costs do not include contingency costs if the eradication or hardwood planting is not successful. Instead, the project relies on existing programs within the Alazan WMA and USFS to continue herbicide treatments. The measures of success do not include hardwood success rates, invasive eradication rates, or actions to address insufficient success. The Trustees did not select Alternative 2 for implementation.

5.1.3 Alternative 3: Caddo Lake Habitat Acquisition

This alternative involves the acquisition of approximately 3,500 acres within the Caddo Lake system. The acquired habitat would be swamp, slough, and headwaters, with the intention to better connect the landscape into either the Caddo Lake Wildlife Management Area or the Caddo Lake State Park.

This alternative will protect habitat for freshwater benthic invertebrate communities and the overall freshwater system. Alternative 3 is directly applicable to the injury to freshwater benthic invertebrate communities in Days, Waggoner, and Howard creeks. There are several tracts available for acquisition within Alternative 3, and the estimated costs range from \$1,000 to \$4,400. When these costs are compared to previous acquisitions by the Trustees, all the tracts would be considered cost effective because of the exceptional habitat quality and the increased congruency with other preserved properties. The inclusion of necessary activities outside of the acquisition in the estimated costs increases the cost effectiveness of Alternative 3. There is also a high probability of success for this alternative based on the past partnerships of the managing entities and stability of the Caddo Lake system. The Trustees selected Alternative 3 for implementation.

5.1.4 Alternative 4: Days Creek – Enhancement and Restoration

This alternative was developed by combining various components of the Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration project idea into an alternative that would preserve and enhance approximately 200 acres of forested riparian habitats and restore and stabilize about 6 miles of urban creek channels.

This alternative entails restoration and enhancement of existing stream corridors but also includes some development of wetlands and wet forest adjacent to the existing waterways. Because the wetlands and forested habitats are not isolated, there is a high likelihood that they will be viable and self-sustaining for the long term. The proposed activities are commonly completed in the industry and highly effective. These actions would directly compensate for habitat value lost at the Facility within the same watershed through the reestablishment of natural stream meanders, creation of wetland ecosystem services, and the

preservation of existing habitats. The components that comprise Alternative 4 align with the Trustees' objective to compensate for injuries to freshwater benthic and riparian habitats in the South Central Plains ecoregion through the preservation, restoration, and creation of analogous habitat. The Trustees estimate the total cost of this alternative to be \$9,800,000. These components utilize mostly City of Texarkana property and include no costs for land purchase. The costs estimated for the individual components are well within or below comparison costs. The probability of success is considered high by the Trustees. Engineers will have to understand how to maintain consistent water flow in the creeks and wetlands as well as providing for urban flood controls. Planning documents (e.g., engineering designs) will be developed, but readily available standards and methodologies to measure performance and construction completion are common practice in the industry. The Trustees selected Alternative 4 for implementation.

5.1.5 Alternative 5: Days Creek – Urban Wetland Restoration and Enhancement

The Trustees developed Alternative 5 by combining various components of the Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration project idea into an alternative focused on urban wetland restoration. This alternative includes urban wetland restoration and enhancement in and around the City of Texarkana within the Days Creek and Swampoodle Creek watersheds and Spring Lake Park.

The development of urban wetlands, wet woods, riparian habitat and stabilization/restoration of urban stream channels would adequately compensate for habitat lost at the Facility by improving water quality and benthic invertebrate habitat within the same watershed as the injury. However, there is a lack of continuity between the alternative components (i.e., they are disconnected geographically and are small amounts of acreage). For example, a 2- or 6-acre isolated wetland in an urban setting, although providing some level of ecological value, would be more productive and provide more ecological value if it was connected or part of a larger wetland or creek. The isolated and urban nature of these components not constructed in naturally wet areas and are unlikely to be self-sustaining. Overall, this alternative is not considered cost effective for the amount of stabilization, restoration, and wetland development proposed. Development of wetlands from upland non-wet areas most likely include excavation, earth moving, plantings, and some method to maintain the water in the area. Some of the individual components propose reasonable costs, but many of them are significantly greater than comparative costs. The Trustees did not select Alternative 5 for implementation.

5.1.6 Alternative 6: Longview Arboretum and Nature Park

This alternative would partially fund the construction of a public park as part of the Master Plan for the Longview Arboretum and Nature Center. The proposal includes the development of a nature center, gardens, and associated infrastructure.

The Longview Arboretum and Nature Park will be situated within a 28-acre area and will require significant construction and management. Once completed, the arboretum and park would improve water quality and potentially mitigate the effects of stormwater. The estimated total cost of Alternative 6 is \$1,100,000. Although this alternative includes development of aquatic and wetland habitat, funds will largely be applied to the infrastructure placement. Given the limited amount of direct ecological benefits to forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats, Alternative 6 is not considered cost effective. This alternative has a reasonably high probability of success as an arboretum and park in an

urban setting. Significant planning and investigation has already occurred as is shown in the Master Plan documentation. Ultimately, this alternative does not align with the Trustees' goal to restore, replace, or acquire the equivalent of the injured natural resources. The Trustees selected Alternative 6 for implementation.

5.1.7 Alternative 7: Mineola Nature Preserve – Restoration and Enhancement

This alternative includes the following restoration and rehabilitation activities: 1) plant hardwood trees and prevent the establishment of invasive species, 2) improve drainage so that the natural flow of water is not restricted, and 3) mechanically clear land to remove large woody debris piles in the southeast portion of the Mineola Nature Preserve (Preserve) to improve hydrology.

This alternative provides direct ecological benefits to forested riparian, bottomland hardwoods, aquatic and wetland habitats that are directly comparable to the injury to freshwater benthic invertebrate communities in Days, Waggoner, and Howard creeks. Because of the enhancements to the Preserve, aquatic habitat and surface water flow would be improved, providing habitat for benthic invertebrate communities. The Preserve is owned and maintained by the City of Mineola as part of a comprehensive development plan to protect wildlife and habitat. The active management of the Preserve by the City has led to a good understanding of where the actions described in this alternative will be most effective for the long term. All of the activities proposed would be technically feasible. The alternative is considered cost effective. Total estimated costs for this alternative is \$500,000 and will include hardwood planting in specific areas, drainage improvements and purchase of shredding equipment to be used in the long-term. The TPWD and the City of Mineola have already demonstrated a successful working relationship with the initial development of the Preserve in 2002. This alternative was given a high probability of success by the Trustees. The Trustees selected Alternative 7 for implementation.

5.1.8 Alternative 8: Neches River Bottomland Forest Acquisition

This alternative involves the acquisition and protection of up to approximately 1,100 acres of land, including riparian bottomland hardwood forest along the Neches River.

The properties contain river frontage with riparian areas that become inundated similarly to the site of the injury. Based on past performance by TCF, this alternative is considered to have a reasonable probability of success by the Trustees. There is uncertainty as to which tracts can be purchased until negotiations with property owners have been completed; however, the estimated cost per acre is approximately \$1,500 to \$2,100 per acre. Costs include the appraisal, title review, survey, environmental assessment, staff time and land acquisition. Based on previous Trustee experience, a range of \$1,000 to \$3,500 per acre is considered reasonable for acquisition of bottomland acreage in east Texas. This alternative is expected to take 24 months to complete and all acquisitions would be managed for conservation in perpetuity. There are no restoration activities projected for this alternative. There is a high probability of success for this alternative based on past partnerships with the managing entities and stability of the Neches River NWR. The Trustees selected Alternative 8 for implementation.

5.1.9 Alternative 9: Sulphur Springs Wastewater Treatment Plant Wetlands Habitat

This alternative involves converting 100 acres of grass meadow to wetlands and the purchase of an additional 100 acres of wetlands around Lake Sulphur Springs for preservation and recreational use. The process would include transferring water from the existing wastewater treatment plant to the constructed wetlands.

The initial design documentation demonstrates that the alternative is technically feasible. However, developing and maintaining a constructed wetland using pipes and pumps to provide water does not result in a self-sustaining wetland in perpetuity. The total cost of this alternative is \$6,000,000 and includes the purchase of land, construction of 100 acres of wetlands, preservation of another 100 acres of existing wetlands, recreational amenities, and all utilities necessary to move reclaimed water from the wastewater treatment plant to the wetlands area. The development of infrastructure piping does not align with the Trustees' restoration goals (restoration, replacement, or preservation of the equivalent of the injured natural resources); therefore, this alternative is not considered cost effective. The constructed wetlands are isolated and not contiguous with larger tracts of preserved wetland habitat. The Trustees did not select Alternative 9 for implementation.

5.1.10 Alternative 10: Talbot Prairie and Forest Land Acquisition

This alternative involves the acquisition and protection of approximately 366 acres of land, including 136 acres of endemic Silveus' dropseed prairie and 230 acres of hardwood forest, 75 percent of which is seasonally flooded. The property is the highest quality native prairie remnant in the vicinity and possibly in Bowie County. The Native Prairies Association of Texas (NPAT), a Texas-based land trust, would purchase and manage the property. TNC would accept a conservation easement on the property. The NPAT and TNC would jointly create and submit to the Trustees a land management plan with the goal of maintaining the optimal diversity of plant and animal species.

This alternative provides ecological services directly comparable to the injury within 25 miles of the Facility. Additionally, this alternative will add to the representation of Silveus' dropseed prairie and calcareous hardwood forest in conservation ownership. This alternative is considered to have a reasonable probability of success because of the past successful working relationship between TNC and the NPAT. Total alternative costs are estimated to be \$1,000,000 or approximately \$2,700 per acre. This alternative is considered cost effective by the Trustees based on a comparison to similar projects, the inclusion of administrative costs and the endowment to TNC. The Trustees selected Alternative 10 for implementation.

5.1.11 Alternative 11: Tonkawa Sandhills Land Acquisition

This alternative includes the acquisition of 4,900 acres for preservation and restoration in the Tonkawa Sandhills of Rusk and Nacogdoches counties.

The acquisition area includes riparian and bottomland hardwood forest, natural springs, and hydric bogs as features of the sandhill ecosystem. This proposed alternative would provide ecological services directly comparable to the injury, in that bottomland hardwoods and benthic invertebrate communities within the wetter areas and drainages would be preserved and protected. The riparian and wetland portions on

6 to 20 acres are in need of restoration. Almost all the upland shortleaf pine-hardwood ecosystem areas need restoration (70% of the total alternative area).

The amount of restoration required is of concern to the Trustees. Current and future oil and gas operations on the property are also a concern for long-term restoration planning and meeting Trustee restoration goals. The Trustees estimate the total cost of this alternative to be \$10,000,000 or approximately \$2,000 per acre. Although the cost of acquisition of the acreage is reasonable as compared to other similar projects, especially since the costs include implementation costs and an endowment, the dependency on the generation of revenue for restoration activities is a concern. The Trustees consider this alternative to have a mixed probability of long-term success. The Trustees did not select Alternative 11 for implementation.

5.1.12 Alternative 12: T&J Hunting Properties

This alternative involves the purchase of two separate properties: 1) 111 acres of bottomland hardwoods in Panola County and 2) 30 acres of wetlands and bottomland hardwoods along the Sabine River.

The acquisition of these properties would provide ecological services (e.g., benthic invertebrate services) in line with the injury; however, the proposed properties are small (111 acres and 30 acres), isolated, and not contiguous with other preserved properties in the region, thereby reducing their overall benefit. The floodplain perpetuity easements would be held by the United States Corps of Engineers or the United States Department of Agriculture. Based on experience, the Trustees are concerned that easements held by these entities would have easement requirements that do not align with Trustee restoration goals. Historically managed for timber production and used as a hunting club, the tracts would be owned by the T&J Hunt Club. Under this alternative, the properties would be placed under conservation easements and managed for wildlife diversity and limited recreational hunting and fishing. The technical feasibility of this alternative is low because the perpetuity requirement for the easement(s), as well as the continued use for recreational hunting and fishing, do not align with Trustee restoration goals.

The estimated total cost of Alternative 12 is \$1,800,000: \$1,300,000 for the 111-acre site (approximately \$12,000 per acre) and \$500,000 for the 30-acre site (approximately \$16,500 per acre). Based on previous Trustee experience a range of \$1,000 - \$3,500 per acre is considered reasonable for acquisition of acreage in east Texas. Based on the comparative costs for acquisition, this alternative is not cost effective. Although conservation easements on the properties could likely be obtained, the probability of success for this alternative is low because of Trustee concerns with the conservation easement requirements and restrictions, and the prohibitive cost for small parcels that are discontinuous with currently preserved acreage. The Trustees did not select Alternative 12 for implementation.

5.1.13 Alternative 13: No Action

Under the “No Action” alternative, restoration actions needed to compensate the public for natural resource injuries would not occur. The Trustees did not select Alternative 13 for implementation because of the settlement and the availability of acceptable alternatives.

	Criterion # 1: Direct ecological benefits to bottomland and aquatic habitats in the identified geographic area	Criterion # 2: Technical feasibility	Criterion # 3: Cost effectiveness	Criterion # 4: Reasonable probability of success	Criterion # 5: Measurable results	Criterion # 6: Avoids collateral injury to natural resources	Criterion # 7: Effect on public health and safety, and compatibility with the remediation process
Alternative 1: Big Thicket Acquisition and Conservation			✓			✓	✓
Alternative 2: Bottomland Hardwood Restoration and Chinese Tallow Eradication	✓	✓	✓			✓	✓
Alternative 3: Caddo Lake Habitat Acquisition	✓	✓	✓	✓	✓	✓	✓
Alternative 4: Days Creek – Enhancement and Restoration	✓	✓	✓	✓	✓	✓	✓
Alternative 5: Days Creek – Urban Wetland Restoration and Enhancement	✓			✓	✓	✓	✓
Alternative 6: Longview Arboretum and Nature Park				✓			✓
Alternative 7: Mineola Nature Preserve – Restoration and Enhancement	✓	✓	✓	✓		✓	✓
Alternative 8: Neches River Bottomland Forest Acquisition	✓	✓	✓	✓	✓	✓	✓
Alternative 9: Sulphur Springs Wastewater Treatment Plant Wetlands Habitat	✓	✓		✓		✓	✓
Alternative 10: Talbot Prairie and Forest Land Acquisition	✓	✓	✓	✓	✓	✓	✓
Alternative 11: Tonkawa Sandhills Land Acquisition	✓	✓	✓		✓	✓	✓
Alternative 12: T&J Hunting Properties	✓					✓	✓
Alternative 13: No Action		✓	✓			✓	

Figure 5-1 CERCLA Criteria Summary

Note: CERCLA Criteria 8 (Consistency with federal, state, or local laws, regulations, or policies) and 9 (Alternative is not already required by existing laws, regulations, permits, settlements, or enforcement orders, including anticipated requirements such as mitigation requirements or draft permits unrelated to the project scope of work) were found to have been met by all of the alternatives and therefore are not presented in the figure above.

5.2 Selected Restoration Alternatives

The Trustees are proposing to spend \$19.2 million to implement the five selected restoration alternatives. In some cases, the description and analysis of the alternatives is based on alternative-specific preliminary design concepts rather than detailed plans. There are selected alternatives that will require the Trustees to develop a budget, plan, engineer, design, and permit before the alternative becomes a shovel-ready alternative. Any time required in preparation for construction is not expected to reduce the anticipated benefits of the alternative or affect the analyses conducted for NEPA. The Trustees may elect to utilize remaining restoration funds from the NRDA settlement, as well as interest earned on these recoveries, to pay for the Trustees' administrative costs to develop and implement the alternatives, and to potentially supplement the funding for currently proposed restoration alternatives. Table 5-1 summarizes the selected restoration alternatives, the estimated costs, the funding allocated by the Trustees, and acres to be restored and or preserved.

Table 5-1 Summary of Selected Restoration Alternatives

Selected Alternative	Allocated Funds ^a	Size and Type of Alternative
Alternative 3: Caddo Lake Habitat Acquisition	\$5,900,000	Acquisition of approximately 3,500 acres
Alternative 4: Days Creek Enhancement and Restoration	\$9,800,000	Restore approximately 6 miles of creek and preserve approximately 200 acres of wetlands
Alternative 7: Mineola Nature Preserve – Restoration and Enhancement	\$500,000	Restoration and enhancement within the 2,911-acre preserve
Alternative 8: Neches River Bottomland Forest Conservation	\$2,200,000	Acquisition of approximately 1,100 acres
Alternative 10: Talbot Prairie and Forest Land Acquisition	\$1,000,000	Acquisition of an estimated 370 acres

a – Total allocated funds are approximately 91% of funds available to the Trustees. Administrative and Trustee oversight costs will be covered by the remaining 9%.

6.0 PUBLIC COMMENT ON THE DRAFT RESTORATION PLAN/ENVIRONMENTAL ASSESSMENT

The public comment period for the Draft Restoration Plan/Environmental Assessment for the Former Kerr-McGee Chemical Corporation Wood Treating Facility (Tronox LLC), Texarkana, Bowie County, Texas opened on October 26, 2018 and closed on November 26, 2018. The mailing and email address for the public to provide comments was posted in a notice in the Texas Register on October 26, 2018. During the public comment period, the Trustees received 14 comments from private citizens, elected officials, city and county officials, educational institutions, and non-governmental organizations. An additional two comments were received after the public comment period had ended. All comments submitted during the period for public comment were reviewed and considered by the Trustees prior to finalizing this RP/EA. These comments are represented in the summary comment descriptions listed in this chapter, and all public comments will be included in the Administrative Record (see Section 1.6).

6.1 Comments Summary

Submissions received during the public comment period included one general comment and multiple specific comments concerning three of the alternatives considered in the RP/EA: Days Creek – Enhancement and Restoration, Days Creek – Urban Wetland Restoration, and Mineola Nature Preserve Restoration and Enhancement. Similar or related comments have been grouped and summarized by alternative for purposes of the response. Below is a summary of comments received by the Trustees during the comment period and the Trustees’ response.

6.1.1 General Comment

1. **Comment:** The Greenfield Environmental Multistate Trust (MST), a court-appointed trustee for hundreds of former Tronox/Kerr-McGee properties, commented that the MST is preparing a site-wide Affected Property Assessment for the Facility and welcomes coordination with some or all of the Trustees to ensure that an appropriate permanent remedy is selected to return the Facility to beneficial use and to fulfill its environmental goals, including the protection of Days, Waggoner, and Howard Creeks.

Response: The Trustees look forward to working with the MST to ensure any final remedy implemented at the Facility will be protective of natural resources under their trust and to coordinate restoration project work with remedial actions at the Facility to ensure mutual success.

6.1.2 Alternative 4: Days Creek – Enhancement and Restoration

1. **Comment:** Multiple commenters requested the Trustees include additional funding in Alternative 4 for “Planning, Monitoring/Management/Maintenance, Project Management” as listed in the original Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration project proposal, from which the Trustees created Alternatives 4 and 5 in the RP/EA. Commenters emphasized that pre- and post-project environmental assessments, planning and monitoring, scientific data collection and analysis, planting of terrestrial and aquatic plants and trees within proposed stream/riparian corridors, and the

development and implementation of environmental education activities for local schools, organizations, and community members are contingent upon inclusion of these funds.

Response: Based on all the information received by the Trustees, costs associated with the “Planning, Monitoring/Management/Maintenance, Project Management” line item were already included in cost estimates for each project component. Following finalization of the RP/EA, the Trustees will meet with project proponents and stakeholders, enter into implementation agreements, and develop detailed work plans and budgets, including necessary expenses for planning, monitoring, management, and maintenance for each selected alternative.

2. **Comment:** One commenter requested the Trustees include additional funding for contingencies for Alternative 4.

Response: The Trustees will consider contingency costs on a project-by-project basis during the development of implementation agreements and/or workplans and will draw any necessary contingency costs from remaining restoration funds from the NRDA settlement.

3. **Comment:** One commenter requested the Trustees consider eliminating Project Component 6 from Alternative 4 and replacing it with Project Component 5 from Alternative 5.

Response: The Trustees selected Project Component 6 and the other project components included in Alternative 4 because these components align well with the Trustees’ restoration goals, are considered cost effective and technically feasible, have a reasonable probability of success, could produce measurable results, and do not have the potential to cause significant adverse environmental effects. Specifically, the Trustees view the restoration and enhancement of 2,000 linear feet of Howard Creek, one of the streams directly impacted by releases from the facility, and the creation of 23 acres of wetland along an existing streambed as better aligned with the Trustees’ restoration goals than the creation of 12 acres of wooded wetland on flat open upland habitat with no existing aquatic areas.

6.1.3 Alternative 5: Days Creek – Urban Wetland Restoration

1. **Comment:** Several commenters requested the Trustees reconsider funding Project Component 5 from Alternative 5: Days Creek - Urban Wetland Restoration and Enhancement.

Response: When considering how to spend the restoration funds recovered under NRDA, the Trustees were required to evaluate and compare all the available alternatives using criteria developed from NRDA regulations (43 C.F.R. § 11.82(d)). Educational and socioeconomic benefits were considered secondary and indirect, including with respect to cost-effectiveness, compared to the primary goal of restoring the equivalent of those natural resources and resource services injured due to releases at or from the Facility. While the components in Alternative 5 have ecological benefits, the benefits were deemed relatively small compared to larger stream rehabilitation and preservation projects preferred by the Trustees. The Trustees determined that projects associated with the selected alternatives

would restore the natural resources and resource services equivalent to those injured in more direct, technically feasible, and cost-effective ways.

2. **Comment:** One commenter requested the Trustees reconsider funding Project Components 5 and 8 from Alternative 5: Days Creek – Urban Wetland Restoration and Enhancement.

Response: See response to comment 6.1.3 - 1.

3. **Comment:** One commenter requested the Trustees give proximity to the Facility greater value as a factor for selection of preferred alternatives. The commenter highlighted Texarkana as being closest in proximity to the Facility and the only restoration alternative within the South Central Plains Ecoregion III Subdivision of Level IV 35a or Tertiary Uplands sub region.

Response: While proximity to injury is not specifically listed as a factor under C.F.R. §11.82(d) (“Factors to consider when selecting the alternative to pursue”), proximity was considered by the Trustees under Criterion #1 as described in Section 3.2 of the RP/EA. In this way, the Trustees emphasized projects that benefited the areas and natural resources directly affected by the historical releases from the Facility.

6.1.4 Alternative 7: Mineola Nature Preserve Restoration and Enhancement

1. **Comment:** Multiple commenters expressed support for the Mineola Nature Preserve project.

Response: The Trustees acknowledge this support.

7.0 LIST OF PREPARERS AND REVIEWERS

Fish and Wildlife Service, United States Department of the Interior

Brian Ferrasci-O'Malley

Lisa Stevens

Chip Wood

Texas Commission on Environmental Quality

Michael Cave

Richard Seiler

Michael Smith

Peipey Tang

Texas Parks and Wildlife Department

Kathryn Burger

Johanna Gregory

James Murphy

Don Pitts

Angela Schrift

Texas General Land Office

Scottie Aplin

Allison Fischer

Angela Sunley

Contract Support

Erik Powers (Parsons)

Margaret Roy (Centerline Environmental Consulting, LLC)

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9.0 FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FINDING OF NO SIGNIFICANT IMPACT

RESTORATION PLAN/ENVIRONMENTAL ASSESSMENT
FOR FORMER KERR-MCGEE
CHEMICAL CORPORATION WOOD-TREATING FACILITY (TRONOX LLC),
TEXARKANA, BOWIE COUNTY, TEXAS

The U.S. Fish and Wildlife Service (USFWS), on behalf of the United States Department of the Interior (DOI) and in coordination with the State of Texas Natural Resource Trustees (the Texas Commission on Environmental Quality (TCEQ), Texas Parks and Wildlife Department (TPWD), and Texas General Land Office (GLO), collectively the “Trustees”), propose to implement the 5 restoration alternatives selected in the Restoration Plan / Environmental Assessment for the Former Kerr-McGee Chemical Corporation Wood-Treating Facility (TRONOX LLC) Texarkana, Bowie County, Texas (RP/EA). As part of the RP/EA, an environmental assessment was prepared in compliance with the National Environmental Policy Act (NEPA) to provide a decision-making framework that 1) explores a reasonable range of alternatives to meet project objectives, 2) evaluates potential issues and impacts to the resources and values, and 3) identifies mitigation measures to lessen the degree or extent of these impacts. The RP/EA evaluated the effects associated with 13 alternatives including a “No Action” alternative.

Alternatives Considered and Analyzed

Alternative A—Continuation of Current Project (No Action)

Pursuant to their respective authorities and responsibilities as natural resource trustees under CERCLA, the Trustees determined that releases of hazardous substances at or from the Facility resulted in injuries or potential injuries to natural resources under their jurisdiction. The Trustees undertook this restoration planning effort to restore those natural resources and services injured as a result of releases at or from the Facility. Restoration activities are intended to restore or replace habitats, species, and services to their baseline condition and to compensate the public from the time natural resources are injured until they recover to baseline conditions.

Both the DOI Rule (43 C.F.R. § 11.82(c)(2)) and NEPA require consideration of a “No Action” alternative. Under the “No Action” alternative, the Trustees would take no action to restore, rehabilitate, replace, or acquire natural resources or services equivalent to those lost due to hazardous substance releases at or from the Facility or the remedial actions taken to prevent further or future harm. Under the “No Action” alternative, restoration actions needed to make the environment and public whole for its losses would not occur. The Trustees did not select the “No Action” alternative for implementation because of the settlement being in place and the availability of acceptable alternatives.

Alternative B— Selected Restoration Alternatives (Proposed Action):

The RP/EA considered each alternative individually and comparatively to identify the alternatives that best provide direct ecological benefits cost effectively and with the highest probability of success in perpetuity to forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats. All the alternatives provided some kind of bottomland or aquatic benefit, and several of the alternatives added large amounts of acreage to existing preserved habitat areas (e.g., Caddo Lake Habitat Acquisition, Mineola Nature Preserve, or Neches River Acquisition). The Trustees selected five restoration alternatives for implementation: Alternative 3: Caddo Lake Habitat Acquisition; Alternative 4: Days Creek Enhancement and Restoration; Alternative 7: Mineola Nature Preserve – Restoration and Enhancement; Alternative 8: Neches River Bottomland Forest Conservation; and Alternative 10: Talbot Prairie and Forest Land Acquisition. The selected alternatives compensate for environmental damages associated with the Facility were considered in light of multiple planning efforts and opportunities in the region. These alternatives build upon prior and anticipated conservation activities implemented by the

Trustees and their partners. Further, the selected alternatives are intended to compensate the public for resources injuries caused by the release of hazardous substances into the watershed.

*NEPA requires that the agencies consider the environmental effects of the proposed action. These effects may include, among others, impacts to social, cultural, and economic resources as well as natural resources, except where a categorical exclusion or other exception to NEPA applies. Alternatives 3, 8, and 10 include land acquisition as their major restoration action. These three projects are intended in part to preserve the watershed and improve local water quality, and the acquisition will not adversely affect floodplains, wetlands, or municipal watersheds. A search of the Texas Historical Commission's online Atlas Map did not indicate the presence of American Indian religious or cultural sites, archaeological sites, or historic properties within the selected restoration alternatives. Alternatives 3 and 8 propose acquiring lands adjacent to National Wildlife Refuges or National Forests. In addition, two federally listed plant species *Geocarpon* (*Geocarpon minimum*) and *Neches River rosemallow* (*Hibiscus dasycalyx*), may be located in the project areas; however, there is no designated critical habitat within the project areas. Lands acquired for this project shall serve conservation objectives and expand protected areas. As such, the land acquired through these projects would have no adverse effect on federally listed, threatened, or endangered species or their designated critical habitat; species proposed for federal listing; or proposed critical habitat. Therefore, based upon the information provided above, these three land acquisition projects were consistent with the categorical exclusion described in 516 DM 8.5(A)(4) (FWS Form 3-2185 and Environmental Action Statement). The remaining two selected alternatives in the RP/EA focus on restoration and enhancement of bottomland hardwoods, riparian, and stream habitats. Under NEPA, federal agencies must consider environmental effects of their actions, including impacts on social, cultural, and economic resources, as well as on natural resources. Overall, the RP/EA determined that no significant adverse impacts are anticipated from the selected alternatives. In fact, a net cumulative beneficial impact may result from synergy with past, current, and future restoration activities. The RP/EA concludes that the actions associated with the selected habitat enhancement and construction alternatives will not lead to significant adverse impacts to the environment.*

Alternative C— Restoration Alternatives Not Selected

Seven of the proposed alternatives were not selected for implementation based on the Trustees' analysis and decision-making process under CERCLA. These alternatives include; Alternative 1: Big Thicket Acquisition and Conservation; Alternative 2: Bottomland Hardwood Restoration and Chinese Tallow Eradication; Alternative 5: Days Creek – Urban Wetland Restoration and Enhancement; Alternative 6: Longview Arboretum and Nature Park; Alternative 9: Sulphur Springs Wastewater Treatment Plant Wetlands Habitat; Alternative 11: Tonkawa Sandhills Land Acquisition; Alternative 12: T&J Hunting Properties.

Alternatives 1, 11, and 12 include land acquisition as their major restoration action and are intended in part to preserve the watershed and improve local water quality. An environmental assessment was not prepared for these alternatives because, had these alternatives been selected for implementation, they would have been consistent with the categorical exclusion described in 516 DM 8.5(A)(4).

The remaining 4 habitat and construction alternatives evaluated in the RP/EA, Alternatives 2, 5, 6, and 9 focus on restoration and enhancement of bottomland hardwoods, riparian, and stream habitats. The RP/EA considered environmental effects of their actions, including impacts on social, cultural, and economic resources, as well as on natural resources. Overall, the RP/EA determined that no significant adverse impacts are anticipated from these 4 alternatives. However, the 4 proposed alternatives were not selected for implementation based on the Trustees' analysis and decision-making process under CERCLA.

Proposed/Selected Alternative

The RP/EA was prepared jointly by the Trustees pursuant to their respective authorities and responsibilities as natural resource trustees under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq., and other applicable federal and state laws. Relevant regulations include Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. §§ 300.600 through 300.615) and DOI's regulations at 43 C.F.R. Part 11, which provide guidance for the NRDA process under CERCLA.

CERCLA establishes liability for the injury to, destruction of, or loss of natural resources caused by releases of hazardous substances. Damages recovered for these losses must be used to restore, replace, or acquire the equivalent of the injured natural resources and services, in accordance with a restoration plan developed by the designated natural resource trustees. The Trustees have integrated the CERCLA and NEPA evaluation processes in the RP/EA to most efficiently present the CERCLA and NEPA evaluations of the various restoration alternatives. Under NEPA, the potential environmental impacts in terms of both context, duration, and intensity informed the Trustees' analysis and decision-making process under CERCLA.

The Trustees are proposing to spend approximately \$19.4 million to implement the 5 selected restoration alternatives. In some cases, the description and analysis of the alternatives is based on alternative-specific preliminary design concepts rather than detailed plans. Some of the selected alternatives will require the Trustees to develop a budget, plan, engineer, design, and permit before the alternative becomes a shovel-ready alternative. Any time required in preparation for construction is not expected to reduce the anticipated benefits of the alternative or affect the analyses conducted for NEPA. Table 1 summarizes the proposed action (selected alternatives), the estimated costs, the funding allocated by the Trustees, and acres to be restored and or preserved.

Table 1 Summary of Proposed Action

<i>Selected Alternative</i>	<i>Allocated Funds ^a</i>	<i>Size and Type of Alternative</i>
<i>Alternative 3: Caddo Lake Habitat Acquisition</i>	<i>\$5,900,000</i>	<i>Acquisition of approximately 3,500 acres</i>
<i>Alternative 4: Days Creek – Enhancement and Restoration</i>	<i>\$9,800,000</i>	<i>Restore approximately 6 miles of creek and preserve approximately 200 acres of wetlands</i>
<i>Alternative 7: Mineola Nature Preserve – Restoration and Enhancement</i>	<i>\$500,000</i>	<i>Restoration and enhancement within the 2,911-acre preserve</i>
<i>Alternative 8: Neches River Bottomland Forest Conservation</i>	<i>\$2,200,000</i>	<i>Acquisition of approximately 1,100 acres</i>
<i>Alternative 10: Talbot Prairie and Forest Land Acquisition</i>	<i>\$1,000,000</i>	<i>Acquisition of an estimated 370 acres</i>

a – Total allocated funds are approximately 91% of funds available to the Trustees. Administrative and Trustee oversight costs will be covered by the remaining 9%.

Summary of Effects

Implementation of the agency's decision would be expected to result in the following environmental, social, and economic effects:

Overall, the RP/EA determined that no significant adverse impacts are anticipated from the selected alternatives. In fact, a net cumulative beneficial impact may result from synergy with past, current, and future restoration activities. The RP/EA concludes that the activities associated with the selected habitat enhancement and construction alternatives will not lead to significant adverse impacts to the environment.

Measures to mitigate and/or minimize adverse effects have been incorporated into the proposal. These measures include:

In some cases, the description and analysis of the alternatives is based on alternative-specific preliminary design concepts rather than detailed plans. The selected alternatives will require the Trustees to develop a budget, plan, engineer, design, and permit before the alternative becomes a shovel-ready alternative. The necessity for any mitigation, permitting, and consultation is anticipated to be addressed through this process. Any time required in preparation for construction is not expected to reduce the anticipated benefits of the alternative or affect the analyses conducted for NEPA.

The proposal is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988 because:

The RP/EA determined that no significant adverse impacts are anticipated from the selected alternatives. In fact, a net cumulative beneficial impact may result from preservation, enhancement, and restoration activities.

Public Review

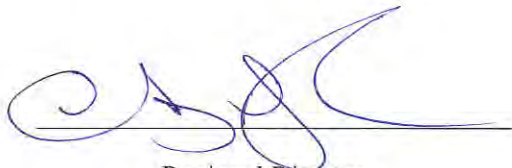
The proposal has been thoroughly coordinated with all interested and/or affected parties. Public participation and review is an integral part of the restoration planning process. CERCLA and NEPA provide a mandate and framework for the Trustees to inform and involve the public in their environmental analysis and decision-making processes.

On March 11, 2016, the Trustees issued a request in the Texas Register (41 TexReg 2008) for project ideas in counties in northeast and east Texas that would restore, rehabilitate, or conserve forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats. In response to the request for scopes of work, the Trustees received 12 project ideas, which are identified in Section 3.2 of this RP/EA. In November 2016, the Trustees requested additional information from the entities that submitted projects. The Trustees used this information to develop a reasonable range of alternatives that could restore those resources injured as a result of the releases of hazardous substances at or from the Facility.

On October 26, 2018, the Trustees announced a Draft RP/EA in the Texas Register (43 TexReg 7251) and published the document on the U.S. Department of the Interior's (DOI) Natural Resource Damage Assessment and Restoration Program case map and document library. The public was encouraged to review and comment on the Draft RP/EA during a 30-day comment period using a mailing address and an email address. The public comment period ended on November 26, 2018. The Trustees received a total of 14 submissions from private citizens, elected officials, city and county officials, educational institutions, and non-governmental organizations. Chapter 6 of the RP/EA provides further detail on the public comment process and includes a summary of all public comments received on the Draft RP/EA and the Trustees' responses.

Determination

Based upon a review and evaluation of the information contained in the RP/EA, as well as other documents and actions of record affiliated with this proposal, the USFWS has determined that the proposal to implement the selected restoration alternatives in the RP/EA does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102 (2) (c) of the National Environmental Policy Act of 1969 (as amended). As such, an environmental impact statement is not required. An environmental assessment has been prepared in support of this finding and is available upon request to the U.S. Fish and Wildlife Service facility identified above.


Regional Director

March 8 2019
Date

UNITED STATES FISH AND WILDLIFE SERVICE
ENVIRONMENTAL ACTION STATEMENT

2020-032 ATTH 01

7.3.b

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the action of *(describe action)*:

Land acquisition as presented in the Restoration Plan / Environmental Assessment for the Former Kerr-Mcgee Chemical Corporation Wood-Treating Facility (Tronox LLC), Texarkana, Bowie County, Texas.

Check One:

- ☒ is a categorical exclusion as provided by 43 CFR §46.210 and/or 516 DM 8.5 and 43 CFR §46.215. No further NEPA documentation will therefore be made. The proposed action falls under categorical exclusion:
- A(4) The acquisition of real property obtained either through discretionary acts or when acquired by law, whether by way of condemnation, donation, escheat, right-of-entry, escrow, exchange, lapses, purchase, or transfer and that will be under the jurisdiction or control of the United States. Such acquisition of real property shall be in accordance with 602 DM 2 and the Service's procedures, when the acquisition is from a willing seller, continuance of or minor modification to the existing land use is planned, and the acquisition planning process has been performed in coordination with the affected public.
- B(11) Natural resource damage assessment restoration plans, prepared under sections 107, 111, and 122(j) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); section 311(f)(4) of the Clean Water Act; and the Oil Pollution Act; when only minor or negligible change in the use of the affected areas is planned.
- ☐ is found not to have significant environmental effects as determined by the attached environmental assessment and finding of no significant impact.
- ☐ is found to have significant effects and, therefore, further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an environmental impact statement.
- ☐ is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.
- ☐ is an emergency action within the context of 40 CFR §1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents *(list)*:

Final Restoration Plan / Environmental Assessment for the Former Kerr-Mcgee Chemical Corporation Wood-Treating Facility (Tronox LLC), Texarkana, Bowie County, Texas

FONSI Final Restoration Plan / Environmental Assessment for the Former Kerr-Mcgee Chemical Corporation Wood-Treating Facility (Tronox LLC), Texarkana, Bowie County, Texas

NEPA Compliance Checklist Final Restoration Plan / Environmental Assessment for the Former Kerr-Mcgee Chemical Corporation Wood-Treating Facility (Tronox LLC), Texarkana, Bowie County, Texas

Signature Approval:



Signature Chuck Ardizzone Project Leader Texas Coastal EFSO

2-27-19

Date

Attachment: 2020-032 ATTH 01 Final Tronox RPEA FONSI (2241 : 2020-032 RES NRDA Funding Award)

State: Texas

Federal Financial Assistance Grant/Agreement/Amendment Number:

Grant/Project Name: Land acquisition as presented in the Restoration Plan / Environmental Assessment for the Former Kerr-Mcgee Chemical Corporation Wood-Treating Facility (Tronox LLC), Texarkana, Bowie County, Texas.

This proposal ☒ is; ☐ is not completely covered by categorical exclusion No(s). A(4), B(11), 516 DM 8.5.
(check (✓) one) (Review proposed activities. An appropriate categorical exclusion must be identified before completing the remainder of the Checklist. If a categorical exclusion cannot be identified, or the proposal cannot meet the qualifying criteria in the categorical exclusion, an EA must be prepared.)

Exceptions:

Will This Proposal (check (✓) yes or no for each item below):

- | Yes | No | |
|--------------------------|-------------------------------------|--|
| ☐ | ☒ | 1. Have significant adverse effects on public health or safety. |
| ☐ | ☒ | 2. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks. |
| ☐ | ☒ | 3. Have highly controversial environmental effects. |
| ☐ | ☒ | 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. |
| ☐ | ☒ | 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. |
| ☐ | ☒ | 6. Be directly related to other actions with individually insignificant, but cumulatively significant environmental effects. |
| ☐ | ☒ | 7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places. |
| ☐ | ☒ | 8. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species. |
| ☐ | ☒ | 9. Have material adverse effects on resources requiring compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act. |
| ☐ | ☒ | 10. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment. |

(If any of the above exceptions receive a "Yes" check (✓), an EA must be prepared.)

Concurrences/Approvals:

Project Leader:

Date: 2-27-19

State Authority Concurrence:

(with financial assistance signature authority, if applicable)

Date: _____

Within the spirit and intent of the Council of Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the grant/agreement/amendment:

- ☒ is a categorical exclusion as provided by 516 DM 8.5. No further NEPA documentation will therefore be made.
- ☐ is not completely covered by the categorical exclusion as provided by 516 DM 8.5. An EA must be prepared.
- ☐ includes other attached information supporting the Checklist.

Service signature approval:

RO or WO Environmental Coordinator:

Date: 4 March 2019

Staff Specialist, Division of Federal Aid:

(or authorized Service representative with financial assistance signature authority)

Date: _____

OFFICE OF PROVOST AND VICE PRESIDENT FOR ACADEMIC AFFAIRS

www.TAMUT.edu



November 21, 2018

Mr. Michael Cave
Texas Commission on Environmental Quality
Remediation Division, MC-136
P.O. Box 13087
Austin, TX 78711-3087

Dear Natural Resource Damage Assessment (NRDA) Trustees,

Texas A&M University- Texarkana fully supports the efforts of the City of Texarkana, Texas in its proposal, "City of Texarkana Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration." Texas A&M-Texarkana is especially proud of being asked to partner in this effort. The proposed project builds upon the strong relationships that exist among A&M-Texarkana, Texarkana College and the City of Texarkana. As partners on numerous other projects and programs, we have the background, expertise and relationships to fully implement this project.

As such, we welcome the opportunity to provide public comments and had planned to participate with the scientific data collection and analysis plan as well as the development and implementation of environmental education activities for local schools, organizations and community members. Our involvement, however, is contingent upon funds for planning and monitoring as outlined in the original proposal, which are not currently funded by the NRDA Trustees. We therefore request this line item in the City's proposal be fully funded.

On behalf of Texas A&M University-Texarkana and the residents of the Texarkana region, I thank you for considering the proposal submitted by the City of Texarkana to restore our Texarkana watershed. We appreciate the opportunity to provide our public comments as we look forward to being involved in this important and exciting work.

Sincerely,

David P. Yells, Ph.D.
Provost and Vice President for Academic Affairs
Texas A&M University Texarkana
David.yells@tamut.edu

Attachment: 2020-032 ATTH 02 TAMUT Support Comments 11.21.18 (2241 : 2020-032 RES NRDA Funding Award)

TC STEM Vision: Inspiring wonder, Preparing minds; Every student, Every day.



November 14, 2018

To the NRDA Trustees::

Texarkana College fully supports the efforts of the City of Texarkana, Texas in its proposal, "City of Texarkana Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration." The college, the STEM Division in particular, is a local contributing stakeholder to the project as shown throughout the proposal. As such, we welcome the opportunity to provide public comments and had planned to participate in pre- and post- assessments; monitoring of water, flora, and fauna and other environmental conditions; analysis and monitoring of results; growing and planting vegetation; and involving the larger community in the ecological uplift efforts. Our involvement, however, is contingent upon funds for planning and monitoring as outlined in the original proposal, which are apparently not funded by the NRDA Trustees. We therefore request this line item in the City's proposal be fully funded.

Should funding be provided, we are prepared to assist the City with restoration activities as identified in the City's NRDA proposal. Since we are local and specifically equipped, we would be helping with seeding, growing, and planting terrestrial and aquatic plants and trees within proposed stream/riparian corridors, and we would be providing support on the monitoring and maintenance of these planting efforts. We have plans to develop an environmental response team that would provide long-term monitoring of restoration activities, carefully tracking the water quality improvements, growth and productivity of aquatic life. Students enrolled in our biology, chemistry, and mathematics courses could greatly benefit from involvement in these aspects of this restoration endeavor. Therefore, again we request Trustees fund the planning, monitoring/management/maintenance and project management line item covering these costs.

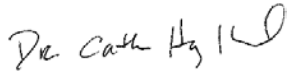
As you may know, the National Environmental Education Foundation's Health and Environment program has shown the role of nature in combating childhood obesity, asthma, and other health concerns. We have found that as students move through higher levels of the education system, environmental education creates enthusiastic students, builds critical thinking skills, and forms future community leaders. During the post-restoration portion of the project, the TC STEM Division will explore the feasibility of creating a workforce level certification such as environmental technician. This certification program would prepare workers for green jobs and to assist in other local efforts to protect our environment.

Texarkana College has a long positive history of working closely with the City of Texarkana on various environment projects including the tire recycling program, electronics recycling events, and National Night Out activities. We have participated in the Texas Stream Team monitoring program for many years and are currently monitoring many of the bodies of water addressed by this proposal. The College also has close working affiliations with groups such as Audubon and Friends United for a Safe Environment (FUSE). We feel that we can use these contacts, events such as TC's on campus Fall Festival and Spring Fling, presentations at local ISDs and other community groups, and our on-campus radio station (KTXK 91.5 NPR Talk Radio) to help bring awareness to this NRDA funded activity and solicit volunteers for ongoing NRDA work within Texarkana.

TC STEM Vision: Inspiring wonder, Preparing minds; Every student, Every day.

We very much appreciate the opportunity to provide our public comments as we look forward to being involved in this important and exciting work. We are willing to do anything we can to be of service in this regard.

Sincerely,



Dr. Catherine Howard
Dean STEM
Texarkana College
Catherine.howard@texarkanacollege.edu
903-823-3285

**LIBERTY-EYLAU ISD** *Spot the Difference!*

2901 Leopard Drive Texarkana, TX 75501
(903) 832-1535
www.leisd.net

November 15, 2018

Michael Cave
Natural Resources Damage Assessment

Mr. Cave:

Please accept this letter as public comment regarding the Tronox site in Texarkana, TX on behalf of Liberty-Eylau ISD.

As a district, we were pleased that years after the former Kerr McGee production facility closed, there was a possibility to bring not only a beautiful, natural area for the area most-closely affected by the site, but also an important educational opportunity to students across the Texarkana region. We were disappointed that Project Component 5 under Alternative 4 was not recommended for funding. We hope that the trustees will reconsider this component and grasp the opportunity to make a tangible impact for generations to come.

The area for the proposed wetland area is adjacent to the C. K. Bender campus in our district. Since the beginning of the NRDA process this campus has transitioned from an elementary campus for LEISD to a Boys and Girls Club for the entire Texarkana region. This means that not only are students from ALL LEISD campuses on the site, but students from all other area schools as well. LEISD remains committed to this wetland creation with our willingness to not only donate the land, but to designate it as a perpetual conservation area.

While all NRDA settlement dollars have the potential to create protected lands for plants and wildlife, we think this project has the potential to do so much more than that. Our goal as educators is to not only teach students what they need to learn to graduate, but to provide them the tools, through targeted education, to make positive impacts throughout the world. A wetland learning site, dedicated to showing the impact of both positive and negative environmental practice, has the potential to impact our environment across the entire country. The juxtaposition of the Tronox site and a protected wetland provides the opportunity to present a powerfully impactful visual of the importance of conservation. That is the power of education!



LIBERTY-EYLAU ISD *Spot The Difference!*

2901 Leopard Drive Texarkana, TX 75501
(903) 832-1535
www.leisd.net

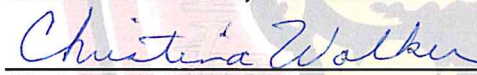
Additionally, working on the site will allow area grade school students to interact with higher education students. Research is clear that practical, real-world application makes educational concepts more impactful for students. We are thrilled at the notion of creating generations of students working toward a common goal.

When Kerr McGee closed, it created hardship on Liberty-Eylau ISD and the entire community. We lost a major employer and tax source. It left a tract of land that to this day sits empty like a scar, not only on the land, but on our collective psyche. What an opportunity we have to positively change that impression!

We sincerely hope that the trustees will carefully consider the opportunity this project provides. This is about more than land and waterways. This is an opportunity to make an investment in students. This is a chance to impact the environment positively for years to come by fostering the ideals and values of conservation in generations of students. There is one thing we know for a fact: investment in students always pays off!

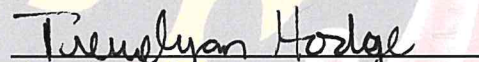
Respectfully submitted,
Liberty Eylau Board of Trustees


James A. Keeton, President


Christina Walker, Secretary


Cliff Martin


Chad Turner, Vice President


Trevelyan Hodge


Debra Courtney


Scott Bergt

Liberty-Eylau ISD does not discriminate on the basis of race, color, sex, notional origin, religion, age, disability, genetic information, veteran or military status, or any other legally protected status in any of its programs or activities, including employment practices. Any person having inquiries concerning the District's compliance with these regulations may contact the Human Resources Office.

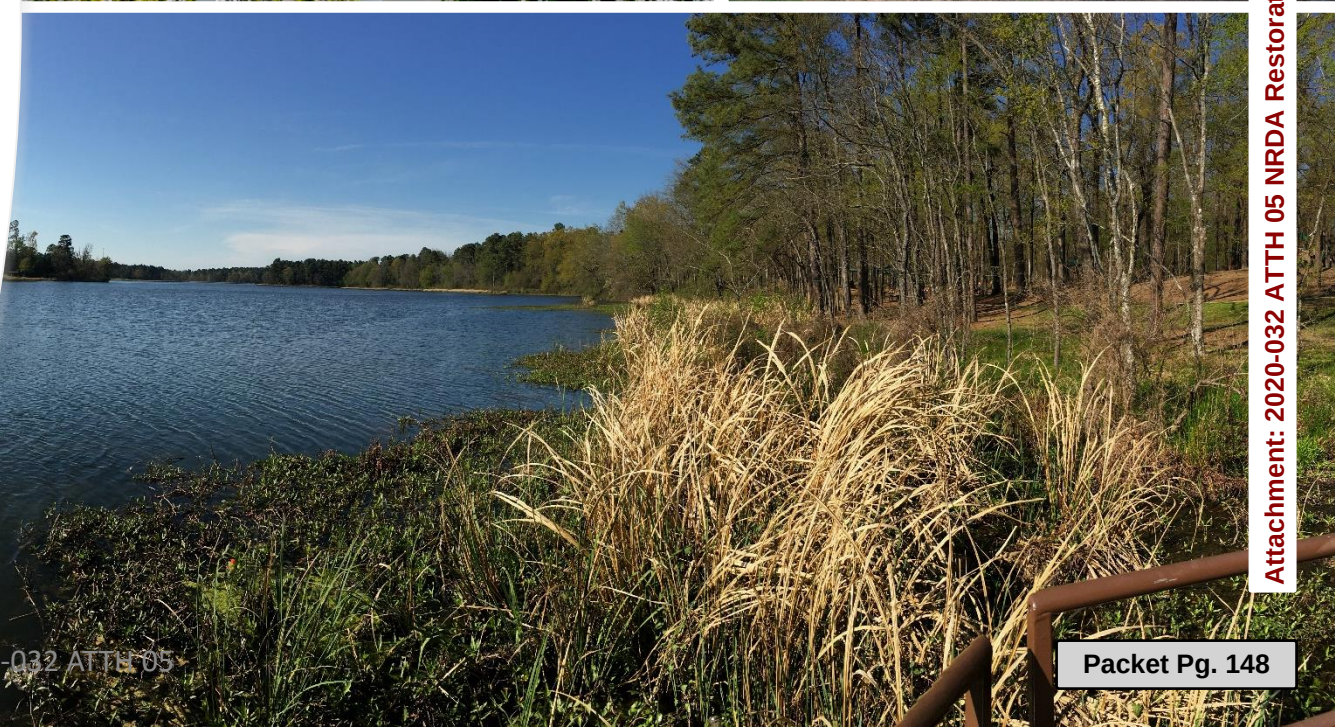
Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration

City of Texarkana, Texas

\$9.8 million NRDA Funding Award

Restoration Plan with 10 proposed project components

Project Partners:



Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration

The project will use a comprehensive watershed approach that includes preservation, restoration, and enhancement of creek systems leading through the City including Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek and Swampoodle Creek.

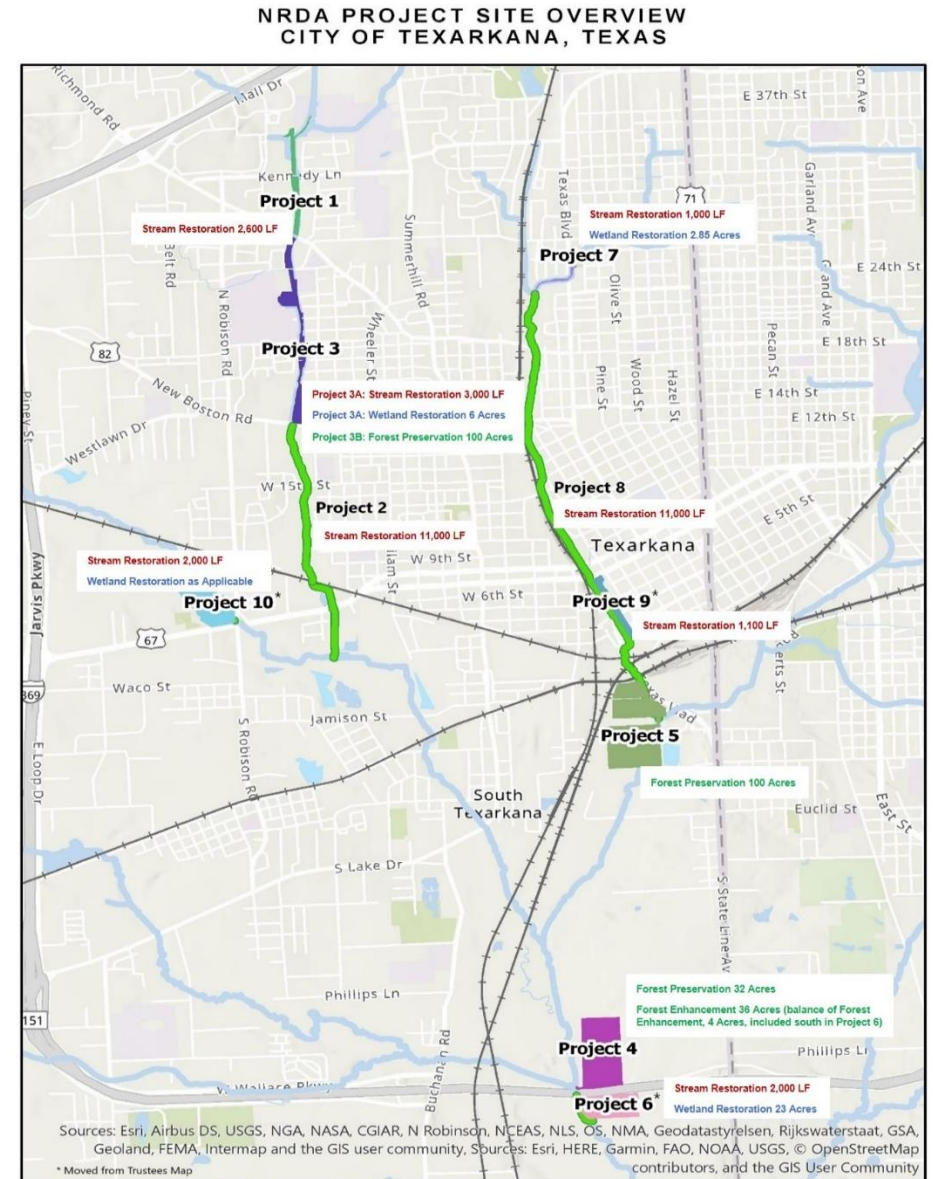
Project Goals

- Stabilize and naturalize **33,365 linear feet** of stream channels,
- Restore **32 acres** of wetlands, and
- Preserve **135 acres** of forest with enhancing **36 acres** of the forested acres.
- Provide ecological uplift of surface waters and habitats that contribute to Days Creek in immediate to very close proximity to the former Kerr-McGee Chemical Corporation Wood Treating Facility (Tronox LLC) offsetting the resource injuries and ecological service losses that have occurred over time.

Project Locations

10 sites along the affected stream channels with preservation and enhancement of additional riparian buffer areas of the quality and quantity to adequately compensate for the injuries.

2020-032 ATTH 05



Scale: 1:40,000

Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration Project Partners

7.3.f

ORGANIZATION/LOCATION	CONTACT PERSON	ROLE
City of Texarkana, Texas Planning, Parks & Public Works Departments	David Orr, Director of Planning & Community Development Dusty Henslee, Public Works Director Robby Robertson, Parks & Recreation Director	Project management, contract oversight and 'Adopt-a-Spot' volunteer management.
Texarkana College Texarkana, TX	Dr. Catherine Howard, PhD, Dean of Science, Technology, Engineering, and Mathematics	Long-term monitoring and maintenance of wetland restoration areas; wetland plants
Texas A&M – Texarkana Texarkana, TX	Dr. David Yells, Provost and Vice President for Academic Affairs	Wetland restoration planting and monitoring. Stream quality monitoring; educational access to wetlands.
Urban Forestry, Texas A&M Forestry Service	Daniel Duncan, TAMU NE Texas Area Urban Forester	Urban forestry, provide native trees
AquaStrategies, Inc. Houston and Austin, TX	Georganna Collins, RLA	Stream & Wetland restoration planning, design, permitting, and construction management support
AquaStrategies, LLC Austin, TX	Dr. Barney Austin, PE	Hydrology and hydraulics issues; engineering, surface water quality and monitoring support

2020-032 ATTH 05



Attachment: 2020-032 ATTH 05 NRDA Restoration City Council Presentation 2020 (2241 :

Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration

7.3.f

Project Name/Number	Description	Project Cost
NRDA 1 Cowhorn Creek Convention Ctr	Naturalize 2,600 lf Cowhorn Creek near Convention Center	\$1,300,000.00
NRDA 2 Cowhorn Creek Bioengineering & Planting	Restore/stabilize 11,000 lf with 2A 9,000 lf bioengineering & 2B 2,000 lf plantings, bioengineering will include plantings	\$547,500.00 (2A \$366,000 and 2B \$181,500)
NRDA 3 Cowhorn Creek Texarkana College	3A Restoration 3,000 lf near TC & Beverly Park Rd 3B Preservation 2.5 Acres & Creation 6 Acres Wetlands	\$1,350,000.00
NRDA 4 Days Creek South State Line	East of Facility & Days Creek 4A Preservation & Perpetuity 32 acres & 4B Enhancement of 36 Acres	\$30,000.00 (4A \$0, 4B \$30,000)
NRDA 5 Days Creek Texas Viaduct	Preservation 100 Acres Along Days Creek South of Texas Viaduct	\$20,000.00
NRDA Days 6 Howard/Days Creek	Restore 2,000 lf and 23 ac wetlands south of Convergence of Howard & Days Creek	\$455,000.00
NRDA 7 Swampoodle Creek Ferguson Park	Naturalize 665-1,000 lf Swampoodle within Ferguson Park and construct 3.0 ac wetlands	\$3,350,000.00
NRDA 8 Swampoodle Creek Naturalization/stabilization	Naturalize/stabilize 11,000 lf between Spring Lake Park southward along Swampoodle	\$1,697,500.00
NRDA 9 Swampoodle Creek Restoration & Re-Alignment	Restore/Re-alignment 1,100 lf of Swampoodle Creek	\$650,000.00
NRDA Waggoner Creek 10 Southwest Rec Center	Restoration 2,000 Linear Ft Waggoner Creek East of I-369	\$400,000.00

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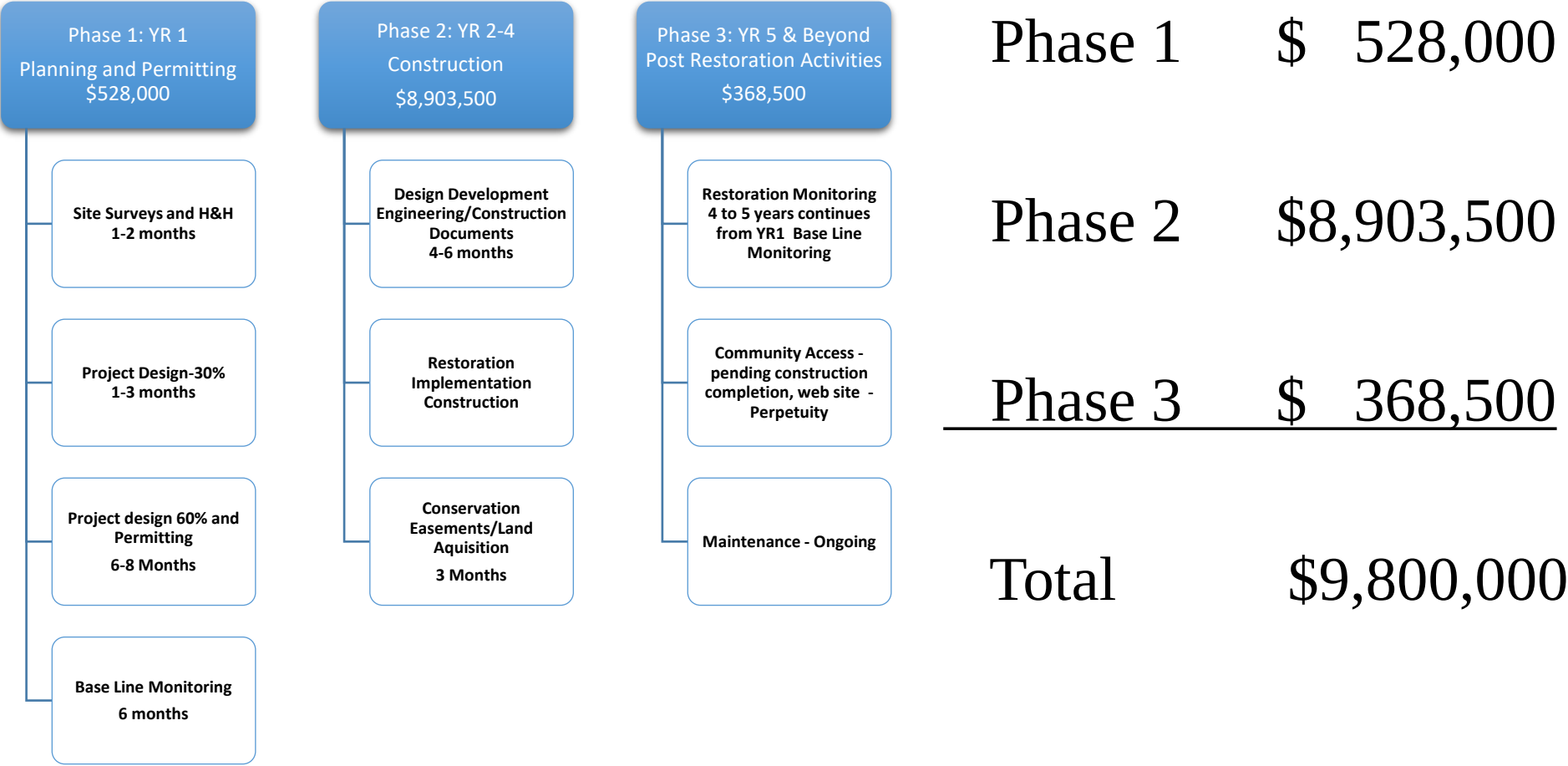


Attachment: 2020-032 ATTH 05 NRDA Restoration City Council Presentation 2020 (2241 :

Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration

Project Phasing

Budget



Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration

Phase 2

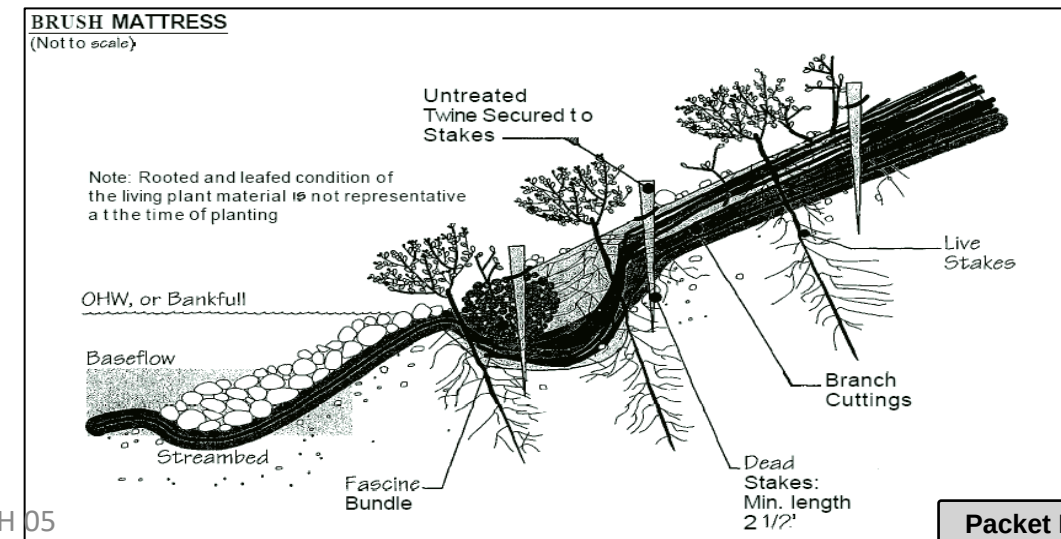
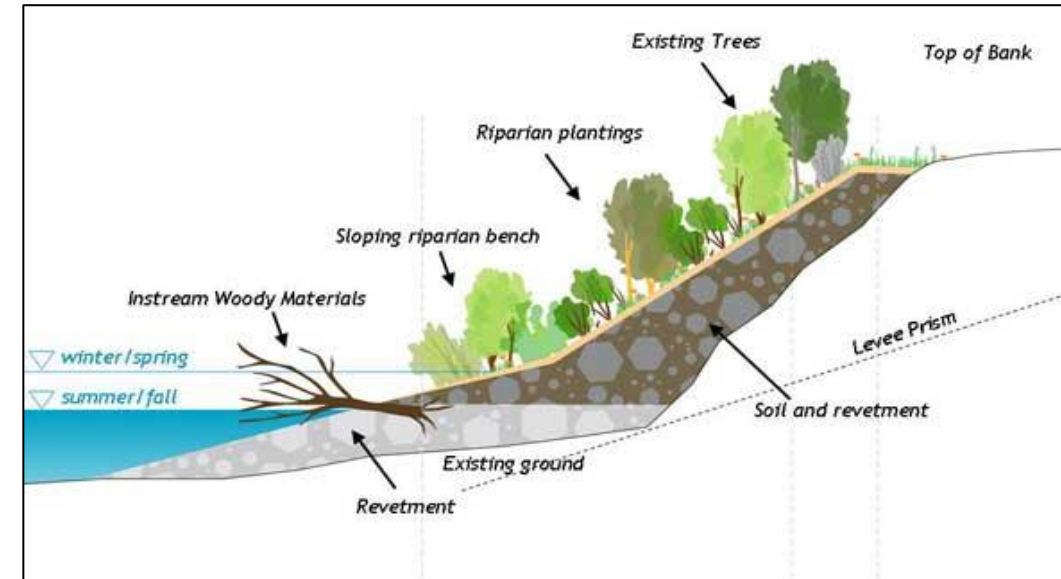
Phase 2 Restoration Implementation/Construction:

Detailed design development and applicable engineering will be undertaken, coordinated through the City's Public Works and Planning Departments and the NRDA Trustees. Based upon design development, construction documents of 100% complete plans and specifications will be prepared.

A construction contractor bidding process undertaken. Construction contractors selected to undertake the restoration work. Restoration implementation/construction site activities include mobilization of the contractor, site work and native plant community establishment.

Baseline monitoring would be initiated prior to construction following the monitoring plan. Monitoring will continue during construction to ensure no added natural resource injuries would occur as result of restoration activities.

The subtotal for Phase 2 construction is \$8,903,500.



Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration

Phase 3

Phase 3 Post Restoration Activities including Monitoring:

Long-term monitoring and maintenance, i.e. adaptive site management, of the restoration project sites will be performed by Texas A&M Texarkana, Texarkana College and local environmental organizations as the City's Partner Team thereby measuring restoration benefits.

Texarkana Parks and Recreation will also provide maintenance of park and downtown locations at public access points.

Monitoring will begin during the initial planting/restoration activities and continue at least 4 years, or until the restoration projects are fully established and success/performance criteria met. Performance criteria is laid out in the City's Work Plan. Monitoring will address erosion control, water quality, plant community establishment, benthic and aquatic organism utilization, and invasive species.

Maintenance of the restoration sites will be ongoing, with at least semi-annual "community cleanup days" as part of the City's already successful "Adopt a Spot" program.

The subtotal for Phase 3 activities is \$368,500.



	Year 1				Year 2				Year 3				Year 4				Year 5			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Task1: Planning & Project Phasing																				
Kickoff Meeting, Work Plan, Coordinate with NRDA																				
Initiate: Site surveys, baseline monitoring, conservation easement and land acquisition																				
Initiate project designs; initiate permitting																				
Address stormwater issues, incl. pollution plan. Public outreach begins in earnest																				
Task 2: Design Development, Construction Documents & Monitoring																				
Design development to 60% plans, plus budget																				
Prepare and discuss construction documents with City, incl. 75% and final with review submittals																				
Assist City with bid docs, contractor selection and oversight																				
Assist City during construction phase																				
Prepare monitoring plans and provide oversight before, during and after restoration activities																				
Provide oversight of restoration activities, including site work and native plant establishment																				
Coordinate with City partners and public during construction, and disseminate information																				
Task 3: Post Restoration Activities & Monitoring																				
Develop monitoring reports & maintenance plan																				
Coordinate with City on maintenance needs																				
Monitoring erosion, water quality, plant establishment, benthic and aquatic organisms, etc.																				
Coordinate with City and its partners on monitoring data collection and reporting																				



City of Texarkana, Texas
Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration

NRDA Tronox Texarkana Natural Resource Restoration Project

Questions & Contact Information

AquaStrategies

Water Planning, Science & Engineering

14101 Hwy 290 West, Building 1600B

Austin, TX 78737



Liberty Eylau Independent School District



Texarkana Community College
2020-032 ATTH 05



Texas A&M Texarkana

Packet Pg. 157

**Agreement
for the
Enhancement and Restoration of Days Creek Watershed
Project in Texarkana, Bowie, Texas**

This Agreement is entered into by the Texas Commission on Environmental Quality, the Texas General Land Office, and the Texas Parks and Wildlife Department (collectively, Trustees), all State of Texas governmental agencies and natural resource trustees, and the City of Texarkana (Performing Party), a local government of the State of Texas.

1. PARTY REPRESENTATIVES

Both the Trustees and the Performing Party (collectively, Parties) have a point of contact, referred to as a project officer, for oversight and coordination of project implementation in accordance with this Agreement. Trustees and Performing Party may change their respective project officers by providing written notice to each other with the name, address, telephone number, and email of the new project officer seven days prior to the change, or if seven days' notice is not feasible, as soon as possible. The project officers are as follows:

1.1 Performing Party Project Officer (PO):

Shirley Jaster
City Manager City of Texarkana, Texas
P.O. Box 1967
Texarkana, Texas 75504
Phone: (903) 798-3949
Email: jaster@txusa.org and pcd@txkusa.org

1.2 Trustee Project Officer (TPO):

Michael Cave
Texas Commission on Environmental Quality
Natural Resource Trustee Program
MC 136
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-4772
Email: Michael.Cave@tceq.texas.gov

2. AUTHORITY

The Parties enter into this Agreement under the legal authority provided by Chapter 791 (Interlocal) of the Texas Government Code. Additionally, the Trustees enter into this Agreement in accordance with the legal authorities provided to each Trustee by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.*; the Clean Water Act, 33 U.S.C. 1251 *et seq.*; and any other applicable laws or authorities. The Trustees are member agencies of the Natural Resource Trustee Council for the former Kerr-McGee Chemical Corporation Wood-Treating Facility (Tronox LLC), which is authorized to act on behalf of the public to protect and restore natural resources injured or lost as a result of releases of hazardous substances at or from the former Kerr-McGee

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Chemical Corporation wood-treating facility in Texarkana, Bowie County, Texas (Tronox Facility). The Natural Resource Trustee Council consists of three Texas agencies and the U.S. Department of Interior (DOI) represented by U.S. Fish and Wildlife Service (FWS), (collectively Tronox Natural Resource Trustees).

3. PURPOSE OF AGREEMENT

This Agreement sets forth the terms and conditions upon which the Trustees and the Performing Party will cooperatively conduct authorized governmental functions and activities consistent with the Restoration Plan/Environmental Assessment for the Tronox Facility, March 2019 (Restoration Plan). Specifically, the Trustees agree to provide funds for the Performing Party to conserve approximately 200 acres of forested riparian habitat and restore and stabilize approximately 6 miles of urban creek channels in Texarkana, Texas, ~~more fully described in Section 5. Performing Party submitted~~ Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration (Revised Proposal) ~~submitted by Performing Party, attached as Exhibit A, and more fully described in Section 5.~~

Funds provided under this Agreement result from natural resource damage settlements concerning the release of hazardous substances at or from the Tronox Facility. The funds recovered from the natural resource damage settlements are intended to restore, rehabilitate, replace, or acquire the equivalent of the natural resources injured as a result of the releases from the Tronox Facility. The Tronox Natural Resource Trustees determined that releases caused injury to freshwater aquatic and benthic habitats at three perennial streams at or downstream of the Tronox Facility: Days Creek, Howard Creek, and Waggoner Creek. In addition, there was potential injury to riparian and bottomland hardwood habitats adjacent to Days and Howard Creeks.

4. EXHIBITS

The following exhibits are incorporated by reference into this Agreement:

- Exhibit A Revised Performing Party's Proposal
- Exhibit B Budget
- Exhibit C Conservation Easement
- Exhibit D Summary Table of Timing for Projects
- Exhibit E Conditional Final Waiver and Release of Claims

5. PROJECT DESCRIPTION

Performing Party agrees to implement ten projects (Projects) in the Days Creek Watershed, Texarkana, Texas.

- 5.1 **Project 1** - Cowhorn Creek Enhancement: Naturalization of approximately 2,600 linear feet of creek channel along Cowhorn Creek near the Convention Center. Additional actions include planting native species and expanding bottomland hardwood habitats along this reach with native species.

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- 5.2 **Project 2** - Cowhorn Creek Enhancement: Stabilization of approximately 11,000 linear feet of eroding banks with approximately 9,000 linear feet of bioengineering and approximately 2,000 linear feet of native planting along Cowhorn Creek. Bioengineering includes the use of approved materials (e.g., combination of engineered and natural plant materials for live staking, fascines, brushwood, brush layers, and vegetation) to stabilize the banks as an alternative to lining the banks with concrete.
- 5.3 **Project 3A** - Cowhorn Creek Enhancement: Components include a combination of restoration of the natural alignment, stabilization, and enhancement of approximately 3,000 linear feet along Cowhorn Creek near Texarkana Community College and ~~Berkey~~Beverley Park Road. Performing Party will create approximately 6 acres of wetlands through the restoration of the meandering creek channel. Restoration techniques may include hard and soft approaches; bank protection/stabilization, bank re-grading, weirs, step pools, and floodplain re-activation via side channels and wetland creation. :
- 5.4 **Project 3B** - Cowhorn Creek Preservation: Preservation in perpetuity of an estimated 2.5 acres of forested habitat adjacent to the area enhanced in Project 3A.
- 5.5 **Project 4A** - Days Creek Enhancement: Preservation in perpetuity of approximately 32 acres of wet forested habitat.
- 5.6 **Project 4B** - Enhancement of approximately 32 acres of wet forested habitat east of the Tronox Facility and Days Creek in the vicinity of Project 4A, consisting of high-quality deciduous hardwoods. Planned enhancements include litter pickup and understory seeding with native shade-tolerant species to increase the biodiversity.
- 5.7 **Project 5** - Days Creek Enhancement: Preservation in perpetuity of approximately 100 acres of high-quality forested riparian habitat along Days Creek, south of the Texas Viaduct.
- 5.8 **Project 6** - ~~Days and~~ Howard Creek Enhancement: Restoration and enhancement of approximately 2,000 linear feet at confluence of ~~Howard Creek with Days and Howard~~ Creek and the construction of approximately 23 acres of wetlands adjacent to Days Creek south of FM 151 and west of State Line Avenue. Performing Party will hire a qualified professional engineer to conduct a site assessment and modeling and provide a design in accordance with Section 6.2. If site conditions cannot support 23 acres of wetlands, then Performing Party will submit a new or amended Work Plan, pursuant to Section 6.1, to the Trustees for review and approval which may increase the wetland restoration of Project 10 by up to 23 acres. If approved by the Trustees, Performing Party may transfer the associated funds and wetland balance to Project 10.
- 5.9 **Project 7** - Swampoodle Creek Enhancement: Construction of approximately 2.85 acres of wetlands, removal of between 665-1,000 linear feet of concrete liner along a tributary of Swampoodle Creek at Ferguson Park, and naturalization of the stream through Ferguson Park. Naturalization will be achieved through concrete removal, plan re-alignment of existing channel, and by creation of fringe wetlands and bioswales with the addition of native plantings. The existing concrete-lined channel is 10 feet wide, approximately 2.5

Commented [PT1]: Please note that Trustees have preference for soft approach/structure.

Commented [TD2R1]: Soft approach noted and is preferred method for the City and our partners as

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to 3.0 feet deep, and 2,000 linear feet in length with no natural banks or creek beds. Wetlands will be created by allowing surface water to meander and sheet flow through parts of the landscape using bioswales.

- 5.10 **Project 8** - Swampoodle Creek Enhancement: Naturalization and stabilization of approximately 11,000 linear feet of creek channel on Swampoodle Creek between Spring Lake Park and Days Creek. Swampoodle Creek flows directly into Days Creek north of the Tronox Facility. A portion of the channel has concrete-lined banks and bed. The unlined channel is unstable with eroding banks. Performing Party will hire a qualified professional engineer to conduct a site assessment and modeling, and provide a design in accordance with Section 6.2 to determine feasible methodology for channel stabilization. After Trustee review and approval of the modeling and preliminary project design, Performing Party may proceed with construction actions under this project which may include 1) removal of concrete lining, where applicable, 2) restoration of natural bed and bank conditions, 3) naturalization of channel alignment, and 4) planting of native vegetation.

- 5.11 **Project 9** - Swampoodle Creek Enhancement: Restoration of the natural alignment of approximately 1,100 linear feet of Swampoodle Creek. Currently, portions of the creek channel, specifically at road crossings, is concrete lined. Unlined portions of the banks will be shaped back to recreate the natural meander and restore forested riparian habitat along this segment. Swampoodle Creek will be naturalized through a combination of stream restoration techniques including excavation, re-grading, and planting of native vegetation. The Performing Party will restore the bottomland hardwoods cleared from the site. Appropriate methods include: clearing; grubbing; applicable soil enhancements; native tree, shrub, and herbaceous ground cover plantings and seedlings. The Performing Party will perform these actions following, or integrated with, Project 9 overall channel enhancement activities.

- 5.12 **Project 10** - Waggoner Creek Enhancement: Restoration of approximately 2,000 linear feet of creek channel, restoration of approximately 25 acres of cleared grass areas to bottomland hardwood forest and scrub shrub wetland habitat, and enhancement at least 4 acres of riparian habitat along Waggoner Creek east of Interstate 369. Restoration of the creek channel may include placement of live staking, live fascines, and brush layers where banks are eroding. Enhancement of the 4 acres of riparian habitat will include litter pick up and understory seeding with native shade-tolerant species to increase the biodiversity. Performing Party will hire a qualified professional engineer to conduct a site assessment, perform modeling, and provide preliminary project design in accordance with Section 6.2.

Commented [PT3]: City - How will the bioswales here? Specifically, how is sheet flow affected?

Commented [TD4R3]: AquaStrategies Response: flow is not affected, bioswales are generally located down gradient end of sheet flow to then collect the flow into a wetland or positive location such as stream channel. Bioswale would provide water quality treatment prior to sheet flow entering a wetland or stream channel.

Commented [PT5]: Trustees: TCEQ updated the regarding declining the acquisition of the nearby parcel with NRDA funds. The City accepts our position.

Commented [PT6]: City response re concrete and habitat:

AquaStrategies Response: This is to be determined in the Work Plan or during 30% design development. Habitat conditions are currently poor due to lack of vegetation, cover, and reduced water quality.

Therefore is approx. 291 linear feet out of 2,000 on the descending bank or 14.5%
There is approx. 439 linear ft concrete out of 2,000 on right descending bank or 22%

With the project intending to increase the existing channel length by re-aligning the channel with meanders, a new meander length may be 2,925 linear feet.
Existing concrete will remain in place and may be 9.8 new/restored left descending bank while concrete may be of the right descending bank.

Commented [PT7]: City - Where is this 25 acres? Is this related to the 2000 If of creek channel restoration?

Commented [TD8R7]: The 25 acres is adjacent floodplain property to the creek channel. The creek boundaries are not well defined and routinely change this flooded wetland area. As such, we would like to include this acreage as part of the project.

Commented [PT9R7]: The Trustees are fine with addition of the 25 acre restoration. Please note that agreement does not provide credits for one project if another project is not fully implemented.

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Project	Approximate Quantity	Description	Budget
Cowhorn Creek			
Project 1	2,600 linear feet	Naturalize creek channel	\$1,300,000
Project 2	9,000 linear feet	Stabilize eroding banks through bioengineering	\$366 364,000
	2000 linear feet	Stabilize eroding banks through native planting	\$181,500
Project 3A	3,000 linear feet	Restore natural creek alignment, stabilize, and enhance along creek	\$1,350,000 341,500
	6 acres	Create wetlands of meandering creek channel	
Project 3B	2.5 acres	Preserve in perpetuity forested habitat	\$10 ,500
Days Creek			
Project 4A	32 acres	Preserve in perpetuity wet forested habitat	\$2,500 15,000
Project 4B	32 acres	Enhance wet forested habitat	\$30 15,000
Project 5	100 acres	Preserve in perpetuity high high -quality forested riparian habitat	\$15 20,000
Confluence of Days and Howard Creek			
Project 6	2,000 linear feet	Restore and enhance along creek	\$455,000
	23 acres	Construct wetland adjacent to creek	
Swampoodle Creek			
Project 7	2.85 acres	Construct wetlands	\$3,350,000
	665-1,000 linear feet	Remove concrete liner along tributary and naturalize creek channel	
Project 8	11,000 linear feet	Naturalize and stabilize creek channel	\$1,697,500
Project 9	1,700 100 linear feet	Restore natural creek alignment	\$650,000
Waggoner Creek			
Project 10	2,000 linear feet	Restore creek channel near recreation center	\$400,000
	25 acres	Restore cleared grass areas to bottomland hardwood forest and scrub shrub wetland habitat	
	4 acres	Enhancement of riparian	

Commented [A10]: City - As noted below, the preservation projects budget will need to be updated. Please also update the preservation figures in this summary table to match the updated figures in the updated budget table.

Commented [A11R10]: City Response: In Exhibit preservation only, i.e. conservation easement activities have a total budget of \$45,000 which included 3B, 5. We allocate \$2,500 for each 3B and 4A by reducing/moving \$5,000 from Project 5. And would Ex B to be consistent.

Commented [PT12R10]: City - Please provide a breakdown of the preservation project costs. For are a portion of these costs for an endowment for holder, transaction costs, etc.?

Commented [TD13R10]: City Response - 3B preserve 2 ac were included with 2 (A&B) since the project sites overlap or are adjacent to each other. Site survey on 3 & 3 \$16,000. We can separate out \$1,000 from the \$16,000 for site survey of 3B; and separate out a \$1,000 for due diligence survey on 3B. There is a \$3,000 for just 3 (A&B) on reporting. We can separate out \$1,000 for reporting on 3B. There is another \$15,000 within city admin for project 3 (A&B) to undertake conservation activities, so allocate \$2,500 to 3B. An additional \$15,000 in project 3 for city admin activities. Can divide the \$15,000 between 3A and 3B. 3,000 ft and creating 6 ac wetlands and 3B preserve 2.5 ac of adjacent forest allocating \$5,000 from the \$15,000 to 3B. That's a total of \$10,500 for 3B.

4A preserve 32 ac were included 4B originally, 4B to enhance the same 32 ac being preserved in 4A, therefore within 4B site survey is \$2,500 plus due diligence is \$2,500, reporting \$1,500, placing conservation easement on 4 A&B (same site) is \$5,000 plus another \$15,000 allocated to city admin funds for conservation related activities. That totals \$26,500. There is separate additional \$3,500 to cover enhancement activities on 4B. Therefore, \$30,000 was allocated project 4 A & B. therefore, that's \$15,000 for 4A \$15,000 for 4B.

5 preserve 100 ac There is \$5,000 for due diligence survey and an additional \$15,000 for city admin activities with just project 5. That's a total of \$20,000 for activities on just project 5.

3B conservation activities \$10,500 for 2.5 ac (requiring moving \$8,000 from 3A in Ex B cost spreadsheet)
4A conservation activities \$15,000 (half of the \$30,000 noted above) for 32 ac
5 conservation activities \$20,000 for 100 ac (we previously moved \$5,000 from this figure in Ex B to allocate/show \$2,500 to 3B and \$2,500 to 4A in the Table below, currently Ex B shows this original \$20,000 for 5)

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		habitat along creek channel	
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6. **T**
ASKS, SCHEDULE, AND SUBMITTALS

- 6.1 **Work Plan.** Implementation of Projects 1-3A, 4B, and 6-10 shall proceed according to one or more detailed work plan(s) (Work Plan). The Work Plan provides for Project activities and tasks to be performed, deliverables, construction criteria, maps, and proposals to protect the Project properties in perpetuity.
- 6.1.1 Within 60 days after the Effective Date, Performing Party shall submit the Work Plan(s) to Trustees for approval. If Trustees provide any comments or requests to the Work Plan, Performing Party shall address Trustees' comments and resubmit the Work Plan for Trustees' approval. Performing Party shall use best efforts to address Trustees' comments, concerns, and requests for revisions in a timely manner. Performing Party may organize the Work Plan for the Projects individually or in combination with other Projects; however, Performing Party shall clearly identify the Projects in the Work Plan. Performing Party shall develop the Work Plan in accordance with the Restoration Plan and this Agreement.
- 6.1.2 Performing Party shall adhere to the Work Plan and monitor the Project sites to determine compliance with the Work Plan and construction criteria and shall implement any corrective measures as instructed by Trustees.
- 6.1.3 The Parties acknowledge that the Work Plan may be amended by mutual written agreement as appropriate to accomplish the purpose of this Agreement.
- 6.1.4 Performing Party shall notify Trustees and receive written approval to any material change from an approved Work Plan prior to taking further action on a Project.
- 6.2 **Projects 1-3A, 4B, and 6-10.** For projects that involve the construction, restoration, naturalization, enhancement, or stabilization of habitat, or any other ground-moving activity, including Projects 1-3A, 4B, and 6-10, Project major tasks shall consist of following Phases:
- 6.2.1 **Phase I** consists of collecting data, developing the 30% design, and preparing any necessary permit applications.
- 6.2.1.1 Collect data at Project site and compile results.
- 6.2.1.2 For project planning and development in Projects 6, 8, and 10, Performing Party shall assess the Project sites and conduct hydrological studies for each Project site.
- 6.2.1.3 Develop the 30% design and submit to Trustees for review and approval. Trustees must approve the 30% design before submission of the Phase I Completion Report.
- 6.2.1.4 Initiate permit applications required for construction.

- 6.2.1.5 Trustees must approve in writing the Phase I Completion Report prior to initiation of Phase II.
- 6.2.2 **Phase II** consists of acquiring any necessary permits and developing the 80% design, an opinion of probable costs, and the monitoring plan.
 - 6.2.2.1 Develop an opinion of probable costs.
 - 6.2.2.2 Finalize and submit permit application to appropriate permitting authority.
 - 6.2.2.3 Develop the 80% design and submit to Trustees for review and approval.
 - 6.2.2.4 Develop monitoring plan pursuant to the approved Work Plan and submit to Trustees for review and approval.
 - 6.2.2.5 Trustees must approve the 80% design and monitoring plan before submission of the Phase II Completion Report.
 - 6.2.2.6 Trustees must approve in writing the Phase II Completion Report prior to initiation of Phase III.
- 6.2.3 **Phase III** consists of Project construction.
 - 6.2.3.1 Develop an opinion of probable costs.
 - 6.2.3.2 Develop the 100% design and submit to Trustees for review and approval. Trustees must approve in writing the 100% design prior to the commencement of construction.
 - 6.2.3.3 Construct Project.
 - 6.2.3.4 Trustees must approve in writing the final construction before submission of the Phase III Construction Completion Report.
- 6.2.4 Upon Trustees' approval of the Phase III Construction Completion Report, Performing Parties shall initiate monitoring of the Project pursuant to the approved monitoring plan.
- 6.2.5 Performing Party shall submit Completion Reports pursuant to Section 13.3.2 that provides written notification of the completion of each Phase along with supporting documentation.
- 6.3 **Projects 3B, 4A, and 5.** For projects that involve the preservation of habitat for long-term conservation (Conservation Property), including Projects 3B, 4A, and 5, Performing Party shall file conservation easements approved by the Trustees. Project major tasks shall consist of the following Phases:
 - 6.3.1. **Phase I** consists of identifying a qualified conservation easement holder and conducting due diligence on the Conservation Property to determine that the Conservation Property is not contaminated and the Conservation Property boundaries are certain and clear.
 - 6.3.1.1 Within 30 days after the Effective Date, Performing Party shall submit the identified conservation easement holder to the Trustees for review and approval.

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6.3.1.2 Within 120 days after the Effective Date, Performing Party shall submit the due diligence documents to the Trustees for review and approval and obtain any required permit authorizations. Due diligence includes environmental assessment(s), appraisal(s) by a state-certified general appraiser, title searches, and property land survey(s) that meets the requirements of a Category 1A, Land Title Survey, as defined in the Manual of Practice for Land Surveying in Texas, published by the Texas Society of Professional Surveyors.

Performing Party shall also compile and submit the following documentation: final title ~~commitment~~documents to include all known encumbrances on the Conservation Property and resolution of any objections to title; a description of the Conservation Property; the Conservation Property deed; and any documents compiled to conduct due diligence.

6.3.1.3 Trustees must approve the conservation easement holder, due diligence documents, and the Conservation Property prior to submission of the Phase I Completion Report.

6.3.1.4 Trustees must approve in writing the Phase I Completion Report prior to initiation of Phase II.

6.3.2. **Phase II** consists of approval and recordation of the conservation easement.

6.3.2.1 Within 60 days after the date of Trustees' approval of the Phase I Completion Report, Performing Party shall submit a draft conservation easement to Trustees for approval.

6.3.2.2 Performing Party shall execute and record a conservation easement within 30 days after the date of Trustees' approval of the draft conservation easement.

6.3.2.3 The purpose of the conservation easement is to retain and protect the natural values of the acquired property, protect natural resources, and maintain and enhance water quality. The Parties agree that the conservation easement shall be in a form substantially similar to the conservation easement attached hereto as Exhibit C, unless otherwise modified by agreement of Performing Party and Trustees. Trustees shall have access to the Conservation Property and third-party rights of enforcement of the conservation easement to prevent any activity on or use of the Conservation Property that is inconsistent with the conservation easement.

6.3.3 Upon written request and justification by Performing Party, Trustees may grant flexibility in meeting the deadline to identify a conservation easement holder or submitting or recording the conservation easement. Any request to extend the deadline shall include information in a format prescribed by Trustees.

6.3.4 Performing Party shall submit Completion Reports pursuant to Section 13.3.3 that provides written notification of the completion of each Phase

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along with supporting documentation. The Phase II Completion Report shall serve as a Project's Final Report.

- 6.3.5 If Performing Party is unable to secure a conservation easement holder for a Conservation Property after a good-faith effort, Performing Party may request Trustee approval to file a deed restriction approved by Trustees in lieu of a conservation easement. Trustees have sole discretion in determining approval of a deed restriction in lieu of a conservation easement. If Trustees approve deed restrictions in lieu of a conservation easement, Performing Party will annually inspect the Conservation Property for violations of the deed restrictions and take corrective action to address the violation(s).

- 6.4 Performing Party agrees to allow Trustees reasonable access to areas that may be affected by the Projects and other areas as needed to monitor the Project to the extent Performing Party has the authority to allow access.

7. AGREEMENT PERIOD

- 7.1 **Agreement Period.** The Agreement begins on the Effective Date and ends on the Expiration Date. The Effective Date of the Agreement is the date of last signature. The Expiration Date for this Agreement is the date Trustees provide written Certification of Completion of all Projects, unless extended or modified by written agreements of the Parties or terminated pursuant to this Agreement.
- 7.2 **Amendments.** This Agreement is not subject to competitive selection requirements and may be amended by mutual agreement. Except as specifically allowed by the Agreement, all changes to the Agreement require a written amendment and agreement by both Parties.
- 7.3 **Extensions.** Trustees and Performing Party may extend the Expiration Date by written amendment. Unless otherwise indicated in the amendment to the Agreement, an extension must not extend any other deadlines or due dates other than the expiration of the Agreement Period.

8. FUNDS

- 8.1 **Availability of Funds.** This Agreement and all claims, suits or obligations arising under or related to this Agreement are subject to the receipt and availability of funds. *Performing Party will ensure that this article is included in any subcontract it awards.*
- 8.2 **Work Contingent on Receipt of Funds.** The Parties agree that if Trustees fail or refuse to provide funding, either Trustees or Performing Party may terminate this Agreement; provided, however, that in such event, Performing Party shall continue to be obligated for Trustees approval of a final financial accounting of all Project monies received by Performing Party. If the release of funds by Trustees is delayed, the Parties agree that timelines and work schedules may be adjusted as necessary.
- 8.3 **Authorized Disbursement.** Unless otherwise modified in writing by Trustees, the total amount of funds provided by the Trustees for the Agreement is \$9,800,000.

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- 8.3.1 Performing Party may request funds beyond the Authorized Disbursement of \$9,800,000. Any requests for additional payment disbursements shall be in writing to the TPO and include references to a Project and Budget categories and shall include:
- 8.3.1.1 A brief description, cost, and purpose of the work or services to be performed, the date the work or services is expected to commence, and the date the work or services is expected to be completed;
 - 8.3.1.2 A listing, description, cost, and purpose of materials, products, or supplies necessary for the Project; and
 - 8.3.1.3 Copies of any invoices, bills, or receipts for work, services, or purchases in excess of \$10,000.
- 8.3.2 If requested by Trustees, Performing Party shall provide additional written information, documentation, or explanation concerning a request for additional payment disbursement. This additional written information, documentation, or explanation, along with the associated request for payment disbursement, shall constitute an amended request.
- 8.3.3 Within 30 days of Trustees receiving from Performing Party a request for additional payment, or an amended request, Trustees will authorize or deny the transfer of funds at Trustees' sole discretion. If Trustees fail to act within the 30-day period, then Trustees shall be deemed to have denied the request.
- 8.4 **Overpayment.** Performing Party agrees to return, refund, or repay to Trustees any sum which Trustees determine represents an overpayment to Performing Party or represents funds not used in strict accordance with the terms of this Agreement. Within 30 days of receiving Trustees' written request to return of an identified sum, Performing Party shall return, refund, or repay the identified sum if the matter has not been resolved to the Trustees' satisfaction.
- 8.5 **Duplicate Funds.** Performing Party agrees that it will not receive duplicate funds from another source for any of the items included in the Budget.
- 8.6 **Equipment.** Performing Party shall not expend any funds received pursuant to this Agreement to purchase equipment. All equipment purchases necessary for performance of this Agreement must be purchased by Performing Party, using Performing Party's funds. Equipment may be leased or rented as an approved budget item.
- 8.7 **No Debt against the State.** This Agreement is not to be construed as creating any financial obligation or debt against the Trustees or the State of Texas.

9. ALLOWABLE COSTS

- 9.1 **Conforming Activities.** Disbursements to the Performing Party will only be used for necessary and reasonable Allowable Costs that are incurred and paid by the Performing Party in performance of the Projects as authorized by this Agreement in the Budget.
- 9.2 **Uniform Grant Management Standards.** Allowable Costs are restricted to costs that comply with the Texas Uniform Grant Management Standards (UGMS) and applicable state and federal rules and law. The Parties agree that all the

requirements of the UGMS apply to this Agreement, including the criteria for Allowable Costs.

10. BUDGET AND DISBURSEMENT

- 10.1 **Budget.** The Performing Party shall implement the Projects in accordance with the Budget (Exhibit B) and other provisions of this Agreement.
 - 10.1.1 **Indirect Cost Reimbursable Amount.** Indirect Costs may not exceed \$150,000 through the life of the Agreement.
 - 10.1.2 **Cumulative transfers equal to or less than 10% of the initial amount of the affected budget categories.** Performing Party may transfer amounts between the approved budget categories within a single Project, except for Indirect Costs, so long as cumulative transfers from budget categories during the Agreement Period do not exceed 10% of the initial amount of the affected budget categories without prior Trustee approval. Performing Party must timely submit a budget revision reflecting the revised budget.
 - 10.1.3 **Transfers between Projects or cumulative transfers greater than 10% of the initial amount of the affected budget categories within a Project.** The Trustees must pre-approve in writing all budget revisions that result in the transfers between Projects or cumulative transfer from budget categories within a single Project of funds greater than 10% of the initial amount of the affected budget categories during the Agreement Period. Performing Party must submit a budget revision reflecting the revised budget with the request to transfer.
- 10.2 **Disbursement.**
 - 10.2.1 **For Projects 1-3A, 4B, and 6-10:**
 - 10.2.1.1 **Initial Disbursement for Work Plan(s).** Within ten days after the Effective Date, Trustees shall authorize the initial disbursement listed in Table 2, below, for Projects 1-3A, 4B, and 6-10. The initial disbursement is for use by the Performing Party to develop Work Plan(s) for the Projects.
 - 10.2.1.2 **Subsequent Disbursement for Phases I and II.** Within ten days after Trustee approval of a Work Plan, Trustees shall authorize the transfer of the subsequent disbursement for Phases I and II listed in Table 2, below, for an applicable Project. The subsequent disbursement is for use by the Performing Party to implement Phases I and II. Performing Party shall not initiate Phase II until after the issuance of Trustees' approval of the Phase I Completion Report.
 - 10.2.1.3 **Subsequent Disbursement for Phase III.** Within 30 days after the date of Trustees' approval of the Phase II Completion Report, Trustees will authorize the transfer of the subsequent disbursement for Phase III listed in Table 2, below, for an applicable Project. Trustees will not authorize any subsequent disbursements for any Projects with a shared budget until all the Work Plans for all Projects with a shared budget are approved. The

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subsequent disbursement is for use by Performing Party to implement Phase III.

10.2.1.4 **Trustee Approvals Required.** Trustees have sole discretion in determining whether to continue with projects under Section 6.2. Approval of Phases I, II, and III will be contingent upon an evaluation of the Completion Report, as well as assessments from Trustee Project site visits, if any, and consistency with the Restoration Plan.

10.2.1.5 **Final Disbursement.** Following Trustees' approval of a Project's Phase III Construction Completion Report, Trustees will authorize the transfer of the final disbursement amount listed in Table 2 for an applicable Project for monitoring. The Trustees may disburse less than the amount listed in the Table 2 if the Trustees determine that this amount exceeds Performing Party's financial expenditures.

10.2.2 **For Projects 3B, 4A, and 5:**

10.2.2.1 **Initial Disbursement.** Within ten days after the ~~date of Trustees' approval of the Phase I Completion Report~~Effective Date, Trustees shall authorize the ~~transfer initial disbursement listed in Table 2, below, for Projects 3B, 4A, and 5. The initial disbursement is of \$-- to Performing Party. Such funds are~~ for use by Performing Party to record a conservation easement for the Conservation Properties.

10.2.2.2 The initial disbursement of \$-- to the Performing Party is conditioned upon obtaining a recorded conservation easement, as described in Section 6.3. If Performing Party fails to execute and properly record ~~a~~ conservation easements, Trustees retain the option to request a refund of the disbursed amount.

10.2.2.3 **Final Disbursement.** Following Trustees' approval of the Final Report and Trustees' Certification of Project Completion and provided that all applicable terms of this Agreement have been met, Trustees will authorize the transfer of the final disbursement amount listed in Table 2 for an applicable Project for conservation only activities associated with 3B, 4A, and 5 amount listed in Table 2 for an applicable Project. The Trustees may disburse less than the amount listed in Table 2 if the Trustees determine that this amount exceeds Performing Party's financial expenditures. If Performing Party does not provide Trustees with the Final Report pursuant to Section 13.3.3.2, Performing Party shall forfeit up to \$--. \$27,500.

Commented [A14]: City - We need the costs for preservation projects. Please update the table. The disbursement total is for \$9.8 million, the current Table 2. Since the preservation projects are not a for please also note that the Trustees will need to decrease the disbursement for the construction accordingly after these costs are provided. If applicable please provide the value of any in-kind contribution City.

Commented [A15R14]: City Response: Recommending reducing Project 5 cost of \$20,000 to \$15,000, then moving \$2,500 to 3B and \$2,500 to 4A, therefore reduction in the total of \$9,800,000.

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Table 2: Funding Disbursements

	Initial Disbursement for Work Plan	Subsequent Disbursement for Phases I and II	Subsequent Disbursement for Phase III	Final Disbursement	Project Total
Project 1	\$5,475,975	\$4953,275,775	\$1,187,750	\$5752,500	\$1,300,000
Project 2	\$4,6955,825	\$53,05552,425	\$401,250	\$88,50086,000	\$547545,500
Project 3A	\$23,075925	\$2627,325675	\$1,263,250	\$57,50047,500	\$1,350,000341,500
Project 3B	\$5,500			\$5,000	\$210,500
Project 4A	\$7,500			\$7,500	\$2,50015,000-
Project 4B	\$650400	\$5,8503,600	\$3,500	\$20,0007,500	\$3015,000
Project 5	\$5,000			\$15,000	\$1520,000
Project 6	\$3,94,475	\$3540,775275	\$367,750	\$4742,500	\$455,000
Project 7	\$5,275775	\$4751,475975	\$3,239,750	\$5752,500	\$3,350,000
Project 8	\$45,22975	\$4447,775025	\$1,592,750	\$5552,000500	\$1,697,500
Project 9	\$4,275775	\$3842,475975	\$549,750	\$5752,500	\$650,000
Project 10	\$4,475	\$40,275	\$297,750	\$57,500	\$400,000
Total	\$3658,720000	\$341,280360,000	\$8,903,500	\$518,500478,500	\$9,800,000

- 10.3 **Travel.** Travel costs will be in the amount of actual costs, up to the maximum allowed by law for employees of the State of Texas at the time the cost is incurred.
- 10.4 **Supporting Records.** Performing Party shall submit records and documentation to TPO as appropriate for Trustee review and approval of financial expenditures pursuant to Section 13.3. The Trustees may reject financial expenditures or invoices without appropriate supporting documentation. The TPO has the right to request additional documentation such as expenses for the invoice period, year-to-date expenses, projected totals for the year (or applicable contract period), percentage of budget spent to date, and percentage of budget projected to be spent. Performing Party shall maintain records subject to the terms of this Agreement.
- 10.5. **Indirect Costs.** Performing Party's indirect costs shall not exceed the reimbursable amount indicated above and as set forth in the Budget. The reimbursable amount must be less than or equal to the rate authorized under UGMS. To the extent that the reimbursable amount is lower than Performing Party's actual indirect costs, Performing Party is contributing its unreimbursed indirect costs to the successful performance of this Agreement and waives any right it may have to reimbursement of those costs. Performing Party must fund all unreimbursed indirect costs from other sources.

Commented [A16]: City - Please provide the estimated cost of the conservation easement, including legal

Commented [A17R16]: City Response: see if this on these three projects, moving between project 5 and 4A.

Commented [PT18R16]: As requested above, please provide a breakdown of these costs for the preserve projects.

Commented [TD19R16]: Costs set aside for preserve projects detailed in Ex B the cost spreadsheet and summarized below:

3B preserve 2.5 ac were included with 2 (A&B) since project sites overlap or are adjacent to each other. The surveys for 2 & 3 \$16,000. We can separate out \$4,000 from this \$16,000 for site survey of 3B; and separate out another \$1,000 for due diligence survey on 3B. That leaves \$11,000 for just 3 (A&B) on reporting. We can separate out \$1,000 for reporting on 3B. There is \$5,000 within city admin for project 3 (A&B) to use for conservation activities, so allocate \$2,500 to 3B. That leaves \$3,500 for project 3 for city admin activities. Can divide the \$15,000 between 3A restoring 3,000 and creating 6 ac wetlands and 3B preserving 2.5 ac adjacent forest allocating \$5,000 from the \$15,000. That's a total of \$10,500 for 3B.

4A preserve 32 ac were included 4B originally, 4B to enhance the same 32 ac being preserved in 4A, therefore within 4B site survey is \$2,500 plus due diligence is \$2,500, reporting \$1,500, placing conservation easement on 4 A&B (same site) is \$5,000 plus another \$15,000 allocated to city admin funds for conservation related activities. That totals \$26,500. There is separate additional \$3,500 to cover enhancement activities on 4B. Therefore, \$30,000 was allocated to project 4 A & B. therefore, that's \$15,000 for 4A and \$15,000 for 4B.

5 preserve 100 ac There is \$5,000 for due diligence survey and an additional \$15,000 for city admin activities with just project 5. That's a total of \$20,000 for activities on just project 5.

3B conservation activities \$10,500 for 2.5 ac (reallocated moving \$8,000 from 3A in Ex B cost spreadsheet) 4A conservation activities \$15,000 (half of the \$30,000 noted above) for 32 ac 5 conservation activities \$20,000 for 100 ac (we previously moved \$5,000 from this figure in Ex B to allocate/show \$2,500 to 3B and \$2,500 to 4A in the Table below, currently Ex B shows this original \$20,000). The size of the site is not really a factor since the conservation activities basically the same regardless of site size.

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- 10.6 **Conditional Disbursements.** Disbursements are conditioned on the Projects being performed in compliance with the Agreement. Performing Party shall return payment to Trustees for either overpayment or activities undertaken that are not included in an approved Work Plan. This does not limit or waive any other remedy of the Trustees.
- 10.7 **No Interest for Delayed Disbursement.** Because the Performing Party is not a vendor of goods and services within the meaning of Texas Government Code Chapter 2251, no interest is applicable in the case of late disbursement.
- 10.8 **Release of Claims.** As a condition to final disbursement or settlement, or both, the Performing Party shall execute and deliver to the Trustees a conditional waiver and release of all claims (Exhibit E) against the Trustees for payment under this Agreement with the [submission of the](#) final Project's Final Report.

11. FINANCIAL MANAGEMENT

- 11.1 Performing Party shall have a financial management or accounting system which accounts for costs in accordance with generally accepted accounting standards and principles. Performing Party shall allow Trustees review of the adequacy of the financial management system. The system shall:
 - 11.1.1 Provide for the identification and segregation of project costs between the budget categories;
 - 11.1.2 Maintain records which adequately identify the source and application of funds provided under this Agreement. Such records must contain information pertaining to awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income;
 - 11.1.3 Provide internal control by maintaining effective control and accountability for all cash, real and personal property and other assets paid for under this Agreement. All such property acquired with project funds must be adequately safeguarded and used solely for authorized purposes;
 - 11.1.4 Provide budget control by comparing outlays and expenditures with budgeted amounts for the money provided by Trustees. Financial information must be related to performance or productivity data;
 - 11.1.5 Support accounting records with source documentation, including cancelled checks, paid invoices, payrolls, time and attendance records, and subcontract documents;
 - 11.1.6 Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of this Agreement or applicable statutes;
 - 11.1.7 Follow the UGMS in determining the reasonableness, allowability, and allocability of costs notwithstanding the source of funding for this Agreement; and
 - 11.1.8 Permit preparation of reports required by this Agreement.

12. PERFORMING PARTY

- 12.1 **Performing Party's Responsibility for the Projects.** Performing Party undertakes performance of the Projects as its own project and does not act in any capacity on behalf of the Trustees nor as a Trustees' agent or employee. Performing Party agrees that the Projects are furnished and performed at Performing Party's sole risk as to the means, methods, design, processes, procedures and performance.
- 12.2 **Independent Contractor.** The Parties agree that the Performing Party is an independent contractor. Nothing in this Agreement shall create an employee-employer relationship between Performing Party and Trustees. Nothing in this Agreement shall create a joint venture between Trustees and the Performing Party.
- 12.3 **Performing Party's Responsibilities for Subcontractors.** Performing Party shall be responsible for all acts and omissions of all subcontractors performing or furnishing any portion of a project under a direct or indirect contract with the Performing Party to the extent provided under applicable laws and regulations. All work performed for Performing Party by a subcontractor must be pursuant to an appropriate written contract between Performing Party and the subcontractor and it must be consistent with the terms of this Agreement.
- 12.4 **No Third-Party Beneficiary.** Trustees do not assume any duty to exercise any of its rights and powers under the Agreement for the benefit of third parties. Nothing in this Agreement shall create a contractual relationship between Trustees and any of the Performing Party's subcontractors, suppliers or other persons or organizations with a contractual relationship with the Performing Party.

13. TIMING AND REPORTS

- 13.1 **Time is of the Essence.** Performing Party's timely performance is a material term of this Agreement.
- 13.2 **Delays.** Where Performing Party's performance is delayed, except by Force Majeure or act of the Trustees, Trustees may withhold or suspend disbursements, terminate the Agreement for cause, or enforce any of its other rights.
- 13.3 **Reports**
- 13.3.1 **Quarterly Report for Projects 1-3A, 4B, and 6-10.** Quarterly reports are due on the following dates for each quarterly reporting period:
- April 30 for January through March
 - July 31 for April through June
 - October 31 for July through September
 - January 31 for October through December

Performing Party shall submit a report that details an individual Project's progress during implementation, estimated expenditures to date, any issues encountered, and any other information that may be of interest to the Trustees. The initial quarterly reporting period shall begin the first full quarter following the Effective Date. No quarterly report is required

for a Project if a Completion Report is submitted during that quarterly reporting period.

13.3.2 Completion Report for Projects 1-3A, 4B, and 6-10. Within 30 days after the completion of each Project Phase (Phase I, Phase II, and Phase III), Performing Party shall submit, for Trustees review and approval, a Completion Report with information or documents described in Section 6.2 for a Project. The Completion Report summarizes work conducted and provides any accompanying supporting documentation to demonstrate Phase completion, including at a minimum:

13.3.2.1 Phase I Completion Report: the 30% design plans, results of data collection, permit applications, and any other records or information the Trustees deem necessary to document Phase completion. Trustees must approve the 30% design plans before submission of the Phase I Completion Report.

13.3.2.2 Phase II Completion Report: the 80% design plans, an opinion of probable costs, monitoring plan, acquired permits, and any other records or information the Trustees deem necessary to document Phase completion. Trustees must approve the 80% design plans and monitoring plan before submission of the Phase II Completion Report.

13.3.2.3 Phase III Construction Completion Report: the 100% design plans, an opinion of probable costs, photos of the Project during and after construction, and any other documentation or information the Trustees deem necessary to document Phase completion. Trustees must approve the 100% design plans before Performing Party may initiate construction. Trustees must approve the final construction before submission of the Phase III Construction Completion Report. Trustees will utilize the construction criteria in the approved Work Plans to determine construction completion. Additionally, Performing Party shall complete corrective action measures if the Trustees determine in their discretion that the construction was not completed to approved specifications or the monitoring and maintenance plan is inadequate.

13.3.3 Completion Report for Projects 3B, 4A, and 5. Within 30 days after the completion of each Project Phase (Phase I and Phase II), Performing Party shall submit, for Trustees review and approval, a Completion Report with information or documents described in Section 6.3 for a Project. The Completion Report summarizes work conducted and provides any accompanying supporting documentation to demonstrate Phase completion, including at a minimum:

13.3.3.1 Phase I Completion Report: a letter of intent from the approved conservation easement holder and the documents described in Section 6.3.1.2.

13.3.3.2 Phase II Completion Report and Final Report: a list of all financial expenditures and supporting documentation

demonstrating recordation of the conservation easement, including a copy of the recorded conservation easement in the real property records of Bowie County, Texas. The Phase II Completion Report shall serve as the Final Report for Projects 3B, 4A, and 5.

- 13.3.4 **Monitoring Report for Projects 1-3A, 4B, and 6-10.** Within one year from the date of Trustees' approval of the Phase III Construction Completion Report for a Project, Performing Party shall submit the first Monitoring Report. The Monitoring Report documents the results of ongoing monitoring activities and success of a Project. Performing Party shall submit annual Monitoring Reports for the time period determined in the Work Plan. Each succeeding Monitoring Report shall be due annually on the anniversary of the submission of the first Monitoring Report.
- 13.3.5 **Final Report for Projects 1-3A, 4B, and 6-10.** Within 90 days after the date of Trustees' approval of the final Monitoring Report for a Project, Performing Party shall submit a Final Report to Trustees for review and approval, which must include a description of the Project, narrative observations, unanticipated impacts and challenges, corrective actions undertaken, a list of all Project expenditures, photographs, and a summary of the monitoring results. Upon request from the Trustees, the Performing Party shall provide the Trustees with additional information and supporting documents to supplement the Final Report.
- 13.3.6 **Final Close-Out Summary Report for all Projects.** Within 60 days after the date of Trustees' approval of the Final Report for the final Project, Performing Party shall submit a Final Close-out Summary Report that provides a summary of all the Projects, including a description of the Project, narrative observations, unanticipated impacts and challenges, a summary of the monitoring results, corrective actions undertaken, photographs, and a list of all Project expenditures. Upon request from the Trustees, the Performing Party shall provide the Trustees with additional information and supporting documents to supplement the Final Close-Out Summary Report.
- 13.3.7 **Certification of Completion.** Upon Performing Party's completion of the reporting requirements for Completion Reports, the Final Reports, and Final Close-Out Summary Report pursuant to Sections 13.3.2, 13.3.3, 13.3.5, and 13.3.6, Trustees will provide Performing Party with a written Certification of Completion [for a Phase, Project, or all Projects](#). Trustees shall have discretion in determining completion of the Phase or Project and associated reporting requirements and will base certification on an evaluation of the Work Plan and Budget, financial expenditure documentation, data, information, reports, permits, authorizations, agency consultation letters, supporting documents, and assessments from Trustees' project site visits, if any.
- 13.3.8 Performing Party shall include a progressive summarized financial accounting section in all reports submitted under this Agreement.
- 13.3.9 Upon written request and justification by Performing Party, Trustees may grant flexibility in meeting the above reporting requirements. Any

request for a reporting variance shall include information in a format prescribed by Trustees.

- 13.3.10 **Trustee Review.** Unless specified in an approved Work Plan, Trustees will respond to any deliverable, documentation, or report that requires review and approval within 30 days of receipt of a submission-ready submittal. A submission-ready submittal must contain all the information needed by Trustees to approve or disapprove the submittal.
- 13.3.11 Performing Party agrees to respond to or provide follow-up documentation to any report submitted based on Trustees' requests. If Trustees provide any comments or requests to a report, Performing Party shall address Trustees' comments and resubmit the report for Trustees' approval. Performing Party shall use best efforts to address Trustees' comments, concerns, and requests for revisions in a timely manner. Additionally, within its sphere of influence and control, Performing Party shall use best efforts to ensure permits are applied for and issued in a timely manner.
- 13.3.12 Exhibit D, attached, provides a Summary Table of Timing for Projects with actions or deliverables. This table is not an exhaustive list of all actions or deliverables in the Agreement.

14. RECORDS AND AUDITS

- 14.1 **Audit of Funds.** The Performing Party understands that acceptance of funds under this Agreement acts as acceptance of the authority of the Trustees, the State Auditor's Office, and any successor agencies or representatives thereof to conduct an audit or investigation in connection with those funds. Performing Party further agrees to fully cooperate with these entities or their successors in the conduct of the audit or investigation, including providing all records requested at a location agreed upon by the Trustees.
- 14.2 **Records.** Performing Party shall establish and maintain all records related to implementation of the Projects in accordance with generally accepted business and accounting practices, consistently applied.
 - 14.2.1 Such records must include financial records, monitoring reports, performance information, financial data used in the preparation or support for any cost (direct or indirect) information or analysis, and cost information or analysis sent to Trustees.
 - 14.2.2 Financial records regarding this Agreement shall be retained for a period of three years after Trustee approval of the Final Report. However, if Performing Party is aware of any litigation, claim, negotiation, audit, cost recovery or other action, including actions concerning costs of items to which an audit exception has been taken, relating to the project that started before the expiration of the three-year record retention period, Performing Party shall maintain such records and be subject to such audit requirements until completion of the action or resolution of all issues which arise from any litigation, claim, negotiation, audit, cost recovery or other action, or until the end of the three-year record retention period, whichever is later. The entities designated above will have access to records at any reasonable

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time for as long as the records are maintained by Performing Party.
Performing Party agrees to transfer records in its custody to Trustees
upon their request.

14.3 **Access.** Performing Party shall allow access during business hours to its records by Trustees and other state agencies for the purpose of inspection and audit.

14.4 **Subcontracts.** *Performing Party shall ensure that this article concerning audit and records under this Agreement is included in any subcontract it awards.*

15. CONFLICT OF INTEREST

15.1 Performing Party shall have a policy governing disclosure of actual and potential conflicts of interests.

15.2 For work performed under this Agreement by Performing Party or any related entity or individual, Performing Party shall promptly disclose in writing to Trustees any actual, apparent, or potential conflicts of interest, including disclosure of:

15.2.1 Any consulting fees or other compensation paid to employees, officers, agents of Performing Party, or members of their immediate families, or paid by subcontractor or subgrantee; or

15.2.2 Any organizational conflicts of interest between Performing Party and its subcontractors or subgrantee under a subaward.

15.3 No entity or individual with any actual, apparent, or potential conflict of interest will take part in the performance of any portion of the Projects, nor have access to information regarding any portion of the Projects, without Trustee written consent. Performing Party agrees that Trustees have sole discretion to determine whether a conflict exists, and that a conflict of interest is grounds for termination of this Agreement.

16. QUALITY AND ACCEPTANCE

All work performed under this Agreement must be complete and satisfactory in the reasonable judgment of the Trustees. All materials and equipment must be handled in accordance with instructions of the applicable supplier, except as otherwise provided in the Agreement.

17. INTELLECTUAL PROPERTY

17.1 **Third Party Intellectual Property.** Unless specifically modified in an amendment or waived in a unilateral amendment, Performing Party must obtain all intellectual property licenses expressly required in the Projects, or incident to the use or possession of any deliverable under the Agreement. Performing Party shall obtain and furnish to Trustees: documentation on the use of such intellectual property, and a perpetual, irrevocable, enterprise-wide license to reproduce, publish, otherwise use, or modify such intellectual property and associated user documentation, and to authorize others to reproduce, publish, otherwise use, or modify such intellectual property for Trustees non-commercial purposes, and other purposes of the State of Texas.

17.2 **Grant of License.** Performing Party grants to Trustees a nonexclusive, perpetual, irrevocable, enterprise-wide license to reproduce, publish, modify or otherwise

use for any non-commercial Trustees purpose any preexisting intellectual property belonging to the Performing Party that is incorporated into any new works created as part of the Projects, intellectual property created under this Agreement, and associated user documentation.

- 17.3 **Rights in Data and other Materials.** Performing Party and Trustees expressly agree that any data collected as a result of this Agreement shall be jointly owned by the Parties. All Parties shall have complete and unlimited access to all such data. Further, any data or other material developed under this Agreement shall be subject to any applicable federal and state laws governing access to and availability of public records. The Parties may convey ownership rights in collected data to subcontractors and recipients of subawards, with the approval of all Parties. ***Performing Party will ensure that this article is included in any subcontract awards.*** Performing Party shall act to ensure that all subcontractors are advised of the rights in data and materials described herein and that subcontractors are prohibited from asserting any rights at common law or in equity or otherwise seeking to establish any claim to statutory copyright in any data, material, or information developed under this Agreement.

18. INSURANCE AND INDEMNIFICATION

- 18.1 **Insurance.** Unless prohibited by law, the Performing Party shall require its contractors to obtain and maintain during the Agreement Period adequate insurance coverage sufficient to protect the Performing Party and the Trustees from all claims and liability for injury to persons and for damage to property arising from the Agreement. Unless specifically waived by the Trustees, sufficient coverage shall include Workers Compensation and Employer's Liability Insurance, Commercial Automobile Liability Insurance, and Commercial General Liability Insurance.

- 18.2 **Indemnification.** TO THE EXTENT AUTHORIZED BY LAW, THE PERFORMING PARTY AGREES TO HOLD TRUSTEES AND THEIR ASSOCIATED AGENCIES HARMLESS TO THE FULL EXTENT PERMITTED UNDER STATE AND FEDERAL LAW FROM AND AGAINST ANY AND ALL CLAIMS DEMANDS AND CAUSES OF ACTION TO THE EXTENT ARISING FROM THE MISCONDUCT, NEGLIGENCE, OMISSIONS, OR RECKLESS ACTS OF PERFORMING PARTY OR ITS EMPLOYEES OR AGENTS IN CONNECTION WITH THE PERFORMANCE OR SERVICES OR WORK BY PERFORMING PARTY UNDER THIS AGREEMENT.

TO THE EXTENT AUTHORIZED BY LAW, THE PERFORMING PARTY SHALL REQUIRE ALL CONTRACTORS PERFORMING ACTIVITIES ON BEHALF OF PERFORMING PARTY UNDER THIS AGREEMENT TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE TRUSTEES AND PERFORMING PARTY AND THEIR OFFICERS, AND EMPLOYEES, FROM AND AGAINST ALL LOSSES, LIABILITIES, DAMAGES, AND OTHER CLAIMS OF ANY TYPE ARISING FROM THE PERFORMANCE OF ACTIVITIES BY THE CONTRACTOR OR ITS SUBCONTRACTORS, SUPPLIERS AND AGENTS, INCLUDING THOSE ARISING FROM DEFECT IN DESIGN, WORKMANSHIP, MATERIALS, OR FROM INFRINGEMENT OF ANY PATENT, TRADEMARK OR COPYRIGHT; OR FROM A BREACH OF APPLICABLE LAWS, REGULATIONS, SAFETY STANDARDS OR DIRECTIVES. THE DEFENSE OF TRUSTEES SHALL BE SUBJECT TO THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS TO

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REPRESENT TRUSTEES. THIS COVENANT SURVIVES THE TERMINATION OF THE AGREEMENT.

19. TERMINATION

- 19.1 **Termination for Cause.** Trustees may, upon providing a minimum of 10 days' written notice or up to 45 days' notice, where appropriate, and, including the opportunity to cure, to the Performing Party, terminate this Agreement for cause if Performing Party materially fails to comply with the Agreement including any one or more of the following acts or omissions: failure to complete itemized tasks, nonconforming work, or existence of a conflict of interest. Termination for cause does not prejudice Trustees' other remedies authorized by this Agreement or by law.

20. DISPUTES, CLAIMS AND REMEDIES

- 20.1 **Payment as a Release.** Neither payment by Trustees nor any other act or omission other than an explicit written release, in the form of a unilateral amendment, constitutes a release of Performing Party from liability under this Agreement.
- 20.2 **Schedule of Remedies available to the Trustees.** In accordance with Texas Government Code Chapter 2261, the following Schedule of Remedies applies to this Agreement. In the event of Performing Party's nonconformance, Trustees may do one or more of the following:
- 20.2.1 Issue notice of nonconforming performance;
 - 20.2.2 Reject nonconforming performance and request corrections without charge to the Trustees;
 - 20.2.3 Reject a financial expenditure or suspend further disbursements, or both, pending accepted revision of the nonconformity;
 - 20.2.4 Suspend all or part of the Agreement Activities or payments, or both, pending accepted revision of the nonconformity;
 - 20.2.5 Demand restitution and recover previous payments where performance is subsequently determined nonconforming;
 - 20.2.6 Terminate the Agreement without further obligation for pending or further payment by the Trustees and receive restitution of previous payments.
- 20.3 **Liquidated Damages.** Completion of the Projects is critical to the Trustees. Performing Party agrees to pay liquidated damages, the sum of \$500.00 per calendar day for the failure of submitting a Monitoring Report or a Final Report (including the Final Close-out Summary Report).
- 20.3.1 Unless an opportunity to cure is granted by Trustees, Charges for liquidated damages begin accumulating on the first calendar day following the due date for a Monitoring Report or a Final Report and continue until the report is submitted to the Trustees.
- 20.3.2 The Performing Party may request an opportunity to cure a submission failure; however, Trustees have sole discretion in granting the opportunity to cure. If Trustees grant an opportunity to cure, charges for

Commented [TD20]: City Response: Completion of projects is critical to the City as well.. There is already substantial retainage withheld in this project as per the final disbursement. Is there another way for the Performing Party and the Trustees to mutually accomplish the same?

Commented [PT21R20]: The Trustees need either liquidated damages or a sufficient retainage in the implementation agreement. If the current liquidated damages is unacceptable, we can revert back to the previous version of the agreement with a final distribution of the Final Report.

2020-032 ATTH 06

liquidated damages begin accumulating on the first calendar day following the expiration of the opportunity to cure deadline set by Trustees and continue until the report is submitted to the Trustees.

- 20.4 **Opportunity to Cure.** The Performing Party will have a reasonable opportunity to cure its nonconforming performance, if possible, under the circumstances.

20.4.1 The opportunity to cure in Section 20.3 Liquidated Damages is at the discretion of the Trustees.

- 20.5 **Cumulative Remedies.** Remedies are cumulative; the exercise of any remedy under this Agreement or applicable law does not preclude or limit the exercise of any other remedy available under this Agreement or applicable law.

21. IMMUNITY

The Parties agree that this Agreement does not waive any sovereign or governmental immunity to which either party is entitled by law.

22. SURVIVAL OF OBLIGATION

Except where a different period is specified in this Agreement or applicable law, all representations, indemnifications, and warranties made in, required by or given in accordance with the Agreement, as well as all continuing obligations indicated in the Agreement, survive for three years beyond the termination or completion of the Agreement, or until three years after the end of a related proceeding. A related proceeding includes any litigation, legal proceeding, permit application, or State Office of Administrative Hearings proceeding, which is brought in relation to the Agreement or which in Trustees' opinion is related to the subject matter of the Agreement. Either party shall notify the other of any related proceeding if notice of the proceeding has not been provided directly to that other party.

23. AGREEMENT INTERPRETATION

- 23.1 **Definitions.** The word "include" and all forms such as "including" means "including but not limited to" in the Agreement and in documents issued in accordance with the Agreement, such as Work Orders or Proposals for Grant Activities (PGAs).
- 23.2 **Headings.** The headings of the sections contained in this Agreement are for convenience only and do not control or affect the meaning or construction of any provision of this Agreement.
- 23.3 **Delivery of Notice.** Notices are deemed to be delivered three working days after postmarked if sent by U.S. Postal Service certified or registered mail, return receipt requested. Notices delivered by other means are deemed delivered upon receipt by the addressee. Routine communications may be made by first class mail, facsimile transmission, email, or other commercially accepted means.
- 23.4 **Interpretation of Time.** All days are calendar days unless stated otherwise. Days are counted to exclude the first and include the last day of a period. If the last day of the period is a Saturday or Sunday or a state or federal holiday, it is omitted from the computation.
- 23.5 **State, Federal Law.** This Agreement is governed by and interpreted under the laws of the State of Texas, as well as applicable federal law.

2020-032 ATTH 06

- 23.6 **Severability.** If any provision of this Agreement is found by any court, tribunal or administrative body of competent jurisdiction to be wholly or partly illegal, invalid, void or unenforceable, it shall be deemed severable (to the extent of such illegality, invalidity or unenforceability) and the remaining part of the provision and the rest of the provisions of this Agreement shall continue in full force and effect. If possible, the severed provision shall be deemed to have been replaced by a valid provision having as near an effect to that intended by the severed provision as will be legal and enforceable.
- 23.7 **Assignment.** No delegation of the obligations, rights, or interests in the Agreement, and no assignment of payments by Performing Party will be binding on Trustees without its written consent, except as restricted by law. No assignment will release or discharge the Performing Party from any duty or responsibility under the Agreement.
- 23.8 **Venue.** Performing Party agrees that the Agreement is being performed in Travis County, Texas, because this Agreement has been performed or administered, or both, in Travis County, Texas. The Performing Party agrees that any cause of action involving this Agreement arises solely in Travis County, Texas.
- 23.9 **Publication.** Performing Party agrees to notify Trustees five days prior to the publication or advertisement of information related to this Agreement. All reports, news releases, other publicity, and other materials prepared for publication pursuant to or as a result of this Agreement shall acknowledge the funding support from the Trustees as well as the support and participation of each Trustee in the implementation of a Project. Performing Party agrees not to use the Trustees' agency logos or the Trustees' agency graphic as an advertisement or endorsement without written permission signed by the appropriate Trustees authority. Public reports or other publications, news releases, and other publicity issued by Recipient shall be submitted to Trustees through the TPO for approval prior to release.
- 23.10 **Waiver.** With the exception of an express, written waiver in the form of a unilateral amendment signed by Trustees, no act or omission will constitute a waiver or release of Performing Party's obligation to perform conforming Agreement activities. No waiver on one occasion, whether expressed or implied, shall be construed as a waiver on any other occasion.
- 23.11 **Compliance with Laws.** Trustees rely on Performing Party to perform all Agreement Activities in conformity with all applicable laws, regulations, and rules and obtain all necessary permits and licenses.
- 23.12 **Counterparts.** This Agreement may be signed in any number of copies. Each copy when signed is deemed an original and each copy constitutes one and the same Agreement.

24. TRUSTEES' AND PERFORMING PARTY'S SIGNATURES

The undersigned each acknowledge that they have authority to sign this Agreement on behalf of the Party that they represent.

2020-032 ATTH 06

City of Texarkana, Performing Party

By: _____
Signature Date

Printed Name

Title

2020-032 ATTH 06

Texas Commission on Environmental Quality, Trustee

By: _____
NAME
TITLE

_____ Date

2020-032 ATTH 06

General Land Office, Trustee

By: _____ Date _____
Mark A. Havens
Chief Clerk/Deputy Land Commissioner

2020-032 ATTH 06

Texas Parks and Wildlife Department, Trustee

By: _____
NAME
TITLE

_____ Date

Exhibit A
Revised Proposal

2020-032 ATTH 06

Exhibit B

Budget

Attachment: 2020-032 ATTH 06 Texarkana Interlocal Agreement 4.22.20 (2241 : 2020-032 RES NRDA Funding Award)

2020-032 ATTH 06

Exhibit C
Conservation Easement

Attachment: 2020-032 ATTH 06 Texarkana Interlocal Agreement 4.22.20 (2241 : 2020-032 RES NRDA Funding Award)

2020-032 ATTH 06

Exhibit D
Summary Table of Timing for Projects

Attachment: 2020-032 ATTH 06 Texarkana Interlocal Agreement 4.22.20 (2241 : 2020-032 RES NRDA Funding Award)

2020-032 ATTH 06

Exhibit E
Conditional Final Waiver and Release of Claims

Attachment: 2020-032 ATTH 06 Texarkana Interlocal Agreement 4.22.20 (2241 : 2020-032 RES NRDA Funding Award)

2020-032 ATTH 06

Conditional Final Waiver and Release of Claims

Upon receipt and clearance of payment from the Trustees in the sum of \$ _____, which constitutes final payment to the City of Texarkana (hereinafter referred to as "Performing Party"), Performing Party and its successors and assigns, release, discharge and relinquish the Texas Commission on Environmental Quality, the Texas General Land Office, the Texas Parks and Wildlife Department, and the United States Fish and Wildlife Service, acting on behalf of the United States Department of the Interior (collectively, Trustees), (collectively Trustees), their officers, agents, and employees from all claims, known or unknown, arising out of or relating to the Agreement for the Enhancement and Restoration of Days Creek Watershed Project.

It is expressly agreed and understood that this conditional FINAL waiver and release of all claims is effective, without any further action of any party, only upon clearance of final payment to Performing Party in the above-mentioned amount. Performing Party warrants that it has completed all activities described in the Agreement.

Executed on this _____ day of _____, 20____.

By: _____
(signature)

(name)

(title)

Attachment: 2020-032 ATTH 06 Texarkana Interlocal Agreement 4.22.20 (2241 : 2020-032 RES NRDA Funding Award)

Summary of the Days Creek Watershed
Comprehensive Aquatic Ecosystem Restoration Project

Previously, the former Kerr-McGee Chemical Corporation Wood-Treating Facility created contamination at various sites in Bowie County. The Texas Natural Resources Council, consisting of the Texas Commission on Environmental Quality, the Texas General Land Office, and the Texas Parks and Wildlife Department and the U.S. Department of Interior (DOI) represented by U.S. Fish and Wildlife Service (FWS) (the “Trustees” recovered a \$21.3 million dollar settlement against Kerr-McGee for natural resource damages. The distribution and application of the funds is governed by the Trustees, and they are authorized to act on behalf of the public to protect and restore natural resources injured or lost as a result of releases of hazardous substances at or from the former Kerr-McGee Chemical Corporation wood-treating facility in Texarkana, Texas.

The City of Texarkana, Texas, along with their partners Texarkana College, Texas A&M – Texarkana, and Liberty-Eylau ISD, applied for a portion of these funds and was awarded \$9.8 million as part of the Texas Natural Resource Damages Assessment (“NRDA”). In order to utilize these funds, the City is required to enter into an Agreement setting forth the projects for which the monies are being used, how these monies will be used, and receive approval from the Trustees.

The funds recovered from the natural resource damage settlements are intended to restore, rehabilitate, replace, or acquire the equivalent of the natural resources injured as a result of the releases from the Kerr-McGee Facility. The Trustees determined that releases caused injury to three perennial streams at or downstream of the Kerr-McGee Facility. Those streams were Days Creek, Howard Creek, and Waggoner Creek. In addition, there was potential injury to habitats adjacent to Days and Howard Creeks.

Ten projects were identified and, working in stages with a qualified engineering company, the funds will be used to conserve approximately 200 acres of forested riparian habitat and restore and stabilize approximately 6 miles of urban creek channels in Texarkana, Texas. These projects consist of the following properties and/or areas of Texarkana, Texas:

Cowhorn Creek: Naturalization of creek channels along Cowhorn Creek near the Convention Center, near Texarkana Community College and also Berkey Park Road will be accomplished, eroding banks will be restored, plantings will be made using native plants, and hardwood habitats will be expanded.

Days Creek: Enhancement, plantings, and preservation of a total of approximately 132 acres of wet forested habitat along Days Creek will be performed.

Howard Creek: Restoration and enhancement of where Days Creek and Howard Creek meet, and construction of approximately 23 acres of wetlands adjacent to Days Creek and west of State Line Ave will be completed.

Swampoodle Creek: Approximately 2.85 acres of wetlands, naturalization of the stream channel through Ferguson Park, and naturalization and stabilization of the creek channel between Spring Lake Park and Days Creek will be constructed.

Waggoner Creek: Restoration of at least 4 acres of riparian habitat along Waggoner Creek east of Interstate 369, as well as restoration of approximately 25 acres of bottomland hardwood forest and shrub wetland habitat will be completed.

An additional requirement by the Trustees for this project is to place a Conservation Easement on three projects and have a non-profit act as overseer for the Conservation Easement. Friends of the Park has been approached and has agreed to submit this proposal to its Board to perform in this capacity. Deed restrictions will be placed upon the remaining projects to ensure preservation of the restoration and enhancements of the projects.

Long term monitoring and maintenance will be performed by Texas A&M - Texarkana, Texarkana College and local environmental organizations as the City's Partner Team. Texarkana Parks and Wildlife will also provide maintenance of the park and downtown locations at public access points. Completion of all projects and monitoring is anticipated to take between 4 - 5 years.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2020-032 Goals & Perspectives (2241 : 2020-032 RES NRDA Funding Award)

RESOLUTION NO. 2020-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH THE TEXAS NATURAL RESOURCE TRUSTEES FOR WATERSHED RESTORATION PROJECTS ALONG DAYS CREEK, COWHORN CREEK, WAGGONER CREEK, HOWARD CREEK, AND SWAMPOODLE CREEK; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Natural Resource Trustees, which include the Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas General Land Office, and U.S. Fish and Wildlife Service on behalf of the U.S. Department of the Interior, recovered approximately \$21.3 million from legal settlements for natural resource damages associated with the release of hazardous substances at or from the former Kerr-McGee Chemical Corporation wood-treating facility in Texarkana, Texas; and

WHEREAS, in March 2016, the Trustees solicited the public for project proposals in northeast and east Texas that would restore, rehabilitate, or conserve forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats; and

WHEREAS, Texarkana responded to the NRDA Trustees' request for restoration proposals with its comprehensive watershed approach and proposal, "Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration," consisting of 22 integrated environmental restoration project components along the creek systems leading through the City including Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek, and Swampoodle Creek; and

WHEREAS, The City of Texarkana, Texas, along with local project partners including Texarkana College, Texas A&M-Texarkana, and Liberty-Eylau ISD were recommended for a \$9.8 million award as a part of the Texas Natural Resource Damages Assessment (NRDA) process related to the former Kerr-McGee Chemical Corporation wood-treating facility located on Buchanan Road in Texarkana, Texas; and

WHEREAS, The Draft RP/EA, which was submitted for public review and comment closed November 25, 2018, presents the range of alternatives that the Trustees considered and identifies the preferred alternatives the Trustees thought will compensate for natural resources (including associated ecological services) injured by the release of hazardous substances at or from the former Kerr-McGee Chemical Corporation wood-treating facility located on Buchanan Road in Texarkana, Texas.

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

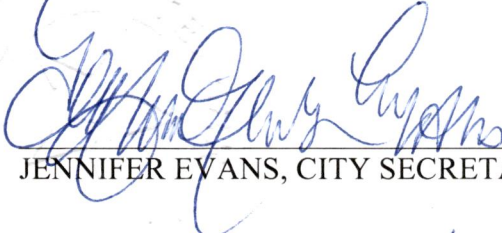
SECTION 1: That the Funding Agreement is hereby approved and adopted in its entirety.

SECTION 2: That the City Manager is authorized to execute the Funding Agreement.

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

PASSED AND APPROVED in Regular Council Session on this the **27th day of April, 2020.**

ATTEST:



JENNIFER EVANS, CITY SECRETARY



BOB BRUGGEMAN, MAYOR

6:40 p.m.

Attachment: 2020-032 RES auth CM to execute NRDA Fund Agrmt signed (2241 : 2020-032 RES NRDA Funding Award)

City of Texarkana, Texas

Briefing Sheet

Version: A

Update Date: 4/23/2020 10:28 AM

Lead Department: Planning and Community Development **Action Officer:** David Orr, Planning & Community Development Director

Subject: Resolution No. 2020-033 authorizing the City Manager to execute a consulting contract with Aqua Strategies for Watershed Restoration Projects along Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek and Swampoodle Creek.

Briefing: 4/27/2020 **Public Hearing:** **Council Vote:** 4/27/2020

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Texas Natural Resource Trustees, which include the Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas General Land Office, and U.S. Fish and Wildlife Service on behalf of the U.S. Department of the Interior, recovered approximately \$21.3 million from legal settlements for natural resource damages associated with releases of hazardous substances at or from the former Kerr-McGee Chemical Corporation wood-treating facility in Texarkana, Texas.

In March 2016, the Trustees solicited the public for project proposals in northeast and east Texas that would restore, rehabilitate, or conserve forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats.

Texarkana responded to the NRDA Trustees' request for restoration proposals with its comprehensive watershed approach and proposal, "Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration," consisting of 22 integrated environmental restoration project components along the creek systems leading through the City including Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek and Swampoodle Creek.

The City of Texarkana, Texas along with local project partners including Texarkana College, Texas A&M-Texarkana and Liberty-Eylau ISD were recommended for 10 projects along with a \$9.8 million award as a part of the Texas Natural Resource Damages Assessment (NRDA) process related to the former Kerr-McGee Chemical Corporation wood-treating facility located on Buchanan Road in Texarkana, Texas.

Aqua Strategies responded to RFQ #19-2001-08 for environmental design and engineering services for Texarkana's Natural Resource Damages Assessment (NRDA) projects.

City of Texarkana, Texas

Potential Options:

- Approve
- Deny

Fiscal Implications:

\$1,000,000 subject to NRDA funding

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2020-033 RES NRDA Consulting Contract (DOC)
- b. 2020-033 ATTH 01
Texarkana_Environmental_Design_Engineering_NRDA_SOQ_ASI_20190417
(PDF)
- c. 2020-033 ATTH 02 E-500-2014-Standard-Form-Agreement-between-Owner-and-Engineer-for-Profes..final draftclean (PDF)
- d. 2020-033 Goals & Perspectives (DOCX)
- e. 2020-033 RES auth CM to execute NRDA Consul Contr signed (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	03/13/2020 2:53 PM	
Finance Department Kristin Peeples	Finance Review	Completed 03/16/2020
11:01 AM		
Purchasing and Contracting	Jennifer Evans	Purchasing Review
Skipped	03/17/2020 3:59 PM	
City Manager Shirley Jaster	City Manager Review	Completed 04/16/2020
3:50 PM		
City Council Jennifer Evans	Meeting	Completed 04/27/2020
6:00 PM		

Meeting History

RESOLUTION NO. 2020-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING CONTRACT WITH AQUA STRATEGIES FOR WATERSHED RESTORATION PROJECTS ALONG DAYS CREEK, COWHORN CREEK, WAGGONER CREEK, HOWARD CREEK, AND SWAMPOODLE CREEK; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Natural Resource Trustees, which include the Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas General Land Office, and U.S. Fish and Wildlife Service on behalf of the U.S. Department of the Interior, recovered approximately \$21.3 million from legal settlements for natural resource damages associated with releases of hazardous substances at or from the former Kerr-McGee Chemical Corporation wood-treating facility in Texarkana, Texas; and

WHEREAS, in March 2016, the Trustees solicited the public for project proposals in northeast and east Texas that would restore, rehabilitate, or conserve forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats; and

WHEREAS, Texarkana responded to the NRDA Trustees' request for restoration proposals with its comprehensive watershed approach and proposal, "Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration," consisting of 22 integrated environmental restoration project components along the creek systems leading through the City including Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek, and Swampoodle Creek; and

WHEREAS, The City of Texarkana, Texas, along with local project partners including Texarkana College, Texas A&M-Texarkana, and Liberty-Eylau ISD were recommended for a \$9.8 million award as a part of the Texas Natural Resource Damages Assessment (NRDA) process related to the former Kerr-McGee Chemical Corporation wood-treating facility located on Buchanan Road in Texarkana, Texas; and

WHEREAS, Aqua Strategies responded to RFQ #19-2001-08 for environmental design and engineering services for Texarkana's Natural Resource Damages Assessment (NRDA) projects.

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

SECTION 1: That the City Manager is authorized to execute a consulting contract with Aqua Strategies.

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

PASSED AND APPROVED in Regular Council Session on this the 27th day of April, 2020.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2020-033 RES NRDA Consulting Contract (2242 : 2020-033 RES NRDA Funding Contract)

***Response to Request for Qualifications
RFQ # 19-2001-08***



**Environmental Design & Engineering
Services for Natural Resources Damage
Assessment Project**

15 April 2019

AquaStrategies

Water Planning, Science & Engineering

In Partnership with:



Titanium Environmental Services, LLC

April 15, 2019

Ms. Kimberly Russ, Interim Purchasing Manager
City of Texarkana, TX
Purchasing and Contracts Department
220 Texas Boulevard/ P.O. Box 1967
Texarkana, TX 75501/ Texarkana, TX 75504

RE: RFQ# 19-2001-08
Environmental Design & Engineering Services for NRDA Project:
Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration

Dear Ms. Russ and City of Texarkana:

The Aqua Strategies Inc. Team (ASI Team) – including MTG Engineers & Surveyors, Inc. and Titanium Environmental Services, LLC – has worked side-by-side since 2015 with the City of Texarkana to successfully attract a \$9.8 million NRDA grant to provide significant ecological, educational and economic benefits to the City's urban center and connected waterways. ASI Team members, including Georganna Collins, David Donohue, Dan Murphy, and myself have extensive knowledge and useful background on this NRDA project. We propose Georganna Collins as the Project Manager – with urban restoration experience, she will be in her element running this project.

The ASI Team also has a very good understanding of the NRDA process and requirements, including the project components; site conditions; permitting requirements; aquatic ecosystem restoration planning/construction/monitoring/reporting; and the public outreach and engagement requirements. In addition, the ASI Team understands the goal of the City of Texarkana, to provide multiple benefits to the City above and beyond the NRDA requirements. In short, the ASI Team's experience and knowledge of the \$9.8 million NRDA grant and its performance requirements provide assurances to the City and its local stakeholders that the ASI Team is the best consultant team to work with moving forward. As shown throughout our Statement of Qualifications, the ASI Team also provides these additional benefits to the City:

- Aqua Strategies Inc., the prime consultant, is based in Austin with convenient access to the TCEQ NRDA Trustees who will oversee the grant funds.
- MTG Engineering & Surveying and Titanium Environmental are local firms to the Texarkana area for responsiveness to on-site needs.

On behalf of the entire ASI Team – and as the proposed Project Principal on this project – I thank you for this opportunity to continue our work with the City of Texarkana, to achieve a highly successful project outcome for the local ecology and community.

Sincerely,



Barney Austin, PhD, PE
President and CEO of Aqua Strategies Inc.

1. Experience and Understanding of Texarkana's NRDA Project

Key personnel from the Aqua Strategies Inc. Team (ASI Team) – including Georganna Collins, Barney Austin, David Donohue and Dan Murphy – first approached the City of Texarkana (City) in 2015 to propose an unconventional effort to seek NRDA funding for projects both upstream and downstream of the former Kerr McGee site. The effort was unconventional because NRDA funding has overwhelmingly gone to land conservation organizations to purchase large parcels of land, not to city governments to address damages in the communities adjacent to sites. Surprisingly, the Texas NRDA Trustees have never funded a city government in which the damages actually occurred...until the City of Texarkana was funded.

Working closely with the City and local stakeholders (Texarkana College, Texas A&M – Texarkana Campus, Texarkana Chamber of Commerce, etc.), the ASI Team helped develop a set of project components to attract the NRDA funding to uplift the ecological and economic conditions within the City itself. The ASI Team spent multiple pro-bono hours throughout the multi-year and multi-step process to develop and refine project components along Days Creek watershed, including the following key milestones:

- October 2015: Presentation to City of Texarkana by Georganna Collins, Barney Austin and David Donohue regarding \$20 million NRDA funding opportunities available to the City.
- December 2015: Proposal to the Texas NRDA Trustees for \$20 million funding request for “Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration”, including conceptual designs/budgets for 22 coordinated project components within the City.
- May 2016: Response to questions from the Texas NRDA Trustees to justify and clarify the City of Texarkana’s \$20 million proposal.
- October 2018: Submission of public comments regarding the Texas NRDA Trustees draft proposal for funding of \$9.8 million to the City of Texarkana for 10 project components. This subsequently led to the finalization of \$9.8 million to the City in March 2019.

The final “Restoration Plan/Environmental Assessment for the Former Kerr McGee Facility” (March 2019) provides funding for 10 project components within the City of Texarkana, TX. In order to satisfy the terms of the NRDA funding, the City must demonstrate the restoration of 42,279 linear feet of stream channels and 25.85 acres of wetlands and preservation and enhancement of 170.5 acres of forested riparian habitats within the Days Creek ecosystem. The ASI Team has an intimate knowledge of these sites, concept plans, and other project component elements such as preliminary cost estimates, and has confidence that these important metrics can be met through a combination of land conservation measures (placing certain tracts under conservation easements) and restoration activities (planning, permitting, engineering/construction, monitoring/maintenance, and public outreach).

In addition to achieving the NRDA goals for the project, the ASI Team understands the economic and community benefits the City of Texarkana expects to achieve as a result of the NRDA project. For example, many of the project components will include educational opportunities to benefit the Liberty Independent School District, Texarkana College and Texas A&M-Texarkana Campus, local youth clubs, and the public. The ASI Team has worked with the City’s project partners over the past 3 years to ensure that these benefits are supportive of their goals and objectives.

The ASI Team (based in Austin, TX) includes local subcontractors MTG Engineering & Surveying and Titanium Environmental to ensure adequate capacity and responsiveness to the City, and provide seamless integration with city data collection, management and public outreach. This team will provide support so that grant funds are multiplied through the knowledge and leverage of other potential local Texarkana community opportunities.

2. Qualifications of the ASI Team

Aqua Strategies Inc. is an Austin-based, federal/state-certified small business with extraordinary capabilities in water resources engineering, water and other natural resource planning, permitting support, hydrology and hydrologic modeling, and ecosystem restoration (Texas Engineering Company Registration #15911). ASI staff has been providing project management on comparable, large scale, complex water resource related projects, master planning through

to site specific design development, with procedures in place to provide quality control on projects and quality assurance to our clients. Aqua Strategies will perform the role of prime consultant on this project with responsibility for the successful implementation of the City of Texarkana Project. Georganna Collins helped develop the city's NRDA proposal, working closely with city staff, and is experienced in project management to support the city with a successful outcome. As prime consultant, Aqua Strategies will be the primary point of contact for the City of Texarkana throughout the 5-year implementation of the project.

MTG Engineers & Surveyors, as a premier local Texarkana firm, has exceptional knowledge and experience in the greater Texarkana area. The firm has been involved in multiple high-profile local projects, including engineering and surveying services for Texas A&M-Texarkana Campus; Bringle Lake Park; Cowhorn Creek Road; Crossroads Business Park; Texarkana Convention Center; South Texarkana Water Loop; and North Texarkana Water Main. Staff include a Professional Land Surveyor, Registered Engineers, and Certified Floodplain Managers. Kayla Wood has excellent working relationships with city staff and stakeholders while staff have experience in related stormwater planning and permitting. MTG is also fully certified in Arkansas for business, engineering and surveying, should coordination be required with Arkansas (ADEQ and the USACE Vicksburg). Additionally, MTG has project experience and data associated with the site and adjacent properties from providing engineering and surveying services to the past site operator, KMCC. This information and staff familiarity will be important to the project.

Titanium Environmental Services, an East Texas-based environmental consulting company, has extensive experience with the environmental issues relevant to Texarkana. Staff members hold professional licenses, certifications and registrations including Professional Geoscientist, Professional Geologist, and Professional Engineer. The Natural Resources Group, managed by Dan Murphy, formerly with USACE, is experienced in performing environmental surveys and baseline studies that include characterization and analysis of terrestrial and aquatic habitat including streams, riparian areas, and wetlands. Additional staff members also have extensive experience in the applicable USACE Section 404/10 permitting, environmental surveys, monitoring and reporting. The ASI Team roles are summarized in the table below, and copies of firm licenses are provided in Attachment A.

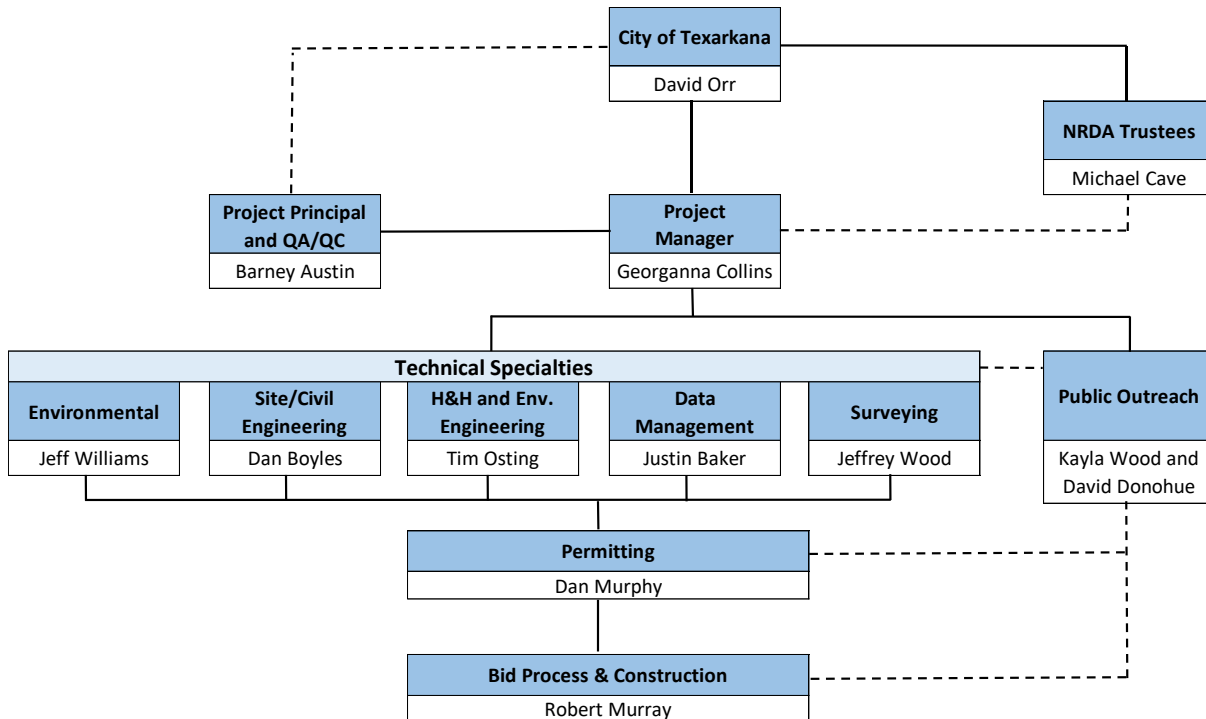
ASI Team Member Location	Project Role	Company Certifications
Aqua Strategies, Inc. 14101 Highway 290, West Austin, TX 78737 512-826-2604 www.AquaStrategies.com	Prime Consultant • Project Management • QA/QC • Master Planning • Engineering/H&H modeling • Ecological Restoration • Monitoring/Maintenance Oversight • Stakeholder Engagement	• Texas Engineering Company (#15911) • Texas Board of Professional Geoscientists (Firm #50598) • Small Business Enterprise
MTG Engineers & Surveyors P.O. Box 3786 Texarkana, TX 75501 903-838-8533 www.mtgengineers.com	Subcontractor Support • Licensed Professional Surveying Services • Civil Engineering Services • Construction Management Services • Public Outreach Support • Permitting Support	• Texas Engineering Company (#F-354) • Registered Professional Land Surveyor (#1017199) • Small Business Enterprise
Titanium Environmental Services 311 E. Cotton St. Longview, TX 75601 903-234-8443 www.titaniumenvironmental.com	Subcontractor Support • Environmental baseline/post-construction surveys • Monitoring support • Environmental permitting • Fieldwork/plant establishment support	• Texas Board of Professional Geoscientists (Firm #50085) • Small Business Enterprise

The ASI Team is aware of the City's timeframe of getting planning and permitting as well as conservation easements underway within the first six to eight months of the NRDA award and design development and construction phases

underway within the following two to three years, with post-construction monitoring to follow in years four and five. Reporting will span all five years. We understand, while this initial timeframe is flexible, the City would need to complete the restoration activities within five years. We further understand specific scope and schedule would be developed within a Work Plan in coordination with the City for NRDA Trustees' approval. To this end, upon being selected, the ASI Team will work closely with City staff, their project partners and our local subcontractors to quickly finalize a Work Plan and effectively perform all required work as proposed herein, provide the necessary coordination with City staff and its project partners and citizens, and be readily available to help the City meet its anticipated timeframe obligations to the NRDA Trustees. We understand the City's budgetary limits for the NRDA project and overall goals of City-wide and watershed focus, supporting the community revitalization and sustainability goals.

3. Key Personnel Qualifications & Experience

The Organizational Chart provided herein lays out the roles of key ASI Team staff members. Brief biographical sketches for each individual follow, and full resumes and copies of licenses/certifications are available upon request.



Georganna Collins, Project Manager	Aqua Strategies Inc. – Houston, TX
BLA & MLA Landscape Architecture, Texas A&M; BS Engineering, Texas A&M; Texas Registered Landscape Architect #786	
RELEVANT EXPERIENCE: Texarkana NRDA Funding: Since 2015, Ms. Collins, as a restoration specialist, has worked with the City to develop the initial concepts and refine multiple proposals to the Texas NRDA Trustees, resulting in a \$9.8 million award to Texarkana to address the past damages from the former Kerr McGee site within the Urban Stream Restoration Experience: Ms. Collins has designed/permited/constructed and managed stakeholder involvement programs for multiple high-profile, successful urban stream restoration projects in Texas, Georgia, Alabama, Mississippi, Illinois, including North Park Village Nature Center Wetland Complex for Chicago, and others. Corps of Engineers “Engineering with Nature Initiative”: Ms. Collins is an active member to help write the International Guidance Manual for Corps of Engineers initiative for the intentional integration of natural solutions with engineered solutions to both improve the resilience and lower the operating costs of future flood control projects along urban streams and coastlines. Texas Stream Restoration Projects: Ms. Collins has successfully completed projects in multiple cities within Texas, including: Luce Bayou Mitigation along Trinity River near Houston, erosion control along the Brazos River, stream re-alignment San Marcos, Ft. Bend County, Bay City, and Liberty County. Wetland Construction: Mission Aransas National Estuarine Reserve Wetland Research Center, Port Aransas.	

Barney Austin, Project Principal and QA/QC	Aqua Strategies Inc. – Austin, TX
EDUCATION: BS Agr. Engineering, PhD Civil Engineering, Fellow of Center for Public Policy Dispute Resolution, PE #100370	
RELEVANT EXPERIENCE:	
• <u>Team leader and Division Director</u>: Beginning in 1999, Dr. Austin was the Team Leader of the Instream Flow program at the TWDB, with studies focusing initially on the Guadalupe River; the Sulphur and Brazos Rivers thereafter. In 2002 he became surface water section leader and then in 2004 he was appointed to the position of Director of the Surface Water Resources Division, providing technical direction and oversight to 9 programs and 20 staff. • <u>Program Director</u>: Since 2014, Dr. Austin has directed water supply planning and environmental flow work for the Choctaw and Chickasaw Nations in Southeast Oklahoma. With an annual budget of about \$500,000 in consulting fees he has raised several million dollars in federal funds for various activities benefitting the region, including infrastructure upgrades, and water supply and availability studies. • <u>Technical oversight and QA/QC</u>: Since 2018, Dr. Austin has been the main technical advisor on the USAID-funded Iraq Governance Performance Accountability (IGPA) project in Iraq. With a budget of some US\$160M, water is one of the two main areas of focus. Water supply planning, infrastructure upgrades, training and capacity-buildings are the main areas of focus right now, with model development and procurement support being the next high-profile activities.	

Tim Osting, H&H and Environmental Engineering	Aqua Strategies Inc. – Austin, TX
EDUCATION: MS Env. and Water Resources Engineering, BSE Civil Engineering, PE #91931, D.WRE #564, CFM #3492-18N	
RELEVANT EXPERIENCE:	
• <u>Project Manager</u>: Site restoration analysis for constructed wetlands near Petronila Creek. Coastal Bend Bays and Estuary Program (CBBEP). SWAT modeling and water quality assessment for constructed wetlands nutrient removal • <u>Technical Consultant and Project Lead</u>: Trinity River Long Term Monitoring and 2014-2017 SB3 Flow Validation, Trinity River Authority of Texas. Since 2011 coordinate with TRA staff to design and develop long-term river monitoring including geomorphic, sediment, riparian, habitat, water quality and hydrology. Establish long-term repeat survey monitoring sites; HECRAS inundation modeling; dynamic water quality modeling; sediment capacity modeling; bank stability modeling (BSTEM); data collection and lab measurements (sediment coring and JET testing). • <u>Project Manager</u>: Geomorphic Stream Sediment Assessment and Water Quality Assessment for HB1437 Interbasin Transfer. K Frieze & Associates, Brazos River Authority. Field assessment, sediment capacity study, water quality model. • <u>Project Manager and Task Manager</u>: Lake Wichita Revitalization Project. Water Planning and Water Quality. - USACE 404/401 permit. Carollo, City of Wichita Falls. 404 permit pre-app meetings with the USACE Tulsa District; managed multi-entity permitting coordination for lake sediment removal and shoreline amenities; lake level analysis, grading and design of shallow lakeshore habitats for wetland compensation areas; 401 certification and 404 permit approved. • <u>Project Manager and Technical Consultant</u>: Caddo Lake Environmental Flows, Hydrology and Water quality; WPP TCEQ, NETMWD, Caddo Lake Institute. Led water quality and sediment discussions; watershed and lake nutrient modeling	

Justin Baker, Data Management and GIS	Aqua Strategies Inc. – Austin, TX
MS Environmental and Water Resources Engineering, MA Global Policy Studies, BS Chemistry, EIT #55146, CFM #3548-18N.	
RELEVANT EXPERIENCE:	
• <u>Program Delivery Management for Hurricane Harvey Recovery</u>: Mr. Baker provided technical assistance as a contractor for FEMA in field offices and headquarters in Austin. In this role he helped public and non-profit entities apply for federal funding. His duties included managing damage assessments, site inspections, and applicant data. • <u>Water Resources Engineer-in-Training</u>: Over the past four years Mr. Baker has been involved in a large number of relevant water resources projects, including bridge scour analyses, stream modeling, site hydrology and hydraulic fieldwork, riprap sizing, rock berms, and culvert sizing. In addition, Mr. Baker has typically been the lead on GIS for these projects, charged with data management, geo-referencing, quality assurance, and development of figures. • <u>Red River Model Data Manager</u>: Mr. Baker has been involved in a project to develop water availability data for a large-scale model of the entire Red River Basin. His role has been to assemble input datasets and to manage model output datasets. In a later phase he will produce detailed maps, including model results.	

Jeffrey Wood, Surveying	MTG Engineers & Surveyors – Texarkana, TX
BS Geography, Texas A&M / Texas Registered Professional Land Surveyor # 6220, Arkansas RPLS # 1763	
RELEVANT EXPERIENCE: • <u>Texarkana boundary and land surveys</u>: Between 2015-2018, worked on Tronox Kerr McGee site developing multiple topographic and hydrologic surveys, including along 5,000 liner feet of Days Creek and numerous soil boring locations along Days and Howards Creeks, including 34 boring sites and 4 monitoring well location • <u>Boundary and land survey</u> 12 years of experience: Including GPS Survey of 12 established Corps of Engineer Monuments and survey of ~45 monitor wells as the Former Lone Star Army Ammunition Plant site • <u>Wetland Survey</u>: Provided boundary survey of 140 acres for the Wetland Reserve Program in Bowie County, Texas. • Mr. Wood provides coordination and supervision of survey field crews and can provide expert witness testimony in land boundary dispute cases.	

Robert Murray, Bid Process & Construction	MTG Engineers & Surveyors – Texarkana, TX
BS Civil Engineering, Texas PE #59111; Arkansas PE #6400	
RELEVANT EXPERIENCE: • Mr. Murray has over 38 years of project management, design, permitting, and construction management experience. Projects and types of sites have been widely varied but include Municipal Projects for Planning, Site Design, Utilities, Stormwater Management, and Water Resources. • Mr. Murray specialties include Engineering Support for the Municipal/Industrial Process Wastewater and Pretreatment Systems Design, Transportation Systems, Municipal/Industrial Drainage Systems, Engineering Services related to permit support and construction. • <u>Project Manager for Graphics Packaging, Inc.</u>: Solid Waste Basin providing site investigation for wetlands, primary design engineer, and regulatory liaison for the preparation of engineering drawings, registration, and technical support data for the construction of a new 50 acre solid waste basin and associated dikes, liner systems, and outlet structures on an approximately 500,000 cubic yard industrial clay liner and cover systems project near Domino, Texas. • Mr. Murray provides engineering services oversight and quality control/quality assurance on all MTG Engineers and Surveyors services and work products.	

Daniel Boyles, Site/Civil Engineering	MTG Engineers & Surveyors – Texarkana, TX
BS Civil Engineering, PE #68193, Arkansas PE #6421	
RELEVANT EXPERIENCE: • <u>City of Texarkana, Texas</u>: Completed two pedestrian/sidewalk projects using state and local funding. One project is in use and the other will be bid soon. Estimates for the two projects are approximately \$1,200,000. Facilities include parks, parking, landscaping, ADA and lighting. • <u>Wetland re-construction</u>: 30 Acres reconstructed in Bowie County, Texas and deed restricted. Activities included permitting, grading, plant selection and maintenance until accepted by the state and USACOE. This project created a wetland to relocate from another wetland site. • Multiple municipal park improvements including as project engineer for the City of Clarksville on six projects using four funding sources. These projects required grant applications, estimates and conceptual plans, final plan preparation, state and federal approvals and bid/award/construction. The following projects have been completed: ○ Downtown Square – Sidewalks, landscaping, parking and lighting totaling \$650,000. ○ Historic Creekwalk – Sidewalks, ADA facilities, lighting and parking totaling \$300,000 ○ Mainstreet Connections – Sidewalks, lighting and ADA facilities connecting the Square to the Creek Walk and totaling \$250,000 ○ Fireman's Park – This park project provided a pavilion, restrooms, playground equipment and renovation of a historic bridge converted to pedestrian use. The project totaled \$400,000. ○ Lake Langford Trails – Project provided trails, an accessible park area with parking, interpretive area for prairie/wetlands and access to Lake Langford. Project costs totaled \$200,000. ○ Northeast Texas Trail – This trail is located on Rails to Trails right of way from Farmersville to New Boston. MTG provided plans and grant application assistance to construct the trail through Clarksville. Project costs for the two mile section were approximately \$250,000. • Mr. Boyles provides comprehensive infrastructure design engineering including public improvements that are ADA accessible.	

Kayla Wood, Public Outreach	MTG Engineers & Surveyors – Texarkana, TX
BS Engineering, PE #104857, Arkansas PE #14543	
RELEVANT EXPERIENCE: - Project experience includes Master Planning and Development, Civil Site Design, Utility Systems, Road and Subdivision Projects, Availability and Cost of Design Options, and Drainage Impact Studies. <u>City of Texarkana, TX</u>: Project engineer for various projects since 2009 <u>City Sidewalk Rehabilitation and Improvements</u>: Mrs. Wood has been the project manager of many recent sidewalk rehabilitation projects for several city projects. These projects include the Friendship Center, New Boston Road, Rosehill Neighborhood and Robison Road. These have been CDBG funds and broken out into increments to meet funding requirements. <u>City Planning for University Planning Development District</u>: Mrs. Wood worked with Ms. Shirley Jaster to help develop a University Overlay District for a good portion of north Texarkana. This included mapping, master planning, and developing an ordinance to cover future development of portions of Texarkana. <u>Bringle Park West and East</u>: Mrs. Wood was the project manager for Bringle Park West and East. These projects included an elevated boardwalk structure and interconnected sidewalks, pocket park pavilions, restroom facilities, playground facilities and fishing docks. Bringle Park East also consisted of 1,000 LF of city street and parking facility. <u>Pavilion Parkway North</u>: Mrs. Wood worked with the TIRZ funding for multiple land owners to construct the 2,500 LF road. She performed all design, layout, right-of-way acquisition and construction inspection for the project. This project also included regional detention and the conversion of the existing 4-way stop intersection into Texarkana's First Round-about.	

Dan Murphy, Permitting	Titanium Environmental Services, LLC – Longview, TX
BS Wildlife & Fisheries Sciences	
RELEVANT EXPERIENCE: - Mr. Murphy, Professional Wetland Scientist, manages the Natural Resources Group at Titanium Environmental Services, LLC and has served as the Environmental Practice Manager with other consulting firms over the past 25+ years. - Mr. Murphy was previously employed as a senior wetland biologist with the U.S. Army Corps of Engineers (USACE), and consequently, he has a comprehensive knowledge and extensive experience in preparing and coordinating permit applications under the USACE's Regulatory Program (Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act). - Mr. Murphy focuses on permitting, plan development assistance, and project management associated with restoration and mitigation projects. - He has been directly involved with a variety of restoration projects in Texas including north Texas and northeast Texas that includes various habitats, such as, upland woodlands, riparian habitat, stream systems, and wetland habitat (emergent and forested wetlands). The work performed for these projects included the identification and characterization biological resources associated with terrestrial and aquatic habitat including streams, wetlands, and riparian habitat; permitting and habitat restoration monitoring.	

Jeff Williams, Environmental	Titanium Environmental Services, LLC – Longview, TX
BS Biology	
RELEVANT EXPERIENCE: - With 11 years responsible for managing and performing natural resource services in support of various clients on a variety of projects, Mr. Williams has performed services including waters of the United States investigations; wetland delineations; biological evaluations; threatened and endangered species surveys; aquatic assessments including aquatic fauna sampling and analysis; stream and wetland functional assessments (HGM and TXRAM); and, mitigation and restoration planning, implementation, and monitoring. - He has prepared and coordinated various environmental documents (ESA informal consultation; environmental assessments, biological evaluations, Section 404 compliance, Section 10 compliance, etc.) in accordance with the National Environmental Policy Act, federal agency implementation rules (i.e. U.S. Army Corps of Engineers [USACE], U.S. Forest Service, Bureau of Land Management, etc.), and state agency guidelines. - He has extensive experience with USACE Section 404 permitting activities for waters of the U.S., including wetlands; restoration and mitigation planning and monitoring; threatened and endangered species investigations; habitat assessment; environmental baseline surveys. - XTO Energy Inc. Biological Evaluations, Special Use Permitting, United States Forest Service, Angelina and Sabine national Forests.	

4. Relevant Projects and Clients

The following projects and client references demonstrate the ASI Team's successful completion of projects similar to the work expected for the City of Texarkana.



Project: Mission Aransas Wetlands Restoration & Education Center

Firm/Key Personnel: Georganna Collins, RLA (formerly with AECOM)

Client Reference: Mr. Alton Meyers, USACE Galveston District (409-766-6317).

Reference for Aqua Strategies (Georganna Collins, Project Manager)

Project Description: As Project Manager, for USACE Galveston and Mission Aransas National Estuarine Research Reserve, Ms. Collins investigated the feasibility, undertook planning and design development, and constructed a wetland and prairie complex for use as a research and educational center for

the public, college and students of various ages. Services provided included site investigations/baseline data collection; coordination with Mission Aransas NERR staff and permit resource agencies; preliminary and final design engineering, including H&H modeling, sizing of inlet & outlet structures, retaining walls, grading and planting plans, cut and fill calculations, cost estimating; preparation of USACE permit application, feasibility and engineering reports, construction plans, details, and specifications; assistance with bidding process and contractor selection; construction support services, including field engineering and final approvals; and post construction monitoring and reporting. This project recently withstood Hurricane Harvey with no damages.



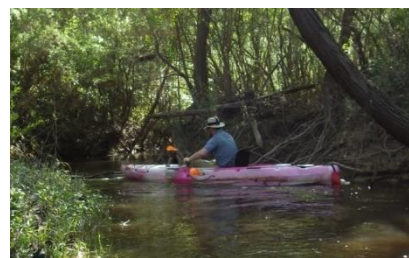
Project: Trinity River Authority Ecological Surveys/Water Modeling

Firm/Key Personnel: Aqua Strategies Inc. (Prime Consultant). Tim Osting, PE, Project Manager

Client Reference: Webster Mangham (817-493-5127). Reference for Aqua Strategies (Tim Osting)

Project Description: Since 2014 (until present), Aqua Strategies has supported the Trinity River Authority to perform hydrology, sediment and ecological surveys of the Trinity River between DFW and Trinity Bay. Aqua Strategies collected topographic information and water flow/quality information through field

analyses and LiDAR-based topography surveying. Also included are cross-section surveys, riparian vegetation surveys, HEC-RAS modeling (water surface profiles, sediment transport, bank stability, water quality). Sediment lab work and JET testing is in-progress and results are being used for sediment scour, bank stability and toe erosion modeling.



Project: Mississippi Urban Streams Ecological Uplift and Erosion Control

Firm/Key Personnel: Georganna Collins, RLA (formerly with Ecology and Environment, Inc.)

Client Reference: Jeff DeQuattro, The Nature Conservancy (251-348-0872).

Reference for Aqua Strategies (Georganna Collins, Project Manager)

Project Description: As Project Manager, Georganna Collins collected baseline information, coordinated professional land surveyors and identified ecological uplift measures (focusing on bioengineering measures) to improve stream water

quality and aesthetics. The scope of work also included: bank and bottom topographic surveys; hydrographic surveys; vegetation surveys; USACE permitting plans; stakeholder engagement; and, construction cost estimates, similar to the needs of the Texarkana NRDA project.

Project: USACE Environmental Permitting for Wetlands, multiple counties, TX

Firm/Key Personnel: Titanium Environmental (Prime Consultant). Dan Murphy, Project Manager

Client Reference: Dr. Danny Johns, XTO Energy, Inc. (903-258-8206). Reference for Titanium Environmental (Dan Murphy, Project Manager)

Project Description: Titanium performed regulatory agency consultations, biological surveys and permitting activities for temporary water intakes and for XTO Energy. Project activities performed by Titanium included environmental analysis and documentation; Section 10 and Section 404 permitting with the U.S. Army Corps of Engineers (USACE); flowage easement acquisition request through the USACE; and, U.S. Forest Service Special Use Permitting. Work included the evaluation of lacustrine wetland habitat, forested habitat, wetlands and stream locations. Further, Titanium coordinated with the U.S. Forest Service for obtaining a Special Use Permit for activities occurring within a national forest.

Project: Civil Engineering Services for the City of Texarkana, TX

Firm/Key Personnel: MTG Engineers & Surveyors (Prime Consultant). Dan Boyles, Project Manager

Client Reference: Mayor Allen Brown, City of Texarkana (870-779-4991). Reference for MTG (Dan Boyles, Project Manager)

Project Description: MTG provided licensed professional surveying and civil engineering services for water/sewer lines, new road sidewalks and drainage features. Easements and right-of-way documents were prepared. MTG also developed construction documents, bid documents and provided construction contract management. Projects included grant funds requiring proper grant reporting and documentation, also supported by MTG. This project completed over four phases addressed 275 acres of development with all roads and utilities. The project required 3 stream crossing permits and a full environmental review resulting in an environmental assessment (EA) findings of no significant impact (FONSI). Total project costs were approximately \$4,100,000.

5. Capacity, Timeliness and Responsiveness to Perform Work through Our Technical Approach

Our technical approach follows a sound process of close, timely and continued client coordination and utilizes three major tasks: Task 1- Planning & Project Phasing; Task 2- Design Development, Construction Documents, and Monitoring; and Task 3 Post-Restoration Activities including Monitoring. Supporting our technical approach are continuous project management and quality control/quality assurance roles and prime responsibility of the prime, Aqua Strategies. The ASI Team has capacity to perform the work on the timeline using the key staff we have identified herein. We have included some buffer within the proposed timeline that anticipates small typical delays from weather or coordination, though we cannot anticipate all possibilities outside of our control. The key staff have sufficient backup staff and resources to complete the work we describe within 5 years.

An element that demonstrates our responsiveness is that we have developed a draft Work Plan, including details of each of the project components. We can begin immediately with the city and be able to quickly provide assistance with negotiations of terms and conditions with the NRDA Trustees.

Task 1. Planning & Project Phasing, starting immediately and concluding before Year 2

Upon notice to proceed, the ASI Team will undertake a project kickoff meeting with the City to set the scope, schedule, deliverables, and begin to compile existing data within the first week. Establishment of a project schedule would include setting internal and public focus group and town hall meetings, and other community engagement opportunities. We will meet with City staff and also present a project overview to the City Manager, mayor, and council as directed by David Orr.

We will develop a final Work Plan with the City, with completion anticipated within the first month. We will assist the City present the Work Plan to gain NRDA Trustees' approval and help coordinate NRDA agreement with final terms and conditions, comparable to existing NRDA project examples such as Galveston Bay Foundation's bird island planning, permitting, and construction.

Within the first four months, we will have baseline surveys and existing data collection completed. The ASI Team will undertake project designs for NRDA approved project components and initiate permitting, including USACE stream/wetland permits, TCEQ water quality certification, applicable stormwater/floodplain permits, and others.

Within the first six months and NRDA Trustees' approval of the Work Plan, we will develop conservation easements and coordinate applicable land acquisition with the city.

During this first Task, we will integrate with existing stormwater plans and prepare project-applicable stormwater pollution prevention plans, provide all site surveys and baseline monitoring results, and coordinate with the City's project partners. We will coordinate and undertake public outreach including public meetings, open houses, workshops and design charrettes on several occasions to gain stakeholder input on project component concept plans. Design charrettes would include preliminary concepts for project component planning with stakeholders at various sites.

We anticipate that brief weekly progress reports will be provided to the City, to keep the project schedule on schedule, and identify and resolve any issues early. We anticipate quarterly and milestone-based progress reports will also be prepared by the ASI Team for the City to submit to the NRDA Trustees, for release of incremental project funds. These reports for the NRDA Trustees will be prepared for the entire project, through the completion of Task 3. We anticipate flexibility and/or changes to required reporting based upon a final approval of the Work Plan.

Task 2. Design Development, Construction Documents, and Monitoring, undertaken in Years 2 to 4

We anticipate Task 2 will span Years 2 through 4. We will work with City staff, City project partners, and NRDA Trustees on design development of each of the project components, including preparing suitable 60% plans for USACE permitting and budgetary requirements under final available NRDA award funds, thus keeping the overall project within budget. We anticipate permitting to be accomplished over a 6 to 8 month timeframe during this task. Once USACE has responded, we will then respond to permit review comments and move into preparation of construction documents in coordination with the City, including 50%, 75% and final plans with review submittals. We will assist the City with the bid process including bid document preparation, attending pre-bid meeting, answer questions and provide clarifications during bidding, help with contractor selection, etc. We will assist the City during the construction phase, including providing oversight of the construction and restoration activities for successful restoration outcome and achievement of NRDA performance requirements (i.e. wetland acres, riparian/forest acres, and stream channel lengths). This will include providing oversight of restoration site work and native plant establishment.

We will prepare a monitoring plan and provide oversight of the monitoring before, during, and after restoration activities to meet NRDA requirements. We will also provide coordination with City project partners and the public during the construction phase, to include initial monitoring and dissemination of information as needed. We anticipate establishing a City project web page to maintain public outreach during the flow of the work, providing progress reports on a stream mileage basis.

Task 3. Post-Restoration Activities including Monitoring, undertaken in Years 4 and 5

The ASI Team will develop monitoring reports in coordination with City project partners and work with City staff to develop a maintenance plan for each of the project components. This will include coordination with the City on maintenance needs, staffing, equipment and budget.

During Task 3 monitoring will include erosion, water quality, targeted plant community establishment and native benthic and aquatic organization utilization within restored sites/Days Creek aquatic ecosystem. We will coordinate with the City and its partners on monitoring data collection and reporting as specified in the final approved Work Plan. We will also provide project progress reports, including monitoring results to the City and on behalf of the City to the NRDA Trustees.

A full Gantt chart of the anticipated project activities and the time frame for their implementation is presented on the following page. Texarkana deserves the improvements this effort will bring, and we look forward to working alongside the City on this important project.

	Year 1				Year 2				Year 3				Year 4				Year 5			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Task1: Planning & Project Phasing																				
Kickoff Meeting, Work Plan, Coordinate with NRDA																				
Initiate: Site surveys, baseline monitoring, conservation easement and land acquisition																				
Initiate project designs; initiate permitting																				
Address stormwater issues, incl. pollution plan. Public outreach begins in earnest																				
Task 2: Design Development, Construction Documents & Monitoring																				
Design development to 60% plans, plus budget																				
Prepare and discuss construction documents with City, incl. 75% and final with review submittals																				
Assist City with bid docs, contractor selection and oversight																				
Assist City during construction phase																				
Prepare monitoring plans and provide oversight before, during and after restoration activities																				
Provide oversight of restoration activities, including site work and native plant establishment																				
Coordinate with City partners and public during construction, and disseminate information																				
Task 3: Post Restoration Activities & Monitoring																				
Develop monitoring reports & maintenance plan																				
Coordinate with City on maintenance needs																				
Monitoring erosion, water quality, plant establishment, benthic and aquatic organisms, etc.																				
Coordinate with City and its partners on monitoring data collection and reporting																				

Attachment A:Firm Licenses



TEXAS BOARD OF PROFESSIONAL ENGINEERS CERTIFICATE OF REGISTRATION

This acknowledges that

Aqua Strategies Inc.

has fulfilled the requirements of the State of Texas
to offer and perform engineering services in the
State of Texas.

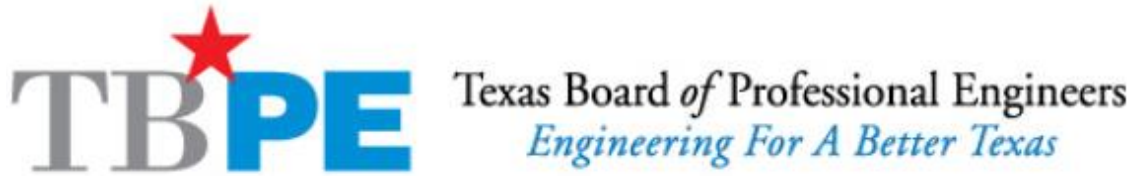
In witness whereof
we have hereunto set our hands and affixed the seal of the Board,
this 17th day of April 2014.




BOARD CHAIR


BOARD SECRETARY

Registration # F-15911



Page:

1

Updated on:

4-9-2019

Matches:

1

AQUA STRATEGIES INC. (DBA: AQUA STRATEGIES)

Firm# 15911

Status	Certified	Expires	Phone	Address
ACTIVE	04-17-2014	04-30-2020	512-203-1913	14101 Hwy 290 West Bldg 600 Austin TX 78737

Page:

1

Updated on:

4-9-2019

Matches:

1

H L MURRAY AND ASSOCIATES INC (DBA: MTG
ENGINEERS & SURVEYORS, INC.)

Firm# 354

Status	Certified	Expires	Phone	Address
ACTIVE	06-16-2000	06-30-2019	903-838-8533	5930 Summberhill Rd Texarkana TX 75503



Texas Board of Professional Geoscientists

[Logon](#)

Licensee Profile

Only current licenses are searchable in the public license search. The status of a Professional Geoscientist license, Geoscience Firm registration or Geoscientist-in-Training certification is one of the following:

Current - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification.

Conditional - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under non-disciplinary conditions or stipulations.

Please note that if a license status is affected by Board authorized disciplinary action, the status may be one of the following:

Current with Probation - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under conditions or stipulations.

Current with Recent Disciplinary Action - The Board has imposed a disciplinary action taken within the past 5 years. The licensee has satisfied all of the terms of the disciplinary action.

Current with Obligations - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under non-disciplinary conditions or stipulations.

Press "Search Results" to return to the Search Results list.

Press "New Search Criteria" to do another search of this type.

Press "New Search" to start a new search.

License Number: 50598

Current Date: 04/11/2019 11:07 AM

Name: **AQUA STRATEGIES INC**
 License Type: **Geoscience Firm**
 License Status: **Current**
 Expiration Date: **10/31/2019**
 License Issue Date: **10/23/2018**

Addresses

Mailing Address / Address of Record	Address	14101 HWY 290 WEST, BLDG 1600B AUSTIN , TX HAYS 78737 US
	Phone Number:	512-826-2604

Practice Area	Comment
----------------------	----------------

Discipline(s) Imposed
No disciplinary actions exist.

Discipline(s) Imposed	Date of Action:	Action(s):
------------------------------	------------------------	-------------------

Authorized Official

Licensee's Role:

Firm

Related Party Role:

Authorized Official

Related Party Name
OSTING, TIM

License Type

Address

Search Results

New Search Criteria

New Search

Print



[Contact TBPG](#)

Attachment: 2020-033 ATTH 01 Texarkana_Environmental_Design_Engineering_NRDA_SOQ_ASI_20190417 (2242 : 2020-033 RES NRDA



Texas Board of Professional Land Surveying
Texas Funeral Service Commission
Texas Optometry Board
Texas State Board of Dental Examiners
Texas State Board of Examiners of Psychologists
Texas State Board of Pharmacy
Texas State Board of Plumbing Examiners

[Logon](#) | [Contact Us](#)**License / Registration Details**

Press "Search Results" to return to the Search Results list.

Press "New Search Criteria" to do another search of this type.

Press "New Search" to start a new search.

License Number: 10101100**Current Date: 04/11/2019 11:17 AM**

Name: MURRAY THOMAS & GRIFFIN, INC.
License Type: FIRM Headquarters
License Status: Registered
Expiry Date: 12/31/2019
Effective Rank Date: 01/08/2008

Addresses

Main Address

Address
5930 SUMMERHILL ROAD TEXARKANA , TX BOWIE 75503 US View on a map

Phone Number: (903) 838-8533

FIRM must have RPLS on Staff

Licensee's Role: FIRM
Related Party Role: RPLS

Related Party Name	License Type	Address
WOOD, JEFFREY ALLEN	Land Surveying - Registered Professional Land Surveyor	TEXARKANA , TX BOWIE 75503 US

[Search Results](#) [New Search Criteria](#) [New Search](#) [Print](#)



Texas Board of Professional Geoscientists

[Logon](#)

Licensee Profile

Only current licenses are searchable in the public license search. The status of a Professional Geoscientist license, Geoscience Firm registration or Geoscientist-in-Training certification is one of the following:

Current - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification.

Conditional - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under non-disciplinary conditions or stipulations.

Please note that if a license status is affected by Board authorized disciplinary action, the status may be one of the following:

Current with Probation - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under conditions or stipulations.

Current with Recent Disciplinary Action - The Board has imposed a disciplinary action taken within the past 5 years. The licensee has satisfied all of the terms of the disciplinary action.

Current with Obligations - the individual or firm **may use** the title and engage in the practice or activities authorized by the license, registration or certification; however, the individual or firm may be under non-disciplinary conditions or stipulations.

Press "Search Results" to return to the Search Results list.

Press "New Search Criteria" to do another search of this type.

Press "New Search" to start a new search.

License Number: 50085

Current Date: 04/11/2019 11:12 AM

Name:	TITANIUM ENVIRONMENTAL SERVICES LLC
License Type:	Geoscience Firm
License Status:	Current
Expiration Date:	02/29/2020
License Issue Date:	02/08/2007

Addresses

Mailing Address / Address of Record

Address

**311 East Cotton Street
ATTN: Laura Rectenwald
LONGVIEW , TX
GREGG
75601
US**

Phone Number:

903 234 8443

Attachment: 2020-033 ATTH 01 Texarkana_Engineering_NRDA_SOQ_ASI_20190417 (2242 : 2020-033 RES NRDA

Addresses**Business Address**

Address

**TITANIUM ENVIRONMENTAL
SERVICES, LLC
311 E COTTON STREET
LONGVIEW , TX
GREGG
75601
US**

Phone Number:

903-234-8443**Practice Area****Comment**

**ESAs/Remediation
Evaluation/Monitoring
Petroleum Geoscience (e.g.,
Oil and Gas)**

Discipline(s) Imposed**No disciplinary actions exist.****Discipline(s) Imposed****Date of Action:****Action(s):****Authorized Official**

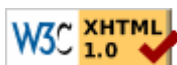
Licensee's Role:

Firm

Related Party Role:

Authorized Official**Related Party Name****License Type****Address**

**LONGVIEW , TX
GREGG
75606
US**

RECTENWALD, LAURA L.[Search Results](#)[New Search Criteria](#)[New Search](#)[Print](#)[Contact TBPG](#)

Forms and Addendum

REQUEST FOR QUALIFICATIONS ENVIRONMENTAL DESIGN & ENGINEERING SERVICES FOR NATURAL RESOURCES DAMAGE ASSESSMENT PROJECT

DATE: April 1, 2019

City of Texarkana, Texas
PURCHASING AND CONTRACTS DEPARTMENT
220 TEXAS BLVD
TEXARKANA, TEXAS 75501
PH: (903) 798-3923
kimberly.russ@txkusa.org

RFQ# 19-2001-08

RFQ CLOSING DATE
April 18, 2019 @ 2PM CST

PLEASE FILL IN ORGANIZATION NAME & ADDRESS IN THE SPACES PROVIDED:

Aqua Strategies Inc.
14101 Highway 290 West
Bldg 1600B
Austin, TX 78737

DESCRIPTION OF REQUEST FOR QUALIFICATIONS

This document constitutes a request for qualifications for engineering, consulting, research, and reporting services related to the Natural Resources Damage Assessment award for the Texarkana Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration Project.

IN COMPLIANCE WITH THIS SOLICITATION, THE UNDERSIGNED PROPOSER HAVING EXAMINED THE REQUEST FOR QUALIFICATIONS AND BEING FAMILIAR WITH THE CONDITIONS TO BE MET, HEREBY SUBMITS THE ATTACHED PROPOSAL. AN INDIVIDUAL AUTHORIZED TO BIND THE COMPANY MUST SIGN THE FOLLOWING SECTION. FAILURE TO EXECUTE THIS PORTION MAY RESULT IN PROPOSAL REJECTION.

Signature  Title President and CEO

Print Name Barney Austin, PE, PhD Date 15 April 2019

RETURN THIS ENTIRE DOCUMENT WITH YOUR PROPOSAL.

**CITY OF TEXARKANA, TEXAS, TEXAS
RFQ# 19-2001-08**

I. INSTRUCTIONS TO PROPOSERS

1. PROPOSAL DELIVERY, TIME & DATE

- 1.1 The City of Texarkana, Texas will receive written proposals until **2:00 p.m. CST, April 18, 2019** at the office of the Purchasing Manager listed below. Any proposal received after the date and hour specified will be rejected and returned unopened to the proposer. Proposals must be addressed to:

Physical Address:

Kim Russ, Interim Purchasing Manager
City of Texarkana, Texas
220 Texas Blvd
Texarkana, Texas 75501

Mailing Address:

Kim Russ, Interim Purchasing Manager
City of Texarkana, Texas
P.O. Box 1967
Texarkana, Texas 75504

- 1.2 The City of Texarkana, Texas reserves the right to postpone the date and time for accepting proposals through an addendum.

2. EXAMINATION OF DOCUMENTS AND REQUIREMENTS

- 2.1 Each proposer shall carefully examine all RFQ documents and thoroughly familiarize itself with all requirements prior to submitting a proposal to ensure that the proposal meets the intent of this RFQ.
- 2.2 Before submitting a proposal, each proposer shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and requirements affecting the requirements of this RFQ. Failure to make such investigations and examinations shall not relieve the proposer from obligation to comply, in every detail, with all provisions and requirements of the Request for Qualifications.
- 2.3 To facilitate the clarification of requirements, please direct all questions concerning this RFQ to Kimberly Russ, Interim Purchasing Manager, by way of email to kimberly.russ@txkusa.org. Responses to questions, if any, will be posted on the City's website. The deadline for any questions will be April 12, 2019 at 4:00 p.m.

3. CONTENTS OF PROPOSAL

The Request for Qualifications shall be concise and complete. The following will be required for the evaluation process. The City will require six (6) hard copies and one digital copy of the proposals from the interested firm.

- 3.1 Firm's organization and qualifications.
- 3.2 Names and qualifications of team members projected to be involved with the project.
- 3.3 Copies of appropriate state licenses and/or certifications.

- 3.4 A list of relevant projects and clients (include contact person and phone numbers) that may be contacted for references and verification of background.
- 3.5 Firm's experience regarding the City's NRDA Project.
- 3.6 10 page limit on the response.

4. SELECTION CRITERIA

4.1 SCORING CRITERIA

Firm's Organization & Qualifications	20	_____
Experience regarding the City's NRDA Project Proposal	20	_____
Sub-Team Organization and Qualifications	20	_____
Sub-Team Experience on Similar/Past Projects	20	_____
Capacity and Timeliness to Perform Work	10	_____
Overall Responsiveness to RFQ	10	_____
Total Points	100	_____

II. INTENT

The intent of this Request for Qualifications (RFQ) is to provide proposers with sufficient information to prepare a proposal. The City is looking for a firm who is familiar with the City of Texarkana, Texas proposal related to the Natural Resources Damage Assessment award for the Texarkana Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration Project as well as specific knowledge and experience of all aspects of environmental engineering and design.

III. LIMITATION OF LIABILITY

Neither Party hereto shall be liable to the other Party or its affiliates for any loss of profit, loss of revenue, loss of use or any other indirect, consequential or special damages excluding fines and penalties levied by the regulatory agency, even if caused by the sole or concurrent negligence of a party, whether active or passive, and even if advised of the possibility thereof. Nothing herein shall be construed as creating any personal liability on the part of any board member, any officer, employee or agent of the City of Texarkana.

IV. INSURANCE REQUIREMENTS

Prior to the award of this contract by the City and before commencing work, the successful proposer shall be required, at his own expense, to **furnish the City of Texarkana, Texas, Purchasing Manager within ten (10) days of notification of award** with certified copies of all insurance certificates showing the following insurance coverage to be in force throughout the term of the contract. The City shall have no duty to pay or perform under this contract until such certificate has been delivered to and approved by the City and no officer or employee of the City shall have authority to waive this requirement without written approval from the City Manager.

COVERAGE:

- A. Commercial General Liability Insurance
- B. Worker's Compensations
- C. Automobile Liability

LIMITS:

- \$1,000,000 each occurrence
- As required by Texas Law
- \$1,000,000 combined single limit

The City of Texarkana, Texas, its officials, employees and volunteers, are to be named as "Additional Insured" to the policy and contain a waiver of subrogation.

V. TERMS AND CONDITIONS FOR PROPOSAL

1. Planning & Project Phasing
 - a. Develop a Work Plan with the City that meets NRDA Trustee approval.
 - b. Coordinate NRDA agreement with final terms and conditions.
 - c. Develop conservation easements and coordinate land acquisition
 - d. Project Design
 - e. Responsible for all permitting for floodplains/wetlands/environmental permitting
 - f. Stormwater Pollution Prevention Plans
 - g. Site Surveys and base line monitoring
 - h. Coordinate with the City's Partner Team including members from Texas A&M-Texarkana, Texarkana College and local K-12 ISDs as needed.
 - i. Coordinate public outreach including public meetings and open house opportunities for project information dissemination regarding project components as needed.
2. Design Development, Construction Documents and Monitoring
 - a. Based upon design development in coordination with the City, prepare construction documents, assist with bid process and construction contractors to undertake environmental restoration work.
 - b. Provide set of construction plans (50%, 75%, and Final Plan submittals for review)
 - c. Prepare Probable Construction Cost
 - d. Prepare Contract Documents (City will provide a copy of our contract documents)
 - e. Time for Rendering Services
 - Provide accurate & obtainable time schedule for beginning and completion of Construction Documents
 - f. Assist Owner with bidding process.
 - g. Assist Owner during construction phase.
 - h. Prepare all contract documents and answer questions and clarifications during bid process
 - i. Attend pre-bid meetings as requested
 - j. Oversight of restoration site activities including site work and native plant establishment.
 - k. Baseline monitoring should be initiated prior to construction. Monitoring will continue during construction to ensure no added natural resource injuries would occur as a result of the restoration activities.
 - l. Coordinate with the City's Partner Team including members from Texas A&M-Texarkana, Texarkana College and local K-12 ISDs as needed.
 - m. Coordinate public outreach including public meetings and open house opportunities for project information dissemination regarding project components as needed.
3. Post Restoration Activities including Monitoring
 - a. Develop a monitoring and maintenance plan
 - b. Monitoring should address erosion control, water quality, plant community establishment, benthic and aquatic organization utilization.
 - c. Coordinate with the City's Partner Team including members from Texas A&M-Texarkana, Texarkana College and local K-12 ISDs as needed.

STANDARD TERMS AND CONDITIONS

1. **APPLICATION:** These standard terms and conditions shall apply to all City of Texarkana, Texas (hereafter referred to as "City") solicitations and procurements, unless specifically excepted in the solicitation specifications or additional documents negotiated by the parties prior to formal award.
2. **REQUIREMENTS:** By submitting qualifications, the respondent agrees to provide the City of Texarkana, Texas with the agreed upon services described in the solicitation in accordance with these standard terms and conditions, at the agreed upon price and in compliance with the stated specifications, any subsequent addendums issued prior to the date of the opening, and any negotiated terms subsequent to the acceptance of submissions.
3. **LEGAL COMPLIANCE:** Proposer must comply with all Federal, State and Local law, statutes, ordinances, regulations and standards in effect at the time of delivery of goods and services and must maintain any and all required licenses and certificates required under the same laws, statutes, ordinances, regulations and standards for services and/or goods provided in response to this solicitation.
4. **ESTIMATED QUANTITIES:** If the solicitation indicates estimated quantities, such quantities are estimated only and not guaranteed amounts. The actual amount ordered over the contract period may be more or less than the estimate. Quantities represent the City's best estimate, based on past history and anticipated purchases.
5. **MODIFICATIONS AND ADDENDENDUMS:** The City shall have the right to modify any of the solicitation documents prior to submission deadline and will endeavor to notify potential bidders, but failure to notify shall impose no liability or obligation on the City. All modifications and addendums must be in written form prepared by the City department issuing the solicitation. Submitters are responsible for incorporating any and all modifications and addendums into their submissions.
6. **INTERPRETATION OF SOLICITATION DOCUMENTS:** The City is the final judge of the meaning of any word(s) sentences, paragraphs or other parts of the solicitation documents. Submitters are encouraged to seek clarification, before submitting a proposal, of any portion of the bid documents that appears to be ambiguous, unclear, inconsistent, or otherwise in error. Clarifications will be in writing.
7. **LATE SUBMISSIONS:** Submissions must be received in the Purchasing Office by the time specified in the solicitation. The City will not accept late submissions and is not responsible for the lateness or non-delivery of submissions by the Postal Service or any private delivery firm.
8. **MINOR IRREGULARITIES:** The City reserves the right to waive any minor irregularities that do not materially affect the scope or pricing of submitted proposals.
9. **RESPONSIVENESS OF SUBMISSIONS:** The City wants to receive competitive proposals but will declare "non-responsive" submissions that fail to meet significant requirements outlined in the solicitation documents.
10. **WITHDRAWAL OF SUBMISSIONS:** Submitters may withdraw any submitted proposal prior to the submission deadline. Submitters may not withdraw once the proposals have been publicly opened, without the approval of the City's purchasing manager. Submitters who no longer wish to negotiate with City will be allowed to withdraw submissions, however, once a submission has been withdrawn, it can no longer be considered.

11. **DISQUALIFICATION OF SUBMITTER:** The City may disqualify submitters, and their proposals not be considered, for any of the following reasons: collusion among submitters; submitter's default on an existing or previous contract with the City, including failure to deliver goods and/or services of the quality and price bid or agreed upon; submitter's lack of financial stability; any factor concerning the submitter's inability to provide the quantity, quality, and timeliness of services specified in the solicitation; submitter involved in a current or pending lawsuit with the City; submitter's attempt to influence the outcome of the solicitation through unauthorized contact with City officials outside of those listed in the solicitation documents; and submitter's attempt to offer gifts, gratuities, or bribes to any City employee or elected official in connection with a solicitation.
12. **COST OF SUBMISSIONS:** The cost of submitting proposals shall be borne by the submitter. The City will not be liable for any costs incurred by a bidder associated with the preparation, transmittal, or presentation of any proposals or materials submitted in response to any bid, quotation, or proposal.
13. **AWARD:** The City of Texarkana, Texas reserves the right to accept or reject any and all bids in whole or in part and waive any minor technicality and enter into contract deemed to provide the best value to the City. The city of Texarkana, Texas reserves the right to award a separate contract to separate vendors for each item/group or to award one contract for the entire bid.
14. **PERMITS:** Successful bidder is responsible for obtaining any and all City permits when project requires.
15. **FAILURE TO DELIVER SERVICES:** If a submitter is unable to deliver the quantity or quality of specified services or is unable to deliver within a time period agreed upon prior to award, the City shall be authorized to purchase from any other available, source, consistent with State of Texas Procurement statutes.
16. **TAXPAYER IDENTIFICATION:** Submitters must provide the City a current W-9 "Request for Taxpayer Identification and Certification" before services can be procured from the submitter.
17. **TAXES:** The City is exempt from all federal excise taxes and all state and local sales and use taxes. If such taxes are listed on a submitter's invoice, they will not be paid. Additionally, submitters cannot use the City's tax exemption status to purchase goods or services related to this solicitation.
18. **PAYMENT:** Payment will be made net 30 days after invoice is received by the City contingent upon Natural Resources Damage Assessment (NRDA) funds received by the City.
19. **OUTSTANDING LIABILITIES:** Submitters shall not have outstanding, unpaid liabilities owed to the City. Liabilities may include, but are not limited to, property taxes, hotel occupancy taxes, license or permit fees, and water bills. Submissions will be considered non-responsible and not given further consideration if submitted by a submitter with such outstanding liabilities.
20. **OFFSET:** The City may, at its option, offset any amounts due and payable under a contract award under this solicitation against any debt lawfully due the City from a vendor, whether or not the amount due arises pursuant to the terms of the contract and whether or not the debt has been reduced to judgment by a court.
21. **INDEPENDENT CONTRACTORS:** It is expressly agreed and understood by both parties that the City is contracting with successful submitter as an independent contractor. The City shall not be liable for any claims which may be asserted by any third party occurring in connection with services performed by the successful bidder, and the successful bidder has no authority to bind the City.

22. **GOVERNING LAW:** All proposals submitted in response to this solicitation and any resulting contract shall be governed by, and construed in accordance with, the charter and ordinances of the City of Texarkana, Texas, and the laws and court decisions of the State of Texas.
23. **CONTROLLING DOCUMENTS:** In the case of a discrepancy between the solicitation and the formal contract, the formal contract will prevail and control.
24. **ASSIGNMENT:** Submitter shall not assign, transfer, or pledge a contract awarded under this solicitation, in whole or in part, without the prior written consent of the City's purchasing manager. Assignment of the contract, if approved by the City, shall not relieve the submitter's obligations under the contract. Approval by the City of one assignment shall not constitute approval of any future assignment of the contract.
25. **TERMINATION:** If an awarded submitter fails in any manner to fully perform each and all of the terms, conditions and covenants of a contract awarded by this solicitation, he shall be in default and notice of default shall be given to the bidder by the City's purchasing manager. In the event that Vendor continues in default for a period of seven (7) days after receipt of the above-mentioned notice of default, City may terminate or cancel the contract. The City may also cancel a contract for convenience and without cause with thirty days' written notice. In any cancellation of contract, the City will pay the bidder for any and all services provided and accepted up to and including the date of termination.
26. **INDEMNIFICATION:** Submitter shall defend, indemnify, and hold harmless the City of Texarkana, Texas, its officers, agents, employees, appointees and volunteers against any and all claims, lawsuits, judgments, costs and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by bidder's breach of any of the terms or provisions of any contract awarded as a result of this solicitation, or by any negligent or strictly liable act or omission of the bidder, its officers, agents, employees, or subcontractors, in the performance of an awarded contract; except that the negligence or fault of the City, its officers, agents or employees, and in the event of joint and concurrent negligence or fault of the bidder and City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without waiving any governmental immunity available to the City under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.
27. **VENUE:** The obligations of the parties under a contract awarded through this solicitation are performed in Bowie County, Texas, and if legal action is necessary to enforce same, exclusive venue shall be within Bowie County, Texas.
28. **FUNDING:** State of Texas statutes prohibit the obligation and expenditure of public funds beyond the fiscal year for which a budget has been approved. Orders or other obligations that may arise beyond the year for which a budget has been approved. Orders or other obligations that may arise beyond the end of the current fiscal year shall be subject to approval of budget funds. Funding of this project is contingent on Natural Resources Damage Assessment (NRDA) award and funds received by the City.
29. **SOLICITATION RESULTS:** The City normally posts solicitation results online by the end of the next business day after submissions are received. The City's web site is www.ci.texarkana.tx.us. Results are on the Purchasing solicitation page, in the same place as the original solicitation documents. In the case of RFP's, only the names of the submitters are listed. Results are for informational purposes only and are not a notice of award.

30. **OPEN RECORDS:** Submissions do not become public record until an award is made. Trade secrets and other material considered confidential by the bidder should be clearly marked as such. If a request is made under the Texas Open Records Act to inspect information designated as trade secret or confidential in a bid, the City will forward the appropriate documents to the Attorney General of Texas who will contact the bidder to request sufficient written reasons and information as to why the information should be protected from disclosure. Upon review of the submitter's response the Attorney General will make a determination as to the confidentiality of the requested material(s), or lack thereof, and the City will respond accordingly.
31. **CONFLICT OF INTEREST DISCLOSURE:** Disclosure requirements of potential conflicts of interest involving counties, cities, and other local government entities must be filed after January 1, 2006. The disclosures must be filed by vendors or potential vendors to local government entities. The new requirements are set forth in a new Chapter 176 of the Texas Local Government Code added by H.B. No. 914 of the last Texas Legislature.

A local government entity includes counties, municipalities, school districts, and other political subdivisions of the state or any entity to which a member is appointed by a county commissioner's court or the mayor or governing body of a municipality. A local government officer means a member of the governing body of a local government entity and the person designated as the chief executive officer of the local government entity.

Companies and individuals who contract, or seek to contract, with the City of Texarkana, Texas and its agents (including employees involved in the business with the entity) must file with the City Secretary's Office at 220 Texas Blvd., Room 102, Texarkana, Texas 75504 a Conflict of Interest Questionnaire that describes, among other things, affiliations or business relationships with City of Texarkana, Texas officers, or certain family members or other businesses of the City of Texarkana, Texas officer, and certain employees or other contractors of the City of Texarkana, Texas with which such persons do business.

The new requirements are in addition to any other disclosures required by law. The dates for filing disclosure statements begin on January 1, 2006. A violation of the filing requirements is a Class C misdemeanor.

The Conflict of Interest Questionnaire (Form CIQ) may be downloaded from http://www.ethics.state.tx.us/conflict_forms.htm.

32. **HB 1295 DISCLOSING INTERESTED PARTIES TO A CONTRACT:** House Bill 1295, adopted by the 84th Legislature, created §2252.908, Texas Government Code. Section 2252.908 requires a business entity entering into certain contracts with a governmental entity or state agency to file with the governmental entity or state agency a disclosure of interested parties at the time the business entity submits the signed contract to the governmental entity or state agency.

§2252.908, Texas Government Code requires the commission to adopt rules necessary to implement the new disclosure requirement and to prescribe the disclosure form. Section 2252.908 requires the disclosure form to be signed by the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury. Section 2252.908 applies only to a contract that requires an action or vote by the governing body of the governmental entity or state agency before the contract may be signed or has a value of at least \$1 million. Section 2252.908 provides definitions of certain terms occurring in the section. House Bill 1295 provides that §2252.908 applies only to a contract entered into on or after January 1, 2016.

An interested party is defined as a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts or who actively participates in facilitating

the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.

Contractors are required to acquire Form 1295 via the Texas Ethics Commission website. This requires registration, generation of Form 1295 with a unique Certificate Number & filing date, printing the form, notarizing and returning the form to City of Texarkana Purchasing & Contract Management Department.

Once the form is received by the Purchasing and Contract Management Department, the Buyer associated with the project will log-in to the Texas Ethics Commission portal and acknowledge receipt of the form not later than the 30th day after the date the contract for which the form was filed binds all parties to the contract. This will complete the form for the contract with which the form is associated. The completed form will be made available via the Texas Ethics Commission website.

Form 1295 can be generated via the Texas Ethics Commission web portal. The website and detailed instructions are located at:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

City of Texarkana, TX

Suspension and Debarment Certification

Federal Law (A-102 Common Rule and OMB Circular A-110) prohibits non-Federal entities from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$25,000 and all non-procurement transactions (e.g., sub-awards to sub-recipients).

Contractors receiving individual awards of \$25,000 or more and all sub-recipients must certify that their organization and its principals are not suspended or debarred by a Federal agency.

Before an award of \$25,000 or more can be made to your firm, you must certify that your organization and its principals are not suspended or debarred by a Federal agency.

I, the undersigned agent for the firm named below, certify that neither this firm nor its principals are suspended or debarred by a Federal agency.

COMPANY NAME: Aqua Strategies Inc.

FEDERAL TAX ID or SOCIAL SECURITY No. 37-1749536

Signature of Company Official: 

Printed name of company official signing above: Barney Austin, PE, PhD

Date Signed: 15 April 2019

City of Texarkana, TX
Chapter 2270 Prohibition on Contracts with Companies Boycotting Israel

House Bill 89, adopted by the 85th Legislature, created §2270.001, Texas Government Code, Section Subtitle F, Title 10, requires a company entering to a contract with a governmental entity or state agency to verify that the company: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. (Effective September 1, 2017)

I, the undersigned agent for the company named below, certify that the Company does not boycott Israel and will not boycott Israel during the term of the contract.

COMPANY NAME: Aqua Strategies Inc.

FEDERAL TAX ID or SOCIAL SECURITY No. 37-1749536

Signature of Company Official: 

Printed name of company official signing above: Barney Austin, PE, PhD

Date Signed: 15 April 2019

ADDENDUM #1**Date: April 10, 2019****To Bidders: RFQ 19-2001-08 DESIGN & ENGINEERING FOR NATURAL RESOURCES DAMAGE ASSESSMENT PROJECT****Opening Date: Thursday, April 18, 2019 at 2:00 PM**

Question #1 - Is it acceptable to email a PDF of the proposal to Ms. Kimberly Russ to satisfy the requirement to submit one (1) electronic copy of the proposal? Or does the City prefer the digital copy on electronic media (i.e. thumb drive, disk) to be submitted with the submission of the hard copies?

Answer #1 – An emailed PDF file of the proposal is acceptable. Please email your proposal to kimberly.russ@txkusa.org. In the subject line please include RFQ 19-2001-08 Design & Engineering for NRDA Project PDF File.

Question #2 - Is it acceptable to provide license/certification registration numbers for the firms/individuals rather than attach each license/certification certificate?

Answer #2 – Yes, this can be supplemental and in addition to the 10-page limit.

Question #3 - Regarding the 10-page limit, can we assume that the following elements are not counted for the proposal page limit:

- a. Signed RFQ document as required by the RFQ (consisting of 11 pages)
- b. Cover Page
- c. Cover Letter

Answer #3 – The signed RFQ document as required by the RFQ (consisting of 11 pages), the cover page, and the cover letter are not included in the 10-page limit.



Kimberly Russ, Interim Purchasing Manager

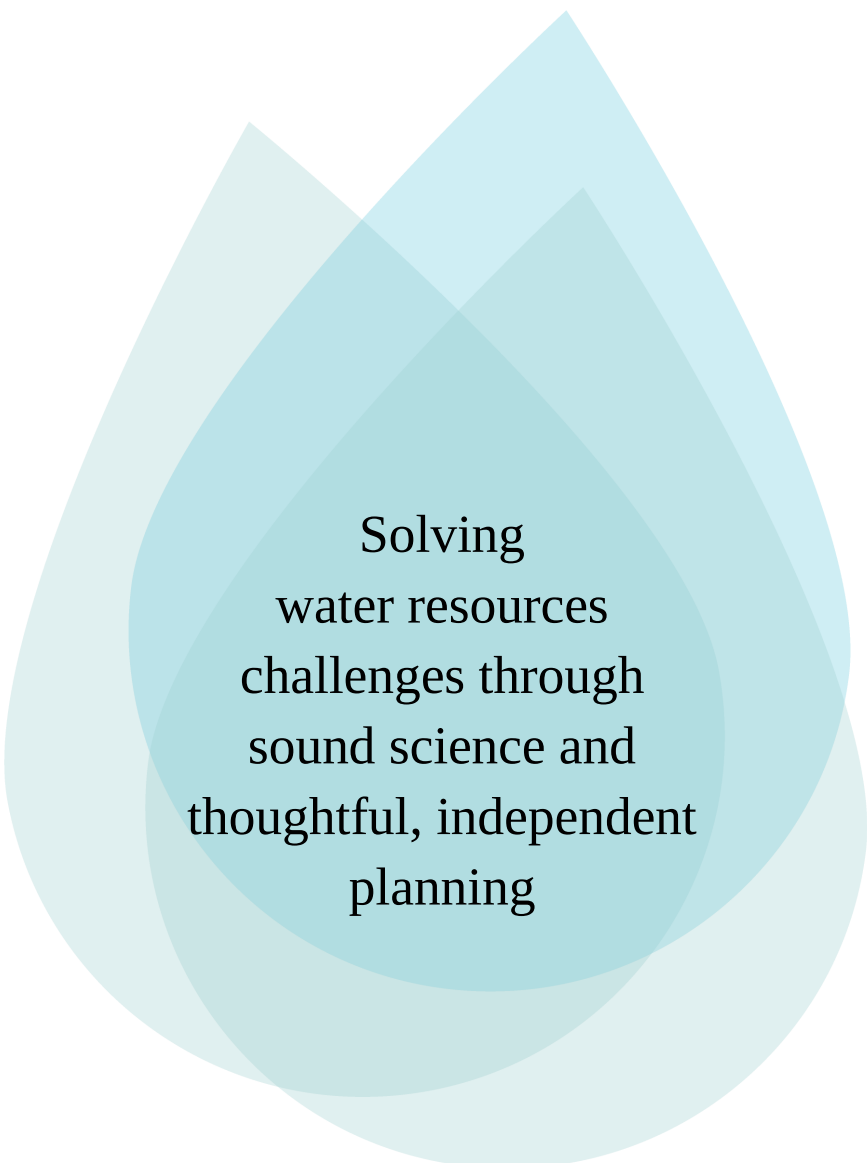
IN THE SUBMISSION OF THE BID, BIDDER MUST ACKNOWLEDGE RECEIPT OF THIS ADDENDUM; OTHERWISE THE BID MAY NOT BE GIVEN CONSIDERATION. BIDDER MAY ACKNOWLEDGE RECEIPT ON FACE OF BID OR BY RETURNING ONE COPY OF THIS NOTICE.



Signature of Bidder

Aqua Strategies Inc.

Name of Company



Solving
water resources
challenges through
sound science and
thoughtful, independent
planning

**AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR PROFESSIONAL SERVICES**

Contract Number _____
City of Texarkana Texas

THIS IS AN AGREEMENT effective as of February 25, 2020 or TBD ("Effective Date") between
City of Texarkana, Texas ("Owner") and
Aqua Strategies, Inc. ("Engineer").

Owner's project, of which Engineer's services under this Agreement are a part, are generally identified as follows:
City of Texarkana, Texas's NRDA Days Creek Comprehensive Aquatic Restoration Project ("Project").

Other terms used in this Agreement are defined in Article 7, Definitions.

Engineer's services under this Agreement are generally identified as follows:

NRDA Trustees approved Work Plan associated with The Project and See Exhibit A, Engineer's Services and Exhibit A
Attachment 1 Scope of Work, Exhibit A Attachment 2 Schedule, and Exhibit B Attachment 1 Project Budget and Fees.

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Owner and Engineer agree as follows:

ARTICLE 1 – SERVICES OF ENGINEER

1.01 *Services and Scope*

- A. Engineer shall provide, or cause to be provided, the services set forth within the NRDA Trustees approved Work Plan associated with The Project herein, additional associated work funded by other non-NRDA funding sources, and in Exhibit A.

ARTICLE 2 – OWNER’S RESPONSIBILITIES

2.01 *General*

- A. Owner shall have the responsibilities set forth herein and in Exhibit B.
- B. Owner shall pay Engineer as set forth in Article 4 and Exhibit C.
- C. Owner shall be responsible for all requirements and instructions that it furnishes to Engineer pursuant to this Agreement, and for the accuracy and completeness of all programs, reports, data, and other information furnished by Owner to Engineer pursuant to this Agreement. Engineer may use and rely upon such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement, subject to any express limitations or reservations applicable to the furnished items.
- D. Owner shall give prompt written notice to Engineer whenever Owner observes or otherwise becomes aware of:
 - 1. any development that affects the scope or time of performance of Engineer’s services;
 - 2. the presence at the Site of any Constituent of Concern; or
 - 3. any relevant, material defect or nonconformance in: (a) Engineer’s services, (b) the Work, or (c) the performance of any Constructor., or (d) a delay in Owner’s performance of its responsibilities under this Agreement.

ARTICLE 3 – SCHEDULE FOR RENDERING SERVICES

3.01 *Commencement*

- A. Engineer is authorized to begin rendering services as of the Effective Date.

3.02 *Time for Completion*

- A. Engineer shall complete its obligations within a reasonable time. Specific periods of time for rendering services, or specific dates by which services are to be completed, are provided in Exhibit A, and are hereby agreed to be reasonable.

- B. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's services is impaired, or Engineer's services are delayed or suspended, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably.
- C. If Owner authorizes changes in the scope, extent, or character of the Project or Engineer's services, then the time for completion of Engineer's services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably.
- D. Owner shall make decisions and carry out its other responsibilities in a timely manner so as not to delay the Engineer's performance of its services.
- E. If Engineer fails, through its own fault, to complete the performance required in this Agreement within the time set forth, as duly adjusted, then Owner shall be entitled to the recovery of direct damages, if any, resulting from such failure.

ARTICLE 4 – INVOICES AND PAYMENTS

4.01 *Invoices*

- A. *Preparation and Submittal of Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and the terms of Exhibit C. Engineer shall submit its invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt.

4.02 *Payments*

- A. *Availability of Funds.* This Agreement and all claims, suits or obligations arising under or related to this Agreement related to the NRDA Project are subject to the receipt and availability of funds from NRDA Trustees. In the event that Owner does not receive funds from NRDA Trustees or funds are recouped or rescinded by NRDA Trustees, Owner's obligations under this Agreement for payment shall immediately terminate. *Application to Interest and Principal:* The City's payments under this Agreement and Contract, including the time of payment and the payment of interest on overdue amounts, are subject to Chapter 2251, Texas Government Code. The City reserves the right to modify any amount due to the Engineer presented by invoice to the City if necessary, to conform the amount to the terms of the contract. Payment will be credited first to any interest owed to Engineer and then to principal.
- B. *Failure to Pay:* If Owner fails to make any undisputed payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, then:
 - 1. Undisputed 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;
 - 2. Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement until Owner has paid in full all undisputed amounts due for services, expenses, and other related charges.
- C. *Disputed Invoices:* If Owner disputes an invoice, either as to amount or entitlement, then Owner shall promptly advise Engineer in writing of the specific basis for doing so, may

withhold only that portion so disputed, and must pay the undisputed portion subject to the terms of Paragraph 4.01. After a disputed item has been settled, Engineer shall include the disputed item payment on a subsequent regularly scheduled invoice or on a special invoice for the disputed item only.

ARTICLE 5 – SALES OR USE TAXES: IF AFTER THE EFFECTIVE DATE ANY GOVERNMENTAL ENTITY TAKES A LEGISLATIVE ACTION THAT IMPOSES ADDITIONAL SALES OR USE TAXES ON ENGINEER'S SERVICES OR COMPENSATION UNDER THIS AGREEMENT, THEN ENGINEER MAY INVOICE SUCH ADDITIONAL SALES OR USE TAXES FOR REIMBURSEMENT BY OWNER. OWNER SHALL REIMBURSE ENGINEER FOR THE COST OF SUCH INVOICED ADDITIONAL SALES OR USE TAXES; SUCH REIMBURSEMENT SHALL BE IN ADDITION TO THE COMPENSATION TO WHICH ENGINEER IS ENTITLED UNDER THE TERMS OF EXHIBIT C. CITY IS TAX EXEMPT.**OPINIONS OF COST**

5.01 *Opinions of Probable Construction Cost*

- A. Engineer's opinions (if any) of probable Construction Cost are to be made on the basis of Engineer's experience, qualifications, and general familiarity with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market or weather conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. If Owner requires greater assurance as to probable Construction Cost, then Owner agrees to obtain an independent cost estimate.

5.02 *Designing to Construction Cost Limit*

- A. If a Construction Cost limit is established between Owner and Engineer, such Construction Cost limit and a statement of Engineer's rights and responsibilities with respect thereto will be specifically set forth in Exhibit F to this Agreement as the approved NRDA Interlocal Agreement.

5.03 *Opinions of Total Project Costs*

- A. The services, if any, of Engineer with respect to Total Project Costs shall be limited to assisting the Owner in tabulating the various categories that comprise Total Project Costs. Engineer assumes no responsibility for the accuracy of any opinions of Total Project Costs.

ARTICLE 6 – GENERAL CONSIDERATIONS

6.01 *Standards of Performance*

- A. *Standard of Care:* 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 any services performed or furnished by Engineer.
- B. *Technical Accuracy:* Owner shall not be responsible for discovering deficiencies in the technical accuracy of Engineer's services. Engineer shall correct deficiencies in technical

accuracy without additional compensation, unless such corrective action is directly attributable to deficiencies in Owner-furnished information.

- C. *Consultants:* Engineer may retain such Consultants, as sub-consultants, as Engineer deems necessary to assist in the performance or furnishing of the services, subject to reasonable, timely, and substantive objections by Owner.
- D. *Reliance on Others:* Subject to the standard of care set forth in Paragraph 6.01.A, 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.
- E. *Compliance with Laws and Regulations, and Policies and Procedures:*
 - 1. Engineer and Owner shall comply with applicable Laws and Regulations.
 - 2. Engineer shall comply with any and all policies, procedures, and instructions of Owner that are applicable to Engineer's performance of services under this Agreement and that Owner provides to Engineer in writing, subject to the standard of care set forth in Paragraph 6.01.A, and to the extent compliance is not inconsistent with professional practice requirements.
- F. Engineer shall not be required to sign any document, no matter by whom requested, that would result in the Engineer having to certify, guarantee, or warrant the existence of conditions whose existence the Engineer cannot ascertain. Owner agrees not to make resolution of any dispute with the Engineer or payment of any amount due to the Engineer in any way contingent upon the Engineer signing any such document.
- G. The general conditions for any construction contract documents prepared hereunder are to be EJCDC® C-700 "Standard General Conditions of the Construction Contract" (2013 Edition), prepared by the Engineers Joint Contract Documents Committee, unless expressly indicated otherwise in Exhibit J or elsewhere in this Agreement.
- H. Engineer shall supervise or direct on behalf of the Owner any Constructor's work. The Engineer will coordinate with any Constructor the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, as applicable to the NRDA Agreement, specified performance criteria, and Project related permit conditions, for the safety precautions and programs incident thereto, for security or safety at the Site. The Engineer shall not be responsible for any failure of a Constructor to comply with Laws and Regulations applicable to that Constructor's furnishing and performing of its work. Engineer shall not be responsible for the acts or omissions of any Constructor.
- I. Engineer neither guarantees the performance of any Construction Contractor, i.e. "Constructor" nor assumes responsibility for any Constructor's, failure to furnish and perform the Work in accordance with the Construction Contract Documents.
- J. Engineer shall not be responsible for any changes or decision made after 100% complete construction documents have been prepared and approved by the NRDA Trustees regarding changes made by others to the Construction Contract Documents, or any

application, interpretation, clarification, or modification of the Construction Contract Documents, other than those made by Engineer or its Consultants.

- K. Engineer is not required to provide and does not have any responsibility for surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements.
- L. Engineer's services do not include providing legal advice or representation.
- M. Engineer's services do not include (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission, or (2) advising Owner, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances.
- N. While at the Site, Engineer, its Consultants, and their employees and representatives shall comply with the applicable requirements of Contractor's and Owner's safety programs of which Engineer has been informed in writing.

6.02 *Design Without Construction Phase Services*

- A. Engineer shall be responsible only for those Construction Phase services expressly required of Engineer in Exhibit A, Paragraph A1.05 and Exhibit A Attachment 1 Scope of Work. With the exception of such expressly required services, Engineer shall have design, Shop Drawing review, or other obligations during construction as applicable to the approved NRDA Trustees plans, associated performance criteria and permit conditions, and Owner assumes all responsibility for the application and interpretation of the Construction Contract Documents executed by The Owner between a Contractor, review and response to Contractor claims, Construction Contract administration, processing of Change Orders and submittals, revisions to the Construction Contract Documents during construction. The Engineer shall provide construction observation and review, review of Contractor's payment applications including application for final payment, and all other necessary Construction Phase administrative, engineering, and professional services and provide recommendations to the Owner.

6.03 *Use of Documents*

- A. All Documents are instruments of service, and Engineer shall retain an ownership and property interest therein (including the copyright and the right of reuse at the discretion of the Engineer) whether or not the Project is completed.
- B. If Engineer is required to prepare or furnish Drawings or Specifications under this Agreement, Engineer shall deliver to Owner at least one original printed record version of such Drawings and Specifications, signed and sealed according to applicable Laws and Regulations.
- C. Owner may make and retain copies of Documents for information and reference in connection with the use of the Documents on the Project, including but not limited to, submission to TCEQ and other governmental agencies, to provide general public

information to inform the public, for grant applications, and for any other reasonably necessary purpose to fulfil Owner's purposes. Engineer grants Owner a limited license to use the Documents on the Project, extensions of the Project, and for related uses of the Owner, including those uses set forth above, subject to receipt by Engineer of full payment due and owing for all undisputed 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 pertinent Documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.

- D. Engineer acknowledges and agrees that the project undertaken in this agreement is critical "infrastructure", as that term is defined in Section 421.001 of the Government Code, such being a public system vital to the public health and safety of the State of Texas and to the United States. "Critical Infrastructure" includes all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state of the nation.
- E. If Engineer at Owner's request verifies the suitability of the Documents, completes them, or adapts them for extensions of the Project or for any other purpose, then Owner shall compensate Engineer at rates or in an amount to be agreed upon by Owner and Engineer.
- F. The Owner, described as the Performing Party within the NRDA Interlocal Agreement, and NRDA Trustees expressly agree that any data collected as a result of this Agreement shall be jointly owned by the Parties. All Parties shall have complete and unlimited access to all such data. Further, any data or other material developed under this Agreement shall be subject to any applicable federal and state laws governing access to and availability of public records. The Parties may convey ownership rights in collected data to subcontractors and recipients of subawards, with the approval of all Parties. Performing Party will ensure that this article is included in any subcontract awards. The Owner, as the Performing Party in the NRDA Interlocal Agreement, shall act to ensure that all subcontractors are advised of the rights in data and materials described herein and that subcontractors are prohibited from asserting any rights at common law or in equity or otherwise seeking to establish any claim to statutory copyright in any data, material, or information developed under this Agreement.

6.04 *Electronic Transmittals*

- A. Owner and Engineer may transmit, and shall accept, Project-related correspondence, Documents, text, data, drawings, information, and graphics, in electronic media or digital

format, either directly, or through access to a secure Project website, in accordance with a mutually agreeable protocol.

- B. If this Agreement does not establish protocols for electronic or digital transmittals, then Owner and Engineer shall jointly develop such protocols.
- C. When transmitting items in electronic media or digital format, the transmitting party makes no representations as to long term compatibility, usability, or readability of the items resulting from the recipient's use of software application packages, operating systems, or computer hardware differing from those used in the drafting or transmittal of the items, or from those established in applicable transmittal protocols.

6.05 Insurance

- A. Engineer shall procure and maintain insurance as set forth in Exhibit G. Engineer shall cause Owner to be listed as an additional insured on any applicable general liability insurance policy carried by Engineer.
- B. Owner shall procure and maintain insurance as set forth in Exhibit G. Owner shall cause Engineer and its Consultants to be listed as additional insureds on any general liability policies carried by Owner, which are applicable to the Project completed within 30 days of the Effective Date.
- C. Owner shall require Constructor to purchase and maintain policies of insurance covering workers' compensation, general liability, motor vehicle damage and injuries, and other insurance necessary to protect Owner's and Engineer's interests in the Project. Owner shall require Contractor to cause Engineer and its Consultants to be listed as additional insureds with respect to such liability insurance purchased and maintained by Contractor for the Project.
- D. Owner and Engineer shall each deliver to the other certificates of insurance evidencing the coverages indicated in Exhibit G. Such certificates shall be furnished prior to commencement of Engineer's services and at renewals thereafter during the life of the Agreement.
- E. All policies of property insurance relating to the Project, including but not limited to any builder's risk policy, shall allow for waiver of subrogation rights and contain provisions to the effect that in the event of payment of any loss or damage the insurers will have no rights of recovery against any insured thereunder or against Engineer or its Consultants. Owner and Engineer waive all rights against each other, Contractor, the Consultants, and the respective officers, directors, members, partners, employees, agents, consultants, and subcontractors of each and any of them, for all losses and damages caused by, arising out of, or resulting from any of the perils or causes of loss covered by any builder's risk policy and any other property insurance relating to the Project. Owner and Engineer shall take appropriate measures in other Project-related contracts to secure waivers of rights consistent with those set forth in this paragraph.
- F. All policies of insurance shall contain a provision or endorsement that the coverage afforded will not be canceled or reduced in limits by endorsement, and that renewal will not be refused, until at least 10 days prior written notice has been given to the primary

insured. Upon receipt of such notice, the receiving party shall promptly forward a copy of the notice to the other party to this Agreement.

- G. At any time, Owner may request that Engineer or its Consultants, at Owner's sole expense, provide additional insurance coverage, increased limits, or revised deductibles that are more protective than those specified in Exhibit G. If so, requested by Owner, and if commercially available, Engineer shall obtain and shall require its Consultants to obtain such additional insurance coverage, different limits, or revised deductibles for such periods of time as requested by Owner, and Exhibit G will be supplemented to incorporate these requirements.

6.06 *Suspension and Termination*

A. *Suspension:*

1. *By Owner:* Owner may suspend the Project for up to 90 days upon seven days written notice to Engineer.
2. *By Engineer:* Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement if Owner has failed to pay Engineer for undisputed invoiced services and expenses, as set forth in Paragraph 4.02.B, or in response to the presence of Constituents of Concern at the Site, as set forth in Paragraph 6.10.D.

B. *Termination:* The obligation to provide further services 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 terms hereof through no fault of the terminating party.
 - 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 or suspended for more than 90 days for reasons beyond Engineer's control, or as the result of the presence at the Site of undisclosed Constituents of Concern, as set forth in Paragraph 6.10.D.
 - 3) Engineer shall have no liability to Owner on account of such termination other than those obligations which survive termination.
 - c. Notwithstanding the foregoing, this Agreement will not terminate under Paragraph 6.06.B.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 thereof; 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.

- C. *Effective Date of Termination:* The terminating party under Paragraph 6.06.B may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to demobilize personnel and equipment from the Site, 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.
- D. *Payments Upon Termination:*
1. In the event of any termination under Paragraph 6.06, 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.
 2. In the event of termination by Owner or by Engineer for cause, Engineer shall be entitled, in addition to invoicing for those items identified in Paragraph 6.06.D.1, to invoice Owner and receive payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, costs of terminating contracts with Engineer's Consultants, and other related close-out costs, using methods and rates for Additional Services as set forth in Exhibit C.

6.07 *Controlling Law*

- A. This Agreement is to be governed by the Laws and Regulations of the state in which the Project is located. Venue shall be the county in which the Project is located.

6.08 *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 6.08.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, money that is due or may become due) in this Agreement without the written consent of the other party, except to the extent that any assignment, subletting, or transfer is mandated 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 in this Agreement:

1. Nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any Constructor, other third-party individual or entity, or to any surety for or employee of any of them.
2. 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.
3. Owner agrees that the substance of the provisions of this Paragraph 6.08.C shall appear in the Construction Contract Documents.

6.09 *Dispute Resolution*

- A. Owner and Engineer agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice prior to invoking the procedures of Exhibit H or other provisions of this Agreement, or exercising their rights at law.
- B. If the parties fail to resolve a dispute through negotiation under Paragraph 6.09.A, then either or both may invoke the procedures of Exhibit H. If Exhibit H is not included, or if no dispute resolution method is specified in Exhibit H, then the parties may exercise their rights at law.

6.10 *Environmental Condition of Site*

- A. Owner represents to Engineer that as of the Effective Date to the best of Owner's knowledge no Constituents of Concern, other than those disclosed in writing to Engineer, exist at or adjacent to the Site.
- B. If Engineer encounters or learns of an undisclosed Constituent of Concern at the Site, then Engineer shall notify (1) Owner and (2) appropriate governmental officials if Engineer reasonably concludes that doing so is required by applicable Laws or Regulations.
- C. It is acknowledged by both parties that Engineer's scope of services does not include any services related to unknown or undisclosed Constituents of Concern. If Engineer or any other party encounters, uncovers, or reveals an undisclosed Constituent of Concern, then Owner shall promptly determine whether to retain a qualified expert to evaluate such condition or take any necessary corrective action.
- D. If investigative or remedial action, or other professional services, are necessary with respect to undisclosed Constituents of Concern, or if investigative or remedial action beyond that reasonably contemplated is needed to address a disclosed or known Constituent of Concern, then 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 such portion of the Project is no longer affected.
- E. If the presence at the Site of undisclosed Constituents of Concern adversely affects the performance of Engineer's services under this Agreement, then the Engineer shall have the option of (1) accepting an equitable adjustment in its compensation or in the time of completion, or both; or (2) terminating this Agreement for cause on seven days notice.

- F. Owner acknowledges that Engineer is performing professional services for Owner and that Engineer is not and shall not be required to become an "owner," "arranger," "operator," "generator," or "transporter" of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, which are or may be encountered at or near the Site in connection with Engineer's activities under this Agreement.

6.11 *Indemnification and Mutual Waiver*

- A. *Indemnification by Engineer:* To the fullest extent permitted by Laws and Regulations, Engineer shall indemnify and hold harmless Owner, and Owner's officers, directors, members, partners, agents, consultants, and employees, from losses, damages, and judgments (including reasonable consultants' and attorneys' fees and expenses) arising from third-party claims or actions relating to the Project, provided that any such claim, action, loss, damages, or judgment is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), including the loss of use resulting therefrom, but only to the extent caused by any negligent act or omission of Engineer or Engineer's officers, directors, members, partners, agents, employees, or Consultants. **This indemnification provision is subject to and limited by the provisions, if any, agreed to by Owner and Engineer in Exhibit I, "Limitations of Liability."**
- B. *Indemnification by Owner:* Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and Consultants as required by Laws and Regulations **and to the extent (if any) required in Exhibit I, "Limitations of Liability."**
- D. *Environmental Indemnification:* To the fullest extent permitted by Laws and Regulations, Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and Consultants from all claims, costs, losses, damages, actions, and judgments (including reasonable consultants' and attorneys fees and expenses) caused by, arising out of, relating to, or resulting from a Constituent of Concern at, on, or under the Site, provided that (1) any such claim, cost, loss, damages, action, or judgment is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), including the loss of use resulting therefrom, and (2) nothing in this paragraph shall obligate Owner to indemnify any individual or entity from and against the consequences of that individual's or entity's own negligence or willful misconduct.
- E. *No Defense Obligation:* The indemnification commitments in this Agreement do not include a defense obligation by the indemnitor unless such obligation is expressly stated.
- F. *Percentage Share of Negligence:* To the fullest extent permitted by Laws and Regulations, a party's total liability to the other party and anyone claiming by, through, or under the other party for any cost, loss, or damages caused in part by the negligence of the party and in part by the negligence of the other party or any other negligent entity or individual, shall not exceed the percentage share that the party's negligence bears to the total negligence of Owner, Engineer, and all other negligent entities and individuals.
- G. *Mutual Waiver:* To the fullest extent permitted by Laws and Regulations, Owner and Engineer waive against each other, and the other's employees, officers, directors,

members, 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 this Agreement or the Project, from any cause or causes.

6.12 *Audits and Records Retention*

- A. Engineer shall maintain on file in legible form, for a period of five years following completion or termination of its services, all Documents, records (including cost records), and design calculations related to Engineer's services or pertinent to Engineer's performance under this Agreement. Upon Owner's request, Engineer shall provide a copy of any such item to Owner at cost.
- B. Audits and records submittals and retention will be in accordance of Section 14 of the approved NRDA Interlocal Agreement.

6.13 *Miscellaneous Provisions*

- A. *Notices:* Any notice required under this Agreement will be in writing, addressed to the appropriate party at its address on the signature page and given personally, by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon the date of receipt.
- B. *Survival:* All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.
- C. *Severability:* Any provision or part of the Agreement held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Engineer, which agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.
- D. *Waiver:* A party's non-enforcement of any provision shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.
- E. *Accrual of Claims:* To the fullest extent permitted by Laws and Regulations, all causes of action arising under this Agreement shall be deemed to have accrued, and all statutory periods of limitation shall commence, no later than the date of Substantial Completion.

ARTICLE 7 – DEFINITIONS

7.01 *Defined Terms*

- A. Wherever used in this Agreement (including the Exhibits hereto) terms (including the singular and plural forms) printed with initial capital letters have the meanings indicated in the text above, in the exhibits, or in the following definitions:
 - 1. *Addenda*—Written or graphic instruments issued prior to the opening of bids which clarify, correct, or change the bidding requirements or the proposed Construction Contract Documents.

2. *Additional Services*—The services to be performed for or furnished to Owner by Engineer in accordance with Part 2 of Exhibit A of this Agreement.
3. *Agreement*—This written contract for professional services between Owner and Engineer, including all exhibits identified in Paragraph 8.01 and any duly executed amendments.
4. *Application for Payment*—The form acceptable to Engineer and Owner which is to be used by Contractor during the course of the Work in requesting progress or final payments and which is to be accompanied by such supporting documentation as is required by the Construction Contract.
5. *Basic Services*—The services to be performed for or furnished to Owner by Engineer in accordance with Part 1 of Exhibit A of this Agreement.
6. *Change Order*—A document which is signed by Contractor and Owner and authorizes an addition, deletion, or revision in the Work or an adjustment in the Construction Contract Price or the Construction Contract Times, or other revision to the Construction Contract, issued on or after the effective date of the Construction Contract.
7. *Change Proposal*—A written request by Contractor, duly submitted in compliance with the procedural requirements set forth in the Construction Contract, seeking an adjustment in Construction Contract Price or Construction Contract Times, or both; contesting an initial decision by Engineer concerning the requirements of the Construction Contract Documents or the acceptability of Work under the Construction Contract Documents; challenging a set-off against payments due; or seeking other relief with respect to the terms of the Construction Contract.
8. *Constituent of Concern*—Asbestos, petroleum, radioactive material, polychlorinated biphenyls (PCBs), hazardous waste, and any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or addressed pursuant to (a) the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq. (“CERCLA”); (b) the Hazardous Materials Transportation Act, 49 U.S.C. §§5501 et seq.; (c) the Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq. (“RCRA”); (d) the Toxic Substances Control Act, 15 U.S.C. §§2601 et seq.; (e) the Clean Water Act, 33 U.S.C. §§1251 et seq.; (f) the Clean Air Act, 42 U.S.C. §§7401 et seq.; or (g) any other federal, State, or local statute, law, rule, regulation, ordinance, resolution, code, order, or decree regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.
9. *Construction Contract*—The entire and integrated written contract between the Owner and Contractor concerning the Work.
10. *Construction Contract Documents*—Those items designated as “Contract Documents” in the Construction Contract, and which together comprise the Construction Contract.
11. *Construction Contract Price*—The money that Owner has agreed to pay Contractor for completion of the Work in accordance with the Construction Contract Documents.

12. *Construction Contract Times*—The number of days or the dates by which Contractor shall: (a) achieve milestones, if any, in the Construction Contract; (b) achieve Substantial Completion; and (c) complete the Work.
13. *Construction Cost*—The cost to Owner of the construction of those portions of the entire Project designed or specified by or for Engineer under this Agreement, including construction labor, services, materials, equipment, insurance, and bonding costs, and allowances for contingencies. Construction Cost does not include costs of services of Engineer or other design professionals and consultants; cost of land or rights-of-way, or compensation for damages to property; Owner's costs for legal, accounting, insurance counseling, or auditing services; interest or financing charges incurred in connection with the Project; or the cost of other services to be provided by others to Owner. Construction Cost is one of the items comprising Total Project Costs.
14. *Constructor*—Any person or entity (not including the Engineer, its employees, agents, representatives, and Consultants), performing or supporting construction activities relating to the Project, including but not limited to Contractors, Subcontractors, Suppliers, Owner's work forces, utility companies, other contractors, construction managers, testing firms, shippers, and truckers, and the employees, agents, and representatives of any or all of them.
15. *Consultants*—Individuals or entities having a contract with Engineer to furnish services with respect to this Project as Engineer's independent professional associates and consultants; subcontractors; or vendors.
16. *Contractor*—The entity or individual with which Owner enters into a Construction Contract.
17. *Documents*—Data, reports, Drawings, Specifications, Record Drawings, building information models, civil integrated management models, and other deliverables, whether in printed or electronic format, provided or furnished in appropriate phases by Engineer to Owner pursuant to this Agreement.
18. *Drawings*—That part of the Construction Contract Documents that graphically shows the scope, extent, and character of the Work to be performed by Contractor.
19. *Effective Date*—The date indicated in this Agreement on which it becomes effective, but if no such date is indicated, the date on which this Agreement is signed and delivered by the last of the parties to sign and deliver.
20. *Engineer*—The individual or entity named as such in this Agreement.
21. *Field Order*—A written order issued by Engineer which requires minor changes in the Work but does not change the Construction Contract Price or the Construction Contract Times.
22. *Laws and Regulations; Laws or Regulations*—Any and all applicable laws, statutes, rules, regulations, ordinances, codes, and orders of any and all governmental bodies, agencies, authorities, and courts having jurisdiction.

23. *Owner*—The individual or entity named as such in this Agreement and for which Engineer's services are to be performed. Unless indicated otherwise, this is the same individual or entity that will enter into any Construction Contracts concerning the Project.
24. *Performing Party* —The Owner under the Interlocal Agreement with the Natural Resource Damage Assessment (NRDA Trustees).
25. *Project*—The total undertaking to be accomplished for Owner by engineers, contractors, and others, including planning, study, design, construction, testing, commissioning, and start-up, and of which the services to be performed or furnished by Engineer under this Agreement are a part.
26. *Record Drawings*—Drawings depicting the completed Project, or a specific portion of the completed Project, prepared by Engineer as an Additional Service and based on Contractor's record copy of all Drawings, Specifications, Addenda, Change Orders, Work Change Directives, Field Orders, and written interpretations and clarifications, as delivered to Engineer and annotated by Contractor to show changes made during construction.
27. *Reimbursable Expenses*—The expenses incurred directly by Engineer in connection with the performing or furnishing of Basic Services and Additional Services for the Project.
28. *Resident Project Representative*—The authorized representative of Engineer assigned to assist Engineer at the Site during the Construction Phase. As used herein, the term Resident Project Representative or "RPR" includes any assistants or field staff of Resident Project Representative. The duties and responsibilities of the Resident Project Representative, if any, are as set forth in Exhibit D.
29. *Samples*—Physical examples of materials, equipment, or workmanship that are representative of some portion of the Work and that establish the standards by which such portion of the Work will be judged.
30. *Shop Drawings*—All drawings, diagrams, illustrations, schedules, and other data or information that are specifically prepared or assembled by or for Contractor and submitted by Contractor to illustrate some portion of the Work. Shop Drawings, whether approved or not, are not Drawings and are not Construction Contract Documents.
31. *Site*—Lands or areas to be indicated in the Construction Contract Documents as being furnished by Owner upon which the Work is to be performed, including rights-of-way and easements, and such other lands furnished by Owner which are designated for the use of Contractor.
32. *Specifications*—The part of the Construction Contract Documents that consists of written requirements for materials, equipment, systems, standards, and workmanship as applied to the Work, and certain administrative requirements and procedural matters applicable to the Work.
33. *Subcontractor*—An individual or entity having a direct contract with Contractor or with any other Subcontractor for the performance of a part of the Work.

34. *Substantial Completion*—The time at which the Work (or a specified part thereof) has progressed to the point where, in the opinion of Engineer and Owner, the Work (or a specified part thereof) is sufficiently complete, in accordance with the Construction Contract Documents, so that the Work (or a specified part thereof) can be utilized for the purposes for which it is intended. The terms “substantially complete” and “substantially completed” as applied to all or part of the Work refer to Substantial Completion thereof.
 35. *Supplier*—A manufacturer, fabricator, supplier, distributor, materialman, or vendor having a direct contract with Contractor or with any Subcontractor to furnish materials or equipment to be incorporated in the Work by Contractor or a Subcontractor.
 36. *Total Project Costs*—The total cost of planning, studying, designing, constructing, testing, commissioning, and start-up of the Project, including Construction Cost and all other Project labor, services, materials, equipment, insurance, and bonding costs, allowances for contingencies, and the total costs of services of Engineer or other design professionals and consultants, together with such other Project-related costs that Owner furnishes for inclusion, including but not limited to cost of land, rights-of-way, compensation for damages to properties, Owner’s costs for legal, accounting, insurance counseling, and auditing services, interest and financing charges incurred in connection with the Project, and the cost of other services to be provided by others to Owner.
 37. *Work*—The entire construction or the various separately identifiable parts thereof required to be provided under the Construction Contract Documents. Work includes and is the result of performing or providing all labor, services, and documentation necessary to produce such construction; furnishing, installing, and incorporating all materials and equipment into such construction; and may include related services such as testing, start-up, and commissioning, all as required by the Construction Contract Documents.
 38. *Work Change Directive*—A written directive to Contractor issued on or after the effective date of the Construction Contract, signed by Owner and recommended by Engineer, ordering an addition, deletion, or revision in the Work.
- B. *Day*:
1. The word “day” means a calendar day of 24 hours measured from midnight to the next midnight.

ARTICLE 8 – EXHIBITS AND SPECIAL PROVISIONS

8.01 *Exhibits Included*:

- A. Exhibit A, Engineer’s Services and Scope of Work.
- B. Exhibit B, Owner’s Responsibilities.
- C. Exhibit C, Payments to Engineer for Services and Reimbursable Expenses.
- D. Exhibit D, Duties, Responsibilities and Limitations of Authority of Resident Project Representative.

- E. Exhibit E, Notice of Acceptability of Work.
- F. Exhibit F, Construction Cost Limit.
- G. Exhibit G, Insurance.
- H. Exhibit H, Dispute Resolution.
- I. Exhibit I, Limitations of Liability.
- J. Exhibit J, Special Provisions.
- K. Exhibit K, Amendment to Owner-Engineer Agreement.

8.02 *Total Agreement*

- A. This Agreement, (together with the exhibits included above) 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 written instrument duly executed by both parties. Amendments should be based whenever possible on the format of Exhibit K to this Agreement.

8.03 *Designated Representatives*

- A. With the execution of this Agreement, Engineer and Owner shall designate specific individuals to act as Engineer's and Owner's representatives with respect to the services to be performed or furnished by Engineer and responsibilities of Owner under this Agreement. Such an individual shall have authority to transmit instructions, receive information, and render decisions relative to this Agreement on behalf of the respective party whom the individual represents.

8.04 *Engineer's Certifications*

- A. Engineer certifies that it has not engaged in corrupt, fraudulent, or coercive practices in competing for or in executing the Agreement. For the purposes of this Paragraph 8.04:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the selection process or in the Agreement execution;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the selection process or the execution of the Agreement to the detriment of Owner, or (b) to deprive Owner of the benefits of free and open competition;
 - 3. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the selection process or affect the execution of the Agreement.

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

Owner: []

Engineer: Aqua Strategies, Inc.

By: []

By: []

Print name: []

Print name: []

Title: []

Title: []

Date Signed: []

Date Signed: []

Engineer License or Firm's Certificate No. (if required):

[]

State of: []

Address for Owner's receipt of notices:

[]

Address for Engineer's receipt of notices:

14101 290 West, Building 1600B

Austin, Texas 78737

Designated Representative (Paragraph 8.03.A):

[]

Title: []

Designated Representative (Paragraph 8.03.A):

Georganna Collins, RLA

Title: Restoration Specialist and Project Manager

Phone Number: []

Phone Number: 346-293-3844

E-Mail Address: []

E-Mail Address: gcollins@aquastrategies.com

This is **EXHIBIT A**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Engineer's Services

Article 1 of the Agreement is supplemented to include the following agreement of the parties.

Engineer shall provide Basic and Additional Services as set forth below.

PART 1 – BASIC SERVICES

A1.01 Phase 1 Planning and Permitting

A. Engineer shall:

1. Consult with Owner to define and clarify Owner's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility, and expandability, and any budgetary limitations, and identify available data, information, reports, facilities plans, and site evaluations as refinement to the initial planning. Engineer will prepare a Work Plan to be approved by the NRDA Trustees specifying site surveys, various restoration planning activities, permitting, and other services identified in the Project NRDA Interlocal Agreement.
 - a. If Owner has already identified one or more potential solutions to meet its Project requirements, then proceed with the study and evaluation of such potential solutions.
 - b. If Owner has not identified specific potential solutions for study and evaluation, then assist Owner in determining whether Owner's requirements, and available data, reports, plans, and evaluations, point to a single potential solution for Engineer's study and evaluation, or are such that it will be necessary for Engineer to identify, study, and evaluate multiple potential solutions.
 - c. If it is necessary for Engineer to identify, study, and evaluate multiple potential solutions, then identify three alternative solutions potentially available to Owner, unless Owner and Engineer mutually agree that some other specific number of alternatives should be identified, studied, and evaluated.
2. Identify potential solution(s) to meet Owner's Project requirements, as needed.
3. Study and evaluate the potential solution(s) to meet Owner's Project requirements.
4. Visit the Site, or potential Project sites, to review existing conditions and facilities, unless such visits are not necessary or applicable to meeting the objectives of the Study and Report Phase.
5. Advise Owner of any need for Owner to obtain, furnish, or otherwise make available to Engineer additional Project-related data and information, for Engineer's use in the study

Exhibit A – Engineer's Services

and evaluation of potential solution(s) to Owner's Project requirements, and preparation of related reports.

6. After consultation with Owner, recommend to Owner the solution(s) which in Engineer's judgment meet Owner's requirements for the Project.
7. Identify, consult with, and analyze requirements of governmental authorities having jurisdiction to approve the portions of the Project to be designed or specified by Engineer, including but not limited to mitigating measures identified in an environmental assessment for the Project.
8. Prepare a report (the "Report") which will, as appropriate, contain schematic layouts, sketches, and conceptual design criteria with appropriate exhibits to indicate the agreed-to requirements, considerations involved, and Engineer's recommended solution(s) described as 30% complete designs. For each recommended solution Engineer will provide the following, which will be separately itemized: opinion of probable Construction Cost; proposed allowances for contingencies; the estimated total costs of design, professional, and related services to be provided by Engineer and its Consultants; and, on the basis of information furnished by Owner, a tabulation of other items and services included within the definition of Total Project Costs.
9. Advise Owner of any need for Owner to provide data or services of the types described in Exhibit B, Owner's Responsibilities, for use in Project design, or in preparation for Contractor selection and construction.
10. When mutually agreed, assist Owner in evaluating the possible use of building information modeling; civil integrated management; geotechnical baselining of subsurface site conditions; innovative design, contracting, or procurement strategies; or other strategies, technologies, or techniques for assisting in the design, construction, and operation of Owner's facilities. The subject matter of this paragraph shall be referred to in Exhibit A and B of this Agreement as "Project Strategies, Technologies, and Techniques." And address what is described as 60-80% complete designs and plans in the NRDA Interlocal Agreement.
11. If requested to do so by Owner, assist Owner in identifying opportunities for enhancing the sustainability of the Project, and pursuant to Owner's instructions plan for the inclusion of sustainable features in the design.
12. Use ASCE 38, "Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data" as a means to advise the Owner on a recommended scope of work and procedure for the identification and mapping of existing utilities.
13. Develop a scope of work and survey limits for any topographic and other surveys necessary for design.
14. Perform or provide the following other Study and Report Phase tasks or deliverables: see Exhibit A Attachment 1 Scope of Work as identified in the NRDA Trustees approved Work Plan.

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15. Furnish two review copies of the Report and any other Study and Report Phase deliverables to Owner within seven days prior to the timeframes specified in the NRDA trustees approved Work Plan for review it with Owner. Within seven days of receipt, Owner shall submit to Engineer any comments regarding the furnished items.
 16. Revise the Report and any other Study and Report Phase deliverables in response to Owner's comments, as appropriate, and furnish two copies of the revised Report and any other Study and Report Phase deliverables to the Owner within ten days of receipt of Owner's review comments.
- B. Engineer's services under the Study and Report Phase will be considered complete on the date when Engineer has delivered to Owner the revised Report and any other Study and Report Phase deliverables and approved by NRDA Trustees.

A1.02 *Phase 2 Engineering and Construction Phase Services*

- A. After acceptance by Owner of the Report and any other Study and Report Phase deliverables; selection by Owner of a recommended solution; issuance by Owner of any instructions for use of Project Strategies, Technologies, and Techniques, or for inclusion of sustainable features in the design; and indication by Owner of any specific modifications or changes in the scope, extent, character, or design requirements of the Project desired by Owner, (1) Engineer and Owner shall discuss and resolve any necessary revisions to Engineer's compensation (through application of the provisions regarding Additional Services, or otherwise), or the time for completion of Engineer's services, resulting from the selected solution, related Project Strategies, Technologies, or Techniques, sustainable design instructions, or specific modifications to the Project, and (2) upon written authorization from Owner, Engineer shall:
1. Prepare Preliminary Design Phase documents consisting of final design criteria, preliminary drawings, outline specifications, and written descriptions of the Project.
 2. In preparing the Preliminary Design Phase documents, use any specific applicable Project Strategies, Technologies, and Techniques authorized by Owner during or following the Study and Report Phase, and include sustainable features, as appropriate, pursuant to Owner's instructions.
 3. Provide necessary field surveys and topographic and utility mapping for Engineer's design purposes. Comply with the scope of work and procedure for the identification and mapping of existing utilities selected and authorized by Owner pursuant to advice from Engineer based on ASCE 38, "Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data," as set forth in Paragraph A1.01.A.12 above. If no such scope of work and procedure for utility mapping has been selected and authorized, then at a minimum the utility mapping will include Engineer contacting utility owners and obtaining available information.
 4. Visit the Site as needed to prepare the Preliminary Design Phase documents.
 5. Advise Owner if additional reports, data, information, or services of the types described in Exhibit B are necessary and assist Owner in obtaining such reports, data, information, or services.

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6. Continue to assist Owner with Project Strategies, Technologies, and Techniques that Owner has chosen to implement.
 7. Based on the information contained in the Preliminary Design Phase documents, prepare a revised opinion of probable Construction Cost, and assist Owner in tabulating the various cost categories which comprise Total Project Costs.
 8. Obtain and review Owner's instructions regarding Owner's procurement of construction services (including instructions regarding advertisements for bids, instructions to bidders, and requests for proposals, as applicable), Owner's construction contract practices and requirements, insurance and bonding requirements, electronic transmittals during construction, and other information necessary for the finalization of Owner's bidding-related documents (or requests for proposals or other construction procurement documents), and Construction Contract Documents. Also obtain and review copies of Owner's design and construction standards, Owner's standard forms, general conditions (if other than EJCDC® C-700, Standard General Conditions of the Construction Contract, 2013 Edition), supplementary conditions, text, and related documents or content for Engineer to include in the draft bidding-related documents (or requests for proposals or other construction procurement documents), and in the draft Construction Contract Documents, when applicable.
 9. Perform or provide the following other Preliminary Design Phase tasks or deliverables: as identified in Exhibit A Attachment 1 Scope of Work.
 10. Furnish two review copies of the Preliminary Design Phase documents, opinion of probable Construction Cost, and any other Preliminary Design Phase deliverables to Owner within 240 days of authorization to proceed with this phase or as per the work and schedule specified within the approved Work Plan, and review them with Owner. Within seven days of receipt, Owner shall submit to Engineer any comments regarding the furnished items.
 11. Revise the Preliminary Design Phase documents, opinion of probable Construction Cost, and any other Preliminary Design Phase deliverables in response to Owner's comments, as appropriate, and furnish to Owner two copies of the revised Preliminary Design Phase documents, revised opinion of probable Construction Cost, and any other deliverables within 30 days after receipt of Owner's comments or as specified within schedule of deliverables within the approved Work Plan.
- B. Engineer's services under the Preliminary Design Phase will be considered complete on the date when Engineer has delivered to Owner the revised Preliminary Design Phase documents, revised opinion of probable Construction Cost, and any other Preliminary Design Phase deliverables and approved by NRDA Trustees.

A1.03 Phase 2 Final Design Phase Services

- A. After acceptance by Owner and NRDA Trustees of the Preliminary Design Phase documents, as described as 80% complete in the NRDA Interlocal Agreement, revised opinion of probable Construction Cost as determined in the Preliminary Design Phase, and any other Preliminary Design Phase deliverables, subject to any Owner-directed modifications or changes in the

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scope, extent, character, or design requirements of or for the Project, and upon written authorization from Owner, Engineer shall:

1. Prepare final Drawings and Specifications indicating the scope, extent, and character of the Work to be performed, as described as 100% complete plans, to be furnished to a Contractor.
2. Visit the Site as needed to assist in preparing the final Drawings and Specifications.
3. Provide technical criteria, written descriptions, and design data for Owner's use in filing applications for permits from or approvals of governmental authorities having jurisdiction to review or approve the final design; assist Owner in consultations with such authorities; and revise the Drawings and Specifications in response to directives from such authorities, as appropriate.
4. Advise Owner of any recommended adjustments to the opinion of probable Construction Cost.
5. After consultation with Owner, include in the Construction Contract Documents any specific protocols for the transmittal of Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website. Any such protocols shall be applicable to transmittals between and among Owner, Engineer, and Contractor during the Construction Phase and Post-Construction Phase, and unless agreed otherwise shall supersede any conflicting protocols previously established for transmittals between Owner and Engineer.
6. Assist Owner in assembling known reports and drawings of Site conditions, and in identifying the technical data contained in such reports and drawings upon which bidders or other prospective contractors may rely.
7. In addition to preparing the final Drawings and Specifications, assemble drafts of other Construction Contract Documents based on specific instructions and contract forms, text, or content received from Owner.
8. Prepare or assemble draft bidding-related documents (or requests for proposals or other construction procurement documents), based on the specific bidding or procurement-related instructions and forms, text, or content received from Owner.
9. Perform or provide the following other Final Design Phase tasks or deliverables: as indicated in Exhibit A Attachment 1 Scope of Work and approved NRDA Trustees Work Plan.
10. Furnish for review by Owner, its legal counsel, and other advisors, two copies of the final Drawings and Specifications, assembled drafts of other Construction Contract Documents, the draft bidding-related documents (or requests for proposals or other construction procurement documents), and any other Final Design Phase deliverables, within 365 days of authorization to proceed or as adjusted by project schedule and permitting timeframe with the Final Design Phase or as specified in the approved Work Plan and any subsequent approved changes to the schedule, and review them with

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Owner. Within fourteen business days of receipt, Owner shall submit to Engineer any comments regarding the furnished items, and any instructions for revisions.

11. Revise the final Drawings and Specifications, assembled drafts of other Construction Contract Documents, the draft bidding-related documents (or requests for proposals or other construction procurement documents), and any other Final Design Phase deliverables in accordance with comments and instructions from the Owner, as appropriate, and submit two final copies of such documents to Owner within 10 days after receipt of Owner's comments and instructions or in accordance with approved Work Plan schedule for deliverables.
- B. Engineer's services under the Final Design Phase will be considered complete on the date when Engineer has delivered to Owner the final Drawings and Specifications, other assembled Construction Contract Documents, bidding-related documents (or requests for proposals or other construction procurement documents), and any other Final Design Phase deliverables and approved by NRDA Trustees.
- C. In the event that the Work designed or specified by Engineer is to be performed or furnished under more than one prime contract, or if Engineer's services are to be separately sequenced with the work of one or more prime Contractors (such as in the case of fast-tracking), Owner and Engineer shall, prior to commencement of the Final Design Phase, develop a schedule for performance of Engineer's services during the Final Design, Bidding or Negotiating, Construction, and Post-Construction Phases in order to sequence and coordinate properly such services as are applicable to the work under such separate prime contracts. This schedule is to be prepared and included in or become an amendment to Exhibit A whether or not the work under such contracts is to proceed concurrently.
- D. The number of prime contracts for Work designed or specified by Engineer upon which the Engineer's compensation has been established under this Agreement is one. If more prime contracts are awarded, Engineer shall be entitled to an equitable increase in its compensation under this Agreement.

A1.04 *Phase 2 Bidding or Negotiating Phase Services*

- A. After acceptance by Owner of the final Drawings and Specifications, other Construction Contract Documents, bidding-related documents (or requests for proposals or other construction procurement documents), and the most recent opinion of probable Construction Cost as determined in the Final Design Phase, and upon written authorization by Owner to proceed, Engineer shall:
 1. Assist Owner in advertising for and obtaining bids or proposals for the Work, assist Owner in issuing assembled design, contract, and bidding-related documents (or requests for proposals or other construction procurement documents) to prospective contractors, and, where applicable, maintain a record of prospective contractors to which documents have been issued, attend pre-bid conferences, if any, and receive and process contractor deposits or charges for the issued documents.
 2. Prepare and issue Addenda as appropriate to clarify, correct, or change the issued documents.

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3. Provide information or assistance needed by Owner in the course of any review of proposals or negotiations with prospective contractors.
 4. Consult with Owner as to the qualifications of prospective contractors.
 5. Consult with Owner as to the qualifications of subcontractors, suppliers, and other individuals and entities proposed by prospective contractors, for those portions of the Work as to which review of qualifications is required by the issued documents.
 6. If the issued documents require, the Engineer shall evaluate and determine the acceptability of "or equals" and substitute materials and equipment proposed by prospective contractors, provided that such proposals are allowed by the bidding-related documents (or requests for proposals or other construction procurement documents) prior to award of contracts for the Work. Services under this paragraph are subject to the provisions of Paragraph A2.02.A.2 of this Exhibit A.
 7. Attend the bid opening, prepare bid tabulation sheets to meet Owner's schedule, and assist Owner in evaluating bids or proposals, assembling final contracts for the Work for execution by Owner and Contractor, and in issuing notices of award of such contracts.
 8. If Owner engages in negotiations with bidders or proposers, assist Owner with respect to technical and engineering issues that arise during the negotiations.
 9. Perform or provide the following other Bidding or Negotiating Phase tasks or deliverables: as identified in Exhibit A Attachment 1 and NRDA Trustees approved Work Plan.
- B. The Bidding or Negotiating Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective contractors (except as may be required if Exhibit F is a part of this Agreement).

A1.05 *Phase 2 Construction Phase Services*

- A. Upon successful completion of the Bidding and Negotiating Phase, and upon written authorization from Owner, Engineer shall:
1. *General Administration of Construction Contract:* Consult with Owner and act as Owner's representative in coordination with Owner staff as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of Engineer shall be as assigned in EJCDC® C-700, Standard General Conditions of the Construction Contract (2013 Edition), prepared by the Engineers Joint Contract Documents Committee, or other construction general conditions specified in this Agreement. If Owner, or Owner and Contractor, modify the duties, responsibilities, and authority of Engineer in the Construction Contract, or modify other terms of the Construction Contract having a direct bearing on Engineer, then Owner shall compensate Engineer for any related increases in the cost to provide Construction Phase services. Engineer shall not be required to furnish or perform services contrary to Engineer's responsibilities as a licensed professional. All of Owner's instructions to Contractor will be issued through Engineer, which shall have authority to act on behalf of Owner in coordination with Owner's authorized staff in dealings with Contractor to the

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extent provided in this Agreement and the Construction Contract except as otherwise provided in writing. Nothing herein authorizes Engineer to act without approval of Owner.

2. *Resident Project Representative (RPR):* Provide the services of an RPR at the Site to assist the Engineer and to provide more extensive observation of Contractor's work. Duties, responsibilities, and authority of the RPR are as set forth in Exhibit D. The furnishing of such RPR's services will not limit, extend, or modify Engineer's responsibilities or authority except as expressly set forth in Exhibit D.
3. *Selection of Independent Testing Laboratory:* Assist Owner in the selection of an independent testing laboratory to perform the services identified in Exhibit B, Paragraph B2.01.
4. *Pre-Construction Conference:* Participate in a pre-construction conference prior to commencement of Work at the Site.
5. *Electronic Transmittal Protocols:* If the Construction Contract Documents do not specify protocols for the transmittal of Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, then together with Owner and Contractor jointly develop such protocols for transmittals between and among Owner, Contractor, and Engineer during the Construction Phase and Post-Construction Phase.
6. *Original Documents:* If requested by Owner to do so, maintain and safeguard during the Construction Phase at least one original printed record version of the Construction Contract Documents, including Drawings and Specifications signed and sealed by Engineer and other design professionals in accordance with applicable Laws and Regulations. Throughout the Construction Phase, make such original printed record version of the Construction Contract Documents available to Contractor and Owner for review.
7. *Schedules:* Receive, review, and determine the acceptability of any and all schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values. See Exhibit A Attachment 2 and the approved NRDA Work Plan Project Schedule.
8. *Baselines and Benchmarks:* As appropriate, establish baselines and benchmarks for locating the Work which in Engineer's and Owner's judgment are necessary to enable Contractor to proceed.
9. *Visits to Site and Observation of Construction:* In connection with observations of Contractor's Work while it is in progress:
 - a. Make visits to the Site at intervals appropriate to the various stages of construction, as Engineer and Owner deem necessary, to observe as an experienced and qualified design professional the progress of Contractor's executed Work. Such visits and observations by Engineer, and the Resident Project Representative, if any, are not intended to be exhaustive or to extend to every aspect of the Work or to involve detailed inspections of the Work beyond the responsibilities specifically assigned to

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Engineer in this Agreement and the Construction Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on Engineer's exercise of professional judgment, as assisted by the Resident Project Representative, if any. Based on information obtained during such visits and observations, Engineer will determine in general if the Work is proceeding in accordance with the Construction Contract Documents, and Engineer shall keep Owner informed of the progress of the Work.

- b. The purpose of Engineer's visits to the Site, and representation by the Resident Project Representative, if any, at the Site, will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced and qualified design professional, to provide for Owner a greater degree of confidence that the completed Work will conform in general to the Construction Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Construction Contract Documents. Engineer shall, during such visits or as a result of such observations of the Work, provide recommendations to the Owner on the Work, Engineer shall have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, for meeting the Project's performance criteria, not security or safety at the Site, for safety precautions and programs incident to any Constructor's work in progress, for the coordination of the Constructors' work or schedules, nor for any failure of any Constructor to comply with Laws and Regulations applicable to furnishing and performing of its work. Accordingly, Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish or perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents.
10. *Defective Work:* Reject Work if, on the basis of Engineer's observations, Engineer believes that such Work is defective under the terms and standards set forth in the Construction Contract Documents. Provide recommendations to Owner regarding whether Contractor should correct such Work or remove and replace such Work, or whether Owner should consider accepting such Work as provided in the Construction Contract Documents.
 11. *Compatibility with Design Concept:* If Engineer has express knowledge that a specific part of the Work that is not defective under the terms and standards set forth in the Construction Contract Documents is nonetheless not compatible with the design concept of the completed Project as a functioning whole, then inform Owner of such incompatibility, and provide recommendations for addressing such Work.
 12. *Clarifications and Interpretations:* Accept from Contractor and Owner submittal of all matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation—RFIs), or relating to the acceptability of the Work under the Construction Contract Documents. With reasonable promptness, render a written clarification, interpretation, or decision on the issue submitted, or initiate an amendment or supplement to the Construction Contract Documents.

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13. *Non-reviewable Matters:* If a submitted matter in question concerns the Engineer's performance of its duties and obligations, or terms and conditions of the Construction Contract Documents that do not involve (1) the performance or acceptability of the Work under the Construction Contract Documents, (2) the design (as set forth in the Drawings, Specifications, or otherwise), or (3) other engineering or technical matters, then Engineer will promptly give written notice to Owner and Contractor that Engineer will not provide a decision or interpretation.
14. *Field Orders:* Subject to any limitations in the Construction Contract Documents, Engineer may with approval of Owner prepare and issue Field Orders requiring changes in the Work.
15. *Change Orders and Work Change Directives:* Recommend Change Orders and Work Change Directives to Owner, as appropriate, and prepare Change Orders and Work Change Directives as required.
16. *Differing Site Conditions:* Respond to any notice from Contractor of differing site conditions, including conditions relating to underground facilities such as utilities, and hazardous environmental conditions. Promptly conduct reviews and prepare findings, conclusions, and recommendations for Owner's use.
17. *Shop Drawings, Samples, and Other Submittals:* Review and approve or take other appropriate action with respect to Shop Drawings, Samples, and other required Contractor submittals, but only for conformance with the information given in the Construction Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Construction Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. Engineer shall meet any Contractor's submittal schedule that Engineer has accepted.
18. *Substitutes and "Or-equal":* Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor, but subject to the provisions of Paragraph A2.02.A.2 of this Exhibit A.
19. *Inspections and Tests:*
 - a. Receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Construction Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Construction Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Construction Contract Documents. Engineer shall be entitled to rely on the results of such inspections and tests.
 - b. As deemed reasonably necessary, request that Contractor uncover Work that is to be inspected, tested, or approved.

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- c. Pursuant to the terms of the Construction Contract, require special inspections or testing of the Work, whether or not the Work is fabricated, installed, or completed.
20. *Change Proposals and Claims:* (a) Review and respond to Change Proposals. Review each duly submitted Change Proposal from Contractor and, within 30 days after receipt of the Contractor's supporting data, either deny the Change Proposal in whole, approve it in whole, or deny it in part and approve it in part. Such actions shall be in writing, with a copy provided to Owner and Contractor. If the Change Proposal does not involve the design (as set forth in the Drawings, Specifications, or otherwise), the acceptability of the Work, or other engineering or technical matters, then Engineer will notify the parties that the Engineer will not resolve the Change Proposal. (b) Provide information or data to Owner regarding engineering or technical matters pertaining to Claims.
21. *Applications for Payment:* Based on Engineer's observations and consistent with the overall NRDA project budget provided in Attachment 3 Project Budget as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:
- a. Determine the amounts that Engineer recommends Contractor be paid. Recommend reductions in payment (set-offs) based on the provisions for set-offs stated in the Construction Contract. Such recommendations of payment will be in writing and will constitute Engineer's representation to Owner, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, Contractor's Work has progressed to the point indicated, the Work is generally in accordance with the Construction Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Construction Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe the Work. In the case of unit price Work, Engineer's recommendations of payment will include final determinations of quantities and classifications of the Work (subject to any subsequent adjustments allowed by the Construction Contract Documents).
 - b. By recommending payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement. Neither Engineer's review of Contractor's Work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control the Work, or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes Contractor has used the money paid to Contractor by Owner; to determine that title to any portion of the Work, including materials or equipment, has passed to

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Owner free and clear of any liens, claims, security interests, or encumbrances; or that there may not be other matters at issue between Owner and Contractor that might affect the amount that should be paid.

22. *Contractor's Completion Documents:* Receive from Contractor, review, and transmit to Owner maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Construction Contract Documents, certificates of inspection, tests and approvals, and Shop Drawings, Samples, and other data approved as provided under Paragraph A1.05.A.17. Receive from Contractor, review, and transmit to Owner the annotated record documents which are to be assembled by Contractor in accordance with the Construction Contract Documents to obtain final payment. The extent of Engineer's review of record documents shall be to check that Contractor has submitted all pages.
 23. *Substantial Completion:* Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with Owner and Contractor, visit the Site to review the Work and determine the status of completion. Follow the procedures in the Construction Contract regarding the preliminary certificate of Substantial Completion, punch list of items to be completed, Owner's objections, notice to Contractor, and issuance of a final certificate of Substantial Completion. Assist Owner regarding any remaining engineering or technical matters affecting Owner's use or occupancy of the Work following Substantial Completion.
 24. *Other Tasks:* Perform or provide the following other Construction Phase tasks or deliverables: as identified in Exhibit A Attachment 1 and the approved NRDA Work Plan and activities generated from the Project.
 25. *Final Notice of Acceptability of the Work:* Conduct a final visit to the Project to determine if the Work is complete and acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall also provide a notice to Owner and Contractor in the form attached hereto as Exhibit E ("Notice of Acceptability of Work") that the Work is acceptable (subject to the provisions of the Notice and Paragraph A1.05.A.21.b) to the best of Engineer's knowledge, information, and belief, and based on the extent of the services provided by Engineer under this Agreement.
 26. *Standards for Certain Construction-Phase Decisions:* Engineer in consultation with Owner will render decisions regarding the requirements of the Construction Contract Documents, and judge the acceptability of the Work, pursuant to the specific procedures set forth in the Construction Contract for initial interpretations, Change Proposals, and acceptance of the Work. In rendering such decisions and judgments, Engineer will not be liable to Owner, Contractor, or others in connection with any proceedings, interpretations, decisions, or judgments conducted or rendered in good faith.
- B. *Duration of Construction Phase:* The Construction Phase will commence with the execution of the first Construction Contract for the Project or any part thereof and will terminate upon written recommendation by Engineer, in consultation with Owner, for final payment to Contractors. If the Project involves more than one prime contract as indicated in Paragraph A1.03.D, then Construction Phase services may be rendered at different times in respect to the separate contracts. Subject to the provisions of Article 3, Engineer shall be entitled to an

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equitable increase in compensation if Construction Phase services (including Resident Project Representative services, if any) are required after the original date for completion and readiness for final payment of Contractor as set forth in the Construction Contract.

A1.06 Phase 3 Post-Construction Phase Services including Monitoring and Reporting

- A. Upon written authorization from Owner during the Post-Construction Phase, Engineer shall:
 - 1. Together with Owner, visit the Project to observe any apparent defects in the Work, make recommendations as to replacement or correction of defective Work, if any, or the need to repair of any damage to the Site or adjacent areas, and assist Owner in consultations and discussions with Contractor concerning correction of any such defective Work and any needed repairs.
 - 2. Together with Owner, visit the Project within one month before the end of the Construction Contract's correction period to ascertain whether any portion of the Work or the repair of any damage to the Site or adjacent areas is defective and therefore subject to correction by Contractor.
 - 3. Perform or provide the following other Post-Construction Phase tasks or deliverables: as specified in Exhibit A attachment 1 and approved NRDA Trustees Work Plan.
- B. The Post-Construction Phase services may commence during the Construction Phase and, if not otherwise modified in this Exhibit A, will terminate twelve months after the commencement of the Construction Contract's correction period and when the NRDA Project Final Completion Report and certification of complete is provided by the NRDA Trustees in accordance with the approved NRDA Work Plan.

PART 2 – ADDITIONAL SERVICES

A2.01 Additional Services Requiring Owner's Written Authorization

- A. If authorized in writing by Owner, Engineer shall provide Additional Services of the types listed below. These services are not included as part of Basic Services and will be paid for by Owner as indicated in Exhibit C.
 - 1. Preparation of applications and supporting documents (in addition to those furnished under Basic Services) for additional private or governmental grants, loans, or advances in connection with the Project; preparation or review of environmental assessments and impact statements; review and evaluation of the effects on the design requirements for the Project of any such statements and documents prepared by others; and assistance in obtaining approvals of authorities having jurisdiction over the anticipated environmental impact of the Project.
 - 2. Services to make measured drawings of existing conditions or facilities, to conduct tests or investigations of existing conditions or facilities, or to verify the accuracy of drawings or other information furnished by Owner or others.
 - 3. Services resulting from significant changes in the scope, extent, or character of the portions of the Project designed or specified by Engineer, or the Project's design

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requirements, including, but not limited to, changes in size, complexity, Owner's schedule, character of construction, or method of financing; and revising previously accepted studies, reports, Drawings, Specifications, or Construction Contract Documents when such revisions are required by changes in Laws and Regulations enacted subsequent to the Effective Date or are due to any other causes beyond Engineer's control.

4. Services resulting from Owner's request to evaluate additional Study and Report Phase alternative solutions beyond those agreed to in Paragraph A1.01.A.1 and 2.
5. Services required as a result of Owner's providing incomplete or incorrect Project information to Engineer.
6. Providing renderings or models for Owner's use, including services in support of building information modeling or civil integrated management.
7. Undertaking investigations and studies including, but not limited to:
 - a. detailed consideration of operations, maintenance, and overhead expenses;
 - b. the preparation of feasibility studies (such as those that include projections of output capacity, utility project rates, project market demand, or project revenues) and cash flow analyses, provided that such services are based on the engineering and technical aspects of the Project, and do not include rendering advice regarding municipal financial products or the issuance of municipal securities;
 - c. preparation of appraisals;
 - d. evaluating processes available for licensing, and assisting Owner in obtaining process licensing;
 - e. detailed quantity surveys of materials, equipment, and labor; and
 - f. audits or inventories required in connection with construction performed or furnished by Owner.
8. Furnishing services of Consultants for other than Basic Services.
9. Providing data or services of the types described in Exhibit B, when Owner retains Engineer to provide such data or services instead of Owner furnishing the same.
10. Providing the following services:
 - a. Services attributable to more prime construction contracts than specified in Paragraph A1.03.D.
 - b. Services to arrange for performance of construction services for Owner by contractors other than the principal prime Contractor and administering Owner's contract for such services.

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11. Services during out-of-town travel required of Engineer, other than for visits to the Site or Owner's office as required in Basic Services (Part 1 of Exhibit A).
12. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to, construction management, cost estimating, project peer review, value engineering, and constructibility review requested by Owner; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other documents as a result of such review processes.
13. Preparing additional bidding-related documents (or requests for proposals or other construction procurement documents) or Construction Contract Documents for alternate bids or cost estimates requested by Owner for the Work or a portion thereof.
14. Assistance in connection with bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services, except when such assistance is required to complete services required by Paragraph 5.02.A and Exhibit F.
15. Preparing conformed Construction Contract Documents that incorporate and integrate the content of all Addenda and any amendments negotiated by Owner and Contractor.
16. Providing Construction Phase services beyond the original date for completion and readiness for final payment of Contractor, but only if such services increase the total quantity of services to be performed in the Construction Phase, rather than merely shifting performance of such services to a later date.
17. Preparing Record Drawings, and furnishing such Record Drawings to Owner.
18. Supplementing Record Drawings with information regarding the completed Project, Site, and immediately adjacent areas obtained from field observations, Owner, utility companies, and other reliable sources.
19. Conducting surveys, investigations, and field measurements to verify the accuracy of Record Drawing content obtained from Contractor, Owner, utility companies, and other sources; revise and supplement Record Drawings as needed.
20. Preparation of operation, maintenance, and staffing manuals.
21. Protracted or extensive assistance in refining and adjusting of Project equipment and systems (such as initial startup, testing, and balancing).
22. Assistance to Owner in training Owner's staff to operate and maintain Project equipment and systems.
23. Assistance to Owner in developing systems and procedures for (a) control of the operation and maintenance of Project equipment and systems, and (b) related recordkeeping.

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24. Preparing to serve or serving as a consultant or witness for Owner in any litigation, arbitration, lien or bond claim, or other legal or administrative proceeding involving the Project.
25. Overtime work requiring higher than regular rates.
26. Providing construction surveys and staking to enable Contractor to perform its work other than as required under Paragraph A1.05.A.8; any type of property surveys or related engineering services needed for the transfer of interests in real property; and providing other special field surveys.
27. Providing more extensive services required to enable Engineer to issue notices or certifications requested by Owner.
28. Extensive services required during any correction period, or with respect to monitoring Contractor's compliance with warranties and guarantees called for in the Construction Contract (except as agreed to under Basic Services).
29. Other additional services performed or furnished by Engineer not otherwise provided for in this Agreement.

A2.02 Additional Services Not Requiring Owner's Written Authorization

- A. Engineer shall advise Owner that Engineer is commencing to perform or furnish the Additional Services of the types listed below. For such Additional Services, Engineer need not request or obtain specific advance written authorization from Owner, but shall notify Owner within twenty-four (24) hours of commencement of such Additional Services. Engineer shall cease performing or furnishing such Additional Services upon notice to cease from Owner.
 1. Services in connection with Work Change Directives and Change Orders to reflect changes requested by Owner.
 2. Services in making revisions to Drawings and Specifications occasioned by the acceptance of substitute materials or equipment other than "or equal" items; services after the award of the Construction Contract in evaluating and determining the acceptability of a proposed "or equal" or substitution which is found to be inappropriate for the Project; evaluation and determination of an excessive number of proposed "or equals" or substitutions, whether proposed before or after award of the Construction Contract.
 3. Services resulting from significant delays, changes, or price increases occurring as a direct or indirect result of materials, equipment, or energy shortages.
 4. Additional or extended services arising from (a) the presence at the Site of any Constituent of Concern or items of historical or cultural significance, (b) emergencies or acts of God endangering the Work, (c) damage to the Work by fire or other causes during construction, (d) a significant amount of defective, neglected, or delayed Work, (e) acceleration of the progress schedule involving services beyond normal working hours, or (f) default by Contractor.

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5. Services (other than Basic Services during the Post-Construction Phase) in connection with any partial utilization of the Work by Owner prior to Substantial Completion.
6. Evaluating unreasonable or frivolous requests for interpretation or information (RFIs), Change Proposals, or other demands from Contractor or others in connection with the Work, or an excessive number of RFIs, Change Proposals, or demands.
7. Reviewing a Shop Drawing or other Contractor submittal more than three times, as a result of repeated inadequate submissions by Contractor.
8. While at the Site, compliance by Engineer and its staff with those terms of Owner's or Contractor's safety program provided to Engineer subsequent to the Effective Date that exceed those normally required of engineering personnel by federal, State, or local safety authorities for similar construction sites.

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Exhibit A. Attachment 1
Scope of Work
for
City of Texarkana, Texas
NRDA Days Creek Restoration Project
Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration
Ten Projects on Cowhorn, Days, Howards, Swampoodle, and Waggoner Creeks
Restoration associated with natural resources damages from the Former Kerr-McGee Chemical
Corporation Wood-Treating Facility (TRONOX LLC), Texarkana, Bowie County, Texas

January 10, 2020

Attachment: 2020-033 ATTH 02 E-500-2014-Standard-Form-Agreement-between-Owner-and-Engineer-for-Profes..final draftclean (2242 : 2020-

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1.0 Scope of Work

The following identifies the major scope of work items to be undertaken which are:

- Phase 1- Planning, Design Development, and Permitting
- Phase 2- Engineering, Final Design, Construction Phase Services, and
- Phase 3- Post-Construction Phase Services including Monitoring and Reporting.

These major work items will be further developed by the Engineer, Aqua Strategies, Inc., with the development of a NRDA Project Work Plan to include Data Collection Plan, Design Development Plan, Permitting Plan, Construction Plan, Monitoring Plan, Reporting Plan, and Maintenance Plan.

Work Dates/Schedule (setting project components priorities) associated with each Plan for the ten project components are identified herein after consultation with the City of Texarkana, Texas (The City) and will be in accordance with the approved NRDA Project Work Plan. All the work can be completed within 5 years of the Notice To Proceed, but timing and completion will proceed based upon the NRDA Interlocal Agreement between the City of Texarkana, Texas and the NRDA Trustees approved NRDA Project schedule within the NRDA Work Plan.

The ten projects are briefly described within Table 1 as follows with corresponding NRDA restoration plan numbers, that may be refined according to a NRDA Project Work Plan developed during Phase 1 and approved by NRDA Trustees:

Table 1. Projects described with corresponding project numbers and restoration activities:

Project Number	Project Name	Project Description/Restoration Actions
1	Cowhorn Creek Convention Ctr	Stream restoration: Naturalize 2,600 Linear Ft
2	Cowhorn Creek Bioengineering & Planting	Stream restoration: Bioengineering 11,000 Linear Ft & 9,200 Linear Ft Native Planting
3	Cowhorn Creek Texarkana College	Stream restoration: 3,000 Linear Ft Restoration, and Preservation 2.5 Acres, & Creation 6 Acres Wetlands
4	Days Creek South State Line	Preservation 32 forested acres
5	Days Creek South of Texas Viaduct	Preservation 100 Forested Acres
6	Howard Creek Confluence with Days Creek	Stream restoration 2,000 lf with 23 acres wetland restoration
7	Swampoodle Creek Ferguson Park	Stream restoration 665 lf to 1,000 lf with 2.85 to 3 acres wetlands creation
8	Swampoodle Creek Naturalization & Stabilization	Stream restoration between Spring Lake Park & Days Creek 11,000 lf
9	Swampoodle Creek Stream Restoration & Re-Alignment	Stream restoration 1,100 lf
10	Waggoner Creek Southwest Rec Center	Stream restoration 2,000 lf

The project consists of 10 components located along Cowhorn, Swampoodle, Howard, Waggoner, and Days Creeks, within the City of Texarkana, Texas as shown in Figure 1.

NRDA PROJECT SITE OVERVIEW CITY OF TEXARKANA, TEXAS

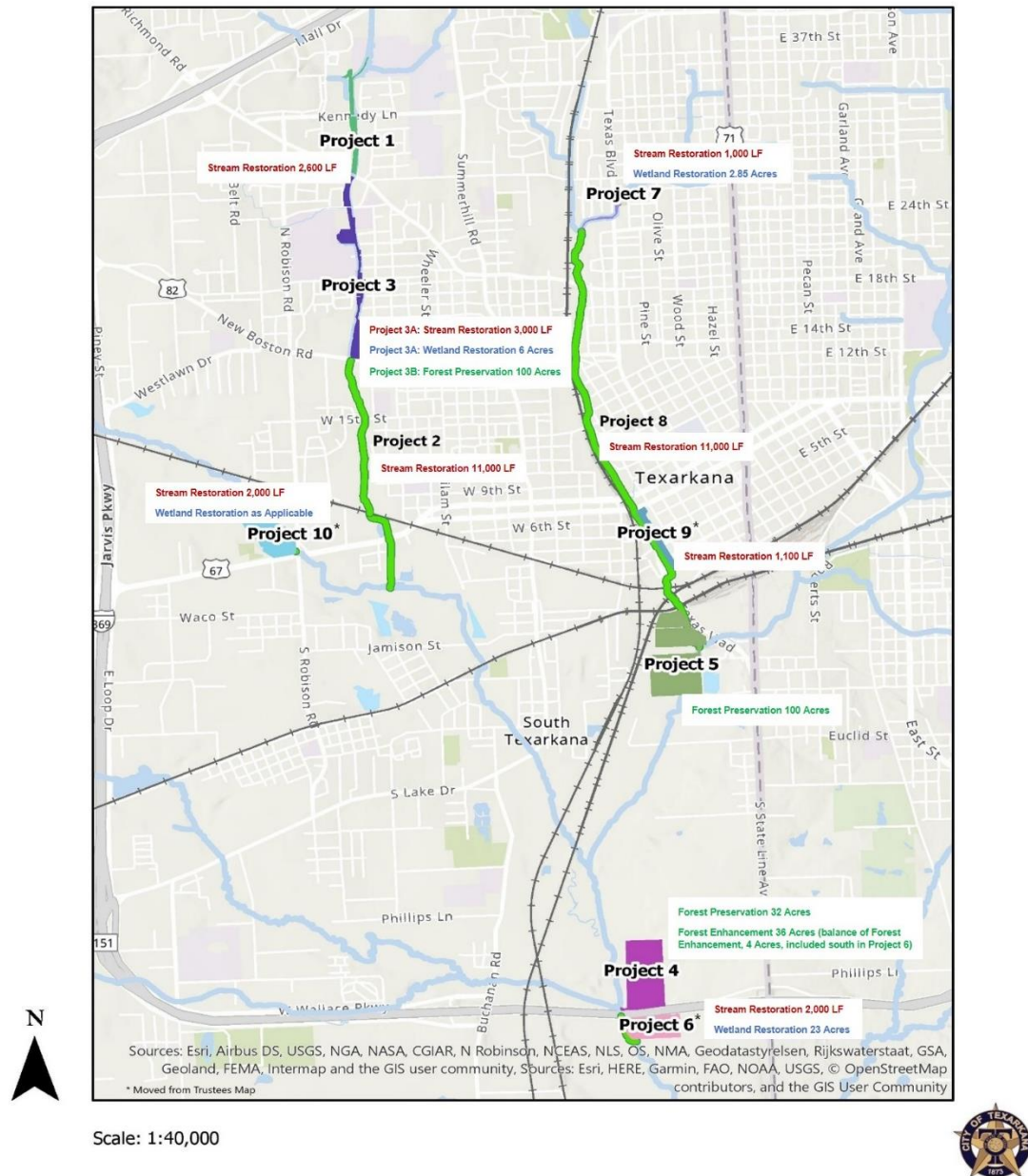


Figure 1. Project Location Map

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1.1 Project and Restoration Goals and Outcomes

Aqua Strategies will help The City achieve its NRDA restoration project goals.

2.0 Work Design/Organization

2.1 Design The City will establish two teams, a Project Management Team (PMT) and Project Delivery Team (PDT). The PMT will be led by The City and consist of members from its project partners. The PMT will be responsible for coordinating with the NRDA Trustees and reviewing and approving the work for distribution of funds. The PMT will also set up the conservation easements.

The PDT will be led by the City's selected consultant Aqua Strategies Inc. and consist of staff from Aqua Strategies' as well as their subcontractors/subconsultants MTG Surveying and Engineering and Titanium Environmental. The PDT will be responsible for developing a Work Plan, project planning, data collection, stakeholder outreach and engagement, design development, identification/layout of staff, hours, materials, equipment, site visits, and facilitating meetings. Data collection will include: collecting existing data, identifying needed data, developing the sampling design, site characterization, survey transects and quantities and will be the responsibility of the PDT. In addition, the Aqua Strategies Team (PDT) will be responsible for data management over the duration of the project.

The PDT will undertake design development suitable for USACE permitting with 60% complete plans and applicable cross sections and other supporting documentation, i.e. permit application. The Engineer will be responsible for coordinating with USACE and other regulatory agencies on other applicable permits that include Texas Commission on Environmental Quality (TCEQ) 401 water quality certification.

The PDT will be responsible for applicable coordination with the floodplain administrator and City of Texarkana, Texas Engineering and Public Works Department.

3.2 Specific Work Items to be undertaken by Aqua Strategies, Inc. with PDT

- 3.2.1 Prepare the Work Plan including Data Collection Plan, Design Development Plan, Permitting Plan, Construction Plan, Monitoring Plan, Reporting Plan, and Maintenance Plan.
- 3.2.2 Undertake site investigations, including due diligence on three preservation only sites, and prepare baseline conditions report(s) including property/site work area boundaries survey, topographic survey, waters of the US (WOUS) delineation, including stream waters and associated wetlands, botanic survey including riparian areas, aquatic resource survey of predominant benthic species and fish presence and applicable Phase I Environmental Assessment reports on three preservation only sites. No cultural resources or threatened and endangered species survey are required since they were vetted under initial NRDA proposal and NRDA Trustees review.
- 3.2.3 Prepare preliminary site designs based on concepts already prepared in coordination with client and community engagement.
- 3.2.4 Undertake design development including hydrology and hydraulic (H&H) analysis, watershed and floodplain information, and input from The City's engineering/public works stormwater management plans/permit requirements.

- 3.2.5 Provide permitting assistance including USACE and other federal/state agencies under Rivers and Harbors Act/Clean Water Act and stormwater National Pollution Discharges Elimination (NPDES).
- 3.2.6 Prepare construction documentation and cost estimating with support to The City during bid advertisement, contractor bidding and selection.
- 3.2.7 Sequence restoration activities including individual project component construction priorities, vegetation establishment.
- 3.2.8 Provide construction oversight.
- 3.2.9 Provide monitoring and monitoring oversight in coordination with The City project partners.
- 3.2.10 Coordinate with The City on maintenance which is the responsibility of The City.
- 3.2.11 Coordinate with The City on adaptive site management.
- 3.2.12 Undertake support to The City on Reporting and Record Keeping including reporting on monitoring results, site maintenance needs, restoration results, and project expenditures associated with consulting activities and construction/monitoring/maintenance costs.

4.0 Field Methods and Equipment In accordance with the approved NRDA Work Plan, associated with data collection and monitoring, the PDT will work with The City on field methods and equipment needs.

5.0 Data Processing/Analysis Methods, Application to Design Development. The PDT will be responsible for data collection/processing/analysis as they apply to project component design development undertaken in accordance with the approved NRDA Work Plan.

6.0 Health and Safety Plans- The PDT will prepare applicable health and safety plans for any work on the field, including site surveys and monitoring. The PDT will require health and safety plans for general contractors during any construction and/or plantings.

7.0 Logistics- The PDT will prepare work schedules specific to each project component and its unique requirements in accordance with the approved NRDA Work Plan. As applicable, the PDT will coordinate with The City on events that may delay the work schedule such as weather and/or City activities.

8.0 Expenditures and Tracking (Costs)- The PDT will work with The City to track and report on project related expenditures, in accordance with the approved Work Plan and NRDA Interlocal Agreement.

9.0 Monitoring Results/Benefits Accrued- Restoration Value-Aqua Strategies will be responsible for documenting monitoring results with identification of benefits and restoration value to The City and NRDA Trustees. The documentation will be in accordance with the approved NRDA Work Plan.

Exhibit A Attachment 2
Anticipated Work Schedule

The schedule will be in accordance with schedule identified in the NRDA Interlocal Agreement and the approved NRDA Work Plan.

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This is **EXHIBIT B**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Owner's Responsibilities

Article 2 of the Agreement is supplemented to include the following agreement of the parties.

B2.01 In addition to other responsibilities of Owner as set forth in this Agreement, Owner shall at its expense:

- A. Provide Engineer with all criteria and full information as to Owner's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility, and expandability, and any budgetary limitations. See Exhibit B of the NRDA Interlocal Agreement cost spreadsheet.
- B. Give instructions to Engineer regarding Owner's procurement of construction services (including instructions regarding advertisements for bids, instructions to bidders, and requests for proposals, as applicable), Owner's construction contract practices and requirements, insurance and bonding requirements, electronic transmittals during construction, and other information necessary for the finalization of Owner's bidding-related documents (or requests for proposals or other construction procurement documents), and Construction Contract Documents. Furnish copies (or give specific directions requesting Engineer to use copies already in Engineer's possession) of all design and construction standards, Owner's standard forms, general conditions (if other than EJCDC® C-700, Standard General Conditions of the Construction Contract, 2013 Edition), supplementary conditions, text, and related documents and content for Engineer to include in the draft bidding-related documents (or requests for proposals or other construction procurement documents), and draft Construction Contract Documents, when applicable. Owner shall have responsibility for the final content of (1) such bidding-related documents (or requests for proposals or other construction procurement documents), and (2) those portions of any Construction Contract other than the design (as set forth in the Drawings, Specifications, or otherwise), and other engineering or technical matters; and Owner shall seek the advice of Owner's legal counsel, risk managers, and insurance advisors with respect to the drafting and content of such documents.
- C. Furnish to Engineer any other available information pertinent to the Project including reports and data relative to previous designs, construction, or investigation at or adjacent to the Site.
- D. Following Engineer's assessment of initially-available Project information and data and upon Engineer's request, obtain, furnish, or otherwise make available (as necessary through title searches, or retention of specialists or consultants) such additional Project-related information and data as is reasonably required to enable Engineer to complete its Basic and Additional Services. Such additional information or data would generally include the following:
 - 1. Property descriptions.

Exhibit B – Owner's Responsibilities

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2. Zoning, deed, and other land use restrictions.
 3. Utility and topographic mapping and surveys.
 4. Property, boundary, easement, right-of-way, and other special surveys or data, including establishing relevant reference points.
 5. Explorations and tests of subsurface conditions at or adjacent to the Site; geotechnical reports and investigations; drawings of physical conditions relating to existing surface or subsurface structures at the Site; hydrographic surveys, laboratory tests and inspections of samples, materials, and equipment; with appropriate professional interpretation of such information or data.
 6. Environmental assessments, audits, investigations, and impact statements, and other relevant environmental, historical, or cultural studies relevant to the Project, the Site, and adjacent areas.
 7. Data or consultations as required for the Project but not otherwise identified in this Agreement.
- E. Arrange for safe access to and make all provisions for Engineer to enter upon public and private property as required for Engineer to perform services under the Agreement.
- F. Recognizing and acknowledging that Engineer's services and expertise do not include the following services, provide, as required for the Project:
1. Accounting, bond and financial advisory (including, if applicable, "municipal advisor" services as described in Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) and the municipal advisor registration rules issued by the Securities and Exchange Commission), independent cost estimating, and insurance counseling services.
 2. Legal services with regard to issues pertaining to the Project as Owner requires, Contractor raises, or Engineer reasonably requests.
 3. Such auditing services as Owner requires to ascertain how or for what purpose Contractor has used the money paid.
- G. Provide the services of an independent testing laboratory to perform all inspections, tests, and approvals of samples, materials, and equipment required by the Construction Contract Documents (other than those required to be furnished or arranged by Contractor), or to evaluate the performance of materials, equipment, and facilities of Owner, prior to their incorporation into the Work with appropriate professional interpretation thereof. Provide Engineer with the findings and reports generated by testing laboratories, including findings and reports obtained from or through Contractor.
- H. Provide reviews, approvals, and permits from all governmental authorities having jurisdiction to approve all phases of the Project designed or specified by Engineer and such reviews, approvals, and consents from others as may be necessary for completion of each phase of the Project.

Exhibit B – Owner's Responsibilities

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- I. Advise Engineer of the identity and scope of services of any independent consultants employed by Owner to perform or furnish services in regard to the Project, including, but not limited to, cost estimating, project peer review, value engineering, and constructibility review.
- J. If Owner designates a construction manager or an individual or entity other than, or in addition to, Engineer to represent Owner at the Site, define and set forth as an attachment to this Exhibit B the duties, responsibilities, and limitations of authority of such other party and the relation thereof to the duties, responsibilities, and authority of Engineer.
- K. If more than one prime contract is to be awarded for the Work designed or specified by Engineer, then designate a person or entity to have authority and responsibility for coordinating the activities among the various prime Contractors, and define and set forth the duties, responsibilities, and limitations of authority of such individual or entity and the relation thereof to the duties, responsibilities, and authority of Engineer as an attachment to this Exhibit B that is to be mutually agreed upon and made a part of this Agreement before such services begin.
- L. Inform Engineer in writing of any specific requirements of safety or security programs that are applicable to Engineer, as a visitor to the Site.
- M. Examine all alternative solutions, studies, reports, sketches, Drawings, Specifications, proposals, and other documents presented by Engineer (including obtaining advice of an attorney, risk manager, insurance counselor, financial/municipal advisor, and other advisors or consultants as Owner deems appropriate with respect to such examination) and render in writing timely decisions pertaining thereto.
- N. Inform Engineer regarding any need for assistance in evaluating the possible use of Project Strategies, Technologies, and Techniques, as defined in Exhibit A.
- O. Advise Engineer as to whether Engineer's assistance is requested in identifying opportunities for enhancing the sustainability of the Project.
- P. Place and pay for advertisement for Bids in appropriate publications.
- Q. Furnish to Engineer data as to Owner's anticipated costs for services to be provided by others (including, but not limited to, accounting, bond and financial, independent cost estimating, insurance counseling, and legal advice) for Owner so that Engineer may assist Owner in collating the various cost categories which comprise Total Project Costs.
- R. Attend and participate in the pre-bid conference, bid opening, pre-construction conferences, construction progress and other job-related meetings, and Site visits to determine Substantial Completion and readiness of the completed Work for final payment.
- S. Authorize Engineer to provide Additional Services as set forth in Part 2 of Exhibit A of the Agreement, as required.
- T. Perform or provide the following: [] *[List any other Owner responsibilities here.]*

Exhibit B – Owner's Responsibilities

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Exhibit C

Payments to Engineer for Services and Reimbursable Expenses

Attachment: 2020-033 ATTH 02 E-500-2014-Standard-Form-Agreement-between-Owner-and-Engineer-for-Profes..final draftclean (2242 : 2020-

Exhibit C –Compensation Packet BC-2: Basic Services (other than RPR) – Standard Hourly Rates Method of Payment.

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The Engineer's fees for each phase of the work is fixed within the City's Interlocal Agreement with the NRDA Trustees. The fees per phase are as follows with disbursements in accordance with the schedule within the NRDA Interlocal Agreement:

Table 1. Consulting Fees per Phase with Work Activities

Phase 1	Work Activity	Consulting Fees
Planning & Permitting		\$ 395,000
	Attend project kickoff meeting with City	
	Establish project schedule	
	Meet with City staff	
	Prepare/deliver/present a project overview to city council	
	Participate in an initial organizing call with The City and NRDA Trustees	
	Attend NRDA Trustees meeting with site visit	
	Develop a draft/final Work Plan	
	Prepare Data Collection Plan, Design Development Plan, Permitting Plan, Construction Plan, Monitoring Plan, Reporting Plan, and Maintenance Plan	
	Undertake baseline surveys and existing data collection	
	Undertake project designs for NRDA approved project components	
	Initiate/provide permitting support	
	Help develop conservation easements and coordinate applicable land acquisition	
	Coordinate with city to integrate with existing stormwater plans and prepare project applicable stormwater pollution prevention plans.	
	Coordinate with the City's project partners	
	Provide all site surveys and baseline monitoring results	
	Coordinate and undertake public outreach	
	Provide brief weekly progress reports	
Phase 2 Engineering and Construction Phase Services		\$ 380,000
	Undertake design development of each of the project components, including preparing suitable 60% plans	
	Prepare/submit permit applications	
	Respond to permit review comments	
	Prepare construction documents in coordination with the City, including 50%, 75%, and final plans	
	Assist the City with the bid process	

	Providing construction oversight	
	Provide restoration activities oversight and document restoration outcome with applicable as-built drawings/plans and achievement of NRDA performance requirements	
	Provide monitoring and monitoring oversight	
	Establish a City project web page to maintain public outreach	
	Provide monthly progress reports	
Phase 3 Post-Construction Phase Services including Monitoring and Reporting		\$ 225,000
	Prepare monitoring forms for city project partners to use	
	Collect monitoring results with applicable surveys and compile	
	Prepare monitoring report and conveyed to the City and NRDA Trustees on an annual basis or as specified	
	Coordinate with City on maintenance needs	
Total Consulting Fees		\$1,000,000

This is **EXHIBIT C**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Payments to Engineer for Services and Reimbursable Expenses
COMPENSATION PACKET BC-2: Basic Services – Standard Hourly Rates

Article 2 of the Agreement is supplemented to include the following agreement of the parties:

ARTICLE 2 – OWNER’S RESPONSIBILITIES

C2.01 Compensation For Basic Services (other than Resident Project Representative) – Standard Hourly Rates Method of Payment

- U. Owner shall pay Engineer for Basic Services set forth in Exhibit A, except for services of Engineer’s Resident Project Representative, if any, as follows:
1. An amount equal to the cumulative hours charged to the Project by each class of Engineer’s personnel 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. The Standard Hourly Rates charged by Engineer constitute full and complete compensation for Engineer’s services, including labor costs, overhead, and profit; the Standard Hourly Rates do not include Reimbursable Expenses or Engineer’s Consultants’ charges.
 3. Engineer’s Reimbursable Expenses Schedule and Standard Hourly Rates are attached to this Exhibit C as Appendices 1 and 2. Escalation of rates will not exceed 5% per year.
 4. The total compensation for services under Paragraph C2.01 is estimated to be \$1,000,000 based on the NRDA approved project budget and following estimated distribution of compensation aligned with project phases 1, 2, and 3 and contingent upon NRDA Trustees disbursement schedule to The Owner:

a. Study and Report Phase	\$200,000
b. Preliminary Design Phase	\$195,000
c. Final Design Phase	\$105,000
d. Bidding and Negotiating Phase	\$ 50,000
e. Construction Phase	\$225,000
f. Post-Construction Phase	\$225,000

5. Engineer may alter the distribution of compensation between individual phases of the work noted herein to be consistent with services actually rendered, but shall not exceed the total estimated compensation amount unless approved in writing by Owner. See also C2.03.C.2 below.
6. The total estimated compensation for Engineer's services included in the breakdown by phases as noted in Paragraph C2.01.A.3 incorporates all labor, overhead, profit, Reimbursable Expenses, and Engineer's Consultants' charges.
7. The amounts billed for Engineer's services under Paragraph C2.01 will be based on the cumulative hours charged to the Project during the billing period by each class of Engineer's employees times Standard Hourly Rates for each applicable billing class, plus Reimbursable Expenses and Engineer's Consultants' charges.
8. The Standard Hourly Rates and Reimbursable Expenses Schedule will be adjusted annually as of 2020 to reflect equitable changes in the compensation payable to Engineer.

C2.02 *Compensation For Reimbursable Expenses*

- V. Owner shall pay Engineer for all Reimbursable Expenses at the rates set forth in Appendix 1 to this Exhibit C.
- W. Reimbursable Expenses include the expenses identified in Appendix 1 and the following: transportation (including mileage), lodging, and subsistence incidental thereto; providing and maintaining field office facilities including furnishings and utilities; toll telephone calls, mobile phone charges, and courier charges; reproduction of reports, Drawings, Specifications, bidding-related or other procurement documents, Construction Contract Documents, and similar Project-related items; and Consultants' charges. In addition, if authorized in advance by Owner, Reimbursable Expenses will also include expenses incurred for the use of highly specialized equipment.
- X. The amounts payable to Engineer for Reimbursable Expenses will be the Project-related internal expenses actually incurred or allocated by Engineer, plus all invoiced external Reimbursable Expenses allocable to the Project, the latter multiplied by a factor of 1%.

C2.03 *Other Provisions Concerning Payment*

- Y. Whenever Engineer is entitled to compensation for the charges of Engineer's Consultants, those charges shall be the amounts billed by Engineer's Consultants to Engineer times a factor of 0.1 or 10%.
- Z. *Factors:* The external Reimbursable Expenses and Engineer's Consultants' factors include Engineer's overhead and profit associated with Engineer's responsibility for the administration of such services and costs.
- AA. *Estimated Compensation Amounts:*

1. Engineer's estimate of the amounts that will become payable for specified services are only estimates for planning purposes, are not binding on the parties, and are not the minimum or maximum amounts payable to Engineer under the Agreement.
 2. When estimated compensation amounts have been stated herein and it subsequently becomes apparent to Engineer that the total compensation amount thus estimated will be exceeded, Engineer shall give Owner written notice thereof, allowing Owner to consider its options, including suspension or termination of Engineer's services for Owner's convenience. Upon notice, Owner and Engineer promptly shall review the matter of services remaining to be performed and compensation for such services. Owner shall either exercise its right to suspend or terminate Engineer's services for Owner's convenience, agree to such compensation exceeding said estimated amount, or agree to a reduction in the remaining services to be rendered by Engineer, so that total compensation for such services will not exceed said estimated amount when such services are completed. If Owner decides not to suspend the Engineer's services during the negotiations and Engineer exceeds the estimated amount before Owner and Engineer have agreed to an increase in the compensation due Engineer or a reduction in the remaining services, then Engineer shall be paid for all services rendered hereunder.
- BB. To the extent necessary to verify Engineer's charges and upon Owner's request, Engineer shall make copies of such records available to Owner at no cost.

COMPENSATION PACKET RPR-2: Resident Project Representative – Standard Hourly Rates

Article 2 of the Agreement is supplemented to include the following agreement of the parties:

C2.04 *Compensation for Resident Project Representative Basic Services – Standard Hourly Rates Method of Payment*

CC. *Owner shall pay Engineer for Resident Project Representative Basic Services as follows:*

1. *Resident Project Representative Services:* For services of Engineer's Resident Project Representative under Paragraph A1.05.A of Exhibit A, an amount equal to the cumulative hours charged to the Project by each class of Engineer's personnel times Standard Hourly Rates for each applicable billing class for all Resident Project Representative services performed on the Project, plus related Reimbursable Expenses and Engineer's Consultant's charges, if any. The total compensation under this paragraph is estimated to be \$225,000 based upon full-time RPR services on an eight-hour workday, Monday through Friday, over the construction period as anticipated in the NRDA approved Work Plan schedule.

DD. *Compensation for Reimbursable Expenses:*

1. For those Reimbursable Expenses that are not accounted for in the compensation for Basic Services under Paragraph C2.01, and are directly related to the provision of Resident Project Representative or Post-Construction Basic Services, Owner shall pay Engineer at the rates set forth in Appendix 1 to this Exhibit C.
2. Reimbursable Expenses include the expenses identified in Appendix 1 and the following: transportation (including mileage), lodging, and subsistence incidental thereto; providing and maintaining field office facilities including furnishings and utilities; subsistence and transportation of Resident Project Representative and assistants; toll telephone calls, mobile phone charges, and courier charges; reproduction of reports, Drawings, Specifications, bidding-related or other procurement documents, Construction Contract Documents, and similar Project-related items. In addition, if authorized in advance by Owner, Reimbursable Expenses will also include expenses incurred for the use of highly specialized equipment.
3. The amounts payable to Engineer for Reimbursable Expenses, if any, will be those internal expenses related to the Resident Project Representative Basic Services that are actually incurred or allocated by Engineer, plus all invoiced external Reimbursable Expenses allocable to such services.
4. The Reimbursable Expenses Schedule will be adjusted annually from the yearly anniversary of the Effective Date/Notice to Proceed to reflect equitable changes in the compensation payable to Engineer.

EE. *Other Provisions Concerning Payment Under this Paragraph C2.04:*

Exhibit C – Compensation Packet RPR-2: Resident Project Representative Services—
Standard Hourly Rates Method of Payment.

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1. Whenever Engineer is entitled to compensation for the charges of Engineer's Consultants, those charges shall be the amounts billed by Engineer's Consultants to Engineer.
2. *Factors:* The external Reimbursable Expenses and Engineer's Consultant's factors include Engineer's overhead and profit associated with Engineer's responsibility for the administration of such services and costs.
3. *Estimated Compensation Amounts:*
 - a. Engineer's estimate of the amounts that will become payable for specified services are only estimates for planning purposes, are not binding on the parties, and are not the minimum or maximum amounts payable to Engineer under the Agreement.
 - b. When estimated compensation amounts have been stated herein and it subsequently becomes apparent to Engineer that the total compensation amount thus estimated will be exceeded, Engineer shall give Owner written notice thereof, allowing Owner to consider its options, including suspension or termination of Engineer's services for Owner's convenience. Upon notice Owner and Engineer promptly shall review the matter of services remaining to be performed and compensation for such services. Owner shall either exercise its right to suspend or terminate Engineer's services for Owner's convenience, agree to such compensation exceeding said estimated amount, or agree to a reduction in the remaining services to be rendered by Engineer, so that total compensation for such services will not exceed said estimated amount when such services are completed. If Owner decides not to suspend Engineer's services during negotiations and Engineer exceeds the estimated amount before Owner and Engineer have agreed to an increase in the compensation due Engineer or a reduction in the remaining services, then Engineer shall be paid for all services rendered hereunder.
4. To the extent necessary to verify Engineer's charges and upon Owner's request, Engineer shall make copies of such records available to Owner at no cost.

COMPENSATION PACKET AS-1: Additional Services – Standard Hourly Rates

Article 2 of the Agreement is supplemented to include the following agreement of the parties:

C2.05 Compensation for Additional Services – Standard Hourly Rates Method of Payment

A. Owner shall pay Engineer for Additional Services, if any, as follows:

1. *General:* For services of Engineer's personnel engaged directly on the Project pursuant to Paragraph A2.01 or A2.02 of Exhibit A, except for services as a consultant or witness under Paragraph A2.01.A.20, (which if needed shall be separately negotiated based on the nature of the required consultation or testimony) an amount equal to the cumulative hours charged to the Project by each class of Engineer's personnel times Standard Hourly Rates for each applicable billing class for all Additional Services performed on the Project, plus related Reimbursable Expenses and Engineer's Consultant's charges, if any.

B. *Compensation For Reimbursable Expenses:*

1. For those Reimbursable Expenses that are not accounted for in the compensation for Basic Services under Paragraph C2.01 and are directly related to the provision of Additional Services, Owner shall pay Engineer at the rates set forth in Appendix 1 to this Exhibit C.
2. Reimbursable Expenses include the expenses identified in Appendix 1 and the following categories: transportation (including mileage), lodging, and subsistence incidental thereto; providing and maintaining field office facilities including furnishings and utilities; toll telephone calls, mobile phone charges, and courier charges; reproduction of reports, Drawings, Specifications, bidding-related or other procurement documents, Construction Contract Documents, and similar Project-related items; and Consultants' charges. In addition, if authorized in advance by Owner, Reimbursable Expenses will also include expenses incurred for the use of highly specialized equipment.
3. The amounts payable to Engineer for Reimbursable Expenses, if any, will be the Additional Services-related internal expenses actually incurred or allocated by Engineer, plus all invoiced external Reimbursable Expenses allocable to such Additional Services, the latter multiplied by a factor of 0.01 or 1%.
4. The Reimbursable Expenses Schedule will be adjusted annually (as of one year anniversary of The Effective Date) to reflect equitable changes in the compensation payable to Engineer.

C. *Other Provisions Concerning Payment for Additional Services:*

1. Whenever Engineer is entitled to compensation for the charges of Engineer's Consultants, those charges shall be the amounts billed by Engineer's Consultants to Engineer times a factor of 0.01 or 1%.

Exhibit C – Compensation Packet AS-1: Additional Services – Standard Hourly Rates Method of Payment.

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2. *Factors:* The external Reimbursable Expenses and Engineer's Consultant's Factors include Engineer's overhead and profit associated with Engineer's responsibility for the administration of such services and costs.
3. To the extent necessary to verify Engineer's charges and upon Owner's timely request, Engineer shall make copies of such records available to Owner at cost.

This is **Appendix 1 to EXHIBIT C**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Reimbursable Expenses Schedule

Reimbursable Expenses are subject to review and adjustment per Exhibit C. Rates and charges for Reimbursable Expenses as of the date of the Agreement are:

8"x11" Copies/Impressions	at cost
Copies of Drawings	at cost
Mileage (auto)	FEDERAL RATE
Air Transportation	at cost
CAD Charge	at cost
Laboratory Testing	at cost
Health and Safety Level D	NA
Health and Safety Level C	NA
Meals and Lodging	at cost subject to authorized caps

This is **Appendix 2 to EXHIBIT C**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [] .

Standard Hourly Rates Schedule

A. *Standard Hourly Rates:*

1. Standard Hourly Rates are set forth in this Appendix 2 to this Exhibit C and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.
2. The Standard Hourly Rates apply only as specified in Article C2.

B. *Schedule:*

Hourly rates for services performed on or after the date of the Agreement are as attached:

This is **EXHIBIT D**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Duties, Responsibilities, and Limitations of Authority of Resident Project Representative

Article 1 of the Agreement is supplemented to include the following agreement of the parties:

ARTICLE 1 - SERVICES OF ENGINEER

D1.01 *Resident Project Representative*

- A. Engineer shall furnish a Resident Project Representative ("RPR") to assist Engineer in observing progress and quality of the Work. The RPR may provide full time representation or may provide representation to a lesser degree. RPR is Engineer's representative at the Site, will act as directed by and under the supervision of Engineer, and will confer with Engineer regarding RPR's actions.
- B. Through RPR's observations of the Work, including field checks of materials and installed equipment, Engineer shall endeavor to provide further protection for Owner against defects and deficiencies in the Work. However, Engineer shall, as a result of such RPR observations of the Work, provide recommendations to The Owner on the Work. Upon consultation with The Owner, the Engineer (including the RPR) shall have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor as applicable to meeting The Project performance criteria and permit conditions, but not for security or safety at the Site, for safety precautions and programs incident to the Work or any Constructor's work in progress, for the coordination of the Constructors' work or schedules, or for any failure of any Constructor to comply with Laws and Regulations applicable to the performing and furnishing of its work. The Engineer (including RPR) neither guarantees the performances of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents. In addition, the specific terms set forth in Exhibit A, Paragraph A1.05, of this Agreement are applicable.
- C. The duties and responsibilities of the RPR are as follows:
 1. *General:* RPR's dealings in matters pertaining to the Work in general shall be with Engineer and Contractor. RPR's dealings with Subcontractors shall only be through or with the full knowledge and approval of Contractor. RPR shall generally communicate with Owner only with the knowledge of and under the direction of Engineer.
 2. *Schedules:* Review the progress schedule, schedule of Shop Drawing and Sample submittals, schedule of values, and other schedules prepared by Contractor and consult with Engineer concerning acceptability of such schedules.
 3. *Conferences and Meetings:* Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences, and other Project-related meetings

Exhibit D - Resident Project Representative.

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(but not including Contractor's safety meetings), and as appropriate prepare and circulate copies of minutes thereof.

4. *Safety Compliance:* Comply with Site safety programs, as they apply to RPR, and if required to do so by such safety programs, receive safety training specifically related to RPR's own personal safety while at the Site.
5. *Liaison:*
 - a. Serve as Engineer's liaison with Contractor. Working principally through Contractor's authorized representative or designee, assist in providing information regarding the provisions and intent of the Construction Contract Documents.
 - b. Assist Engineer in serving as Owner's liaison with Contractor when Contractor's operations affect Owner's on-site operations.
 - c. Assist in obtaining from Owner additional details or information, when required for proper execution of the Work.
6. *Clarifications and Interpretations:* Receive from Contractor submittal of any matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation—RFIs), or relating to the acceptability of the Work under the Construction Contract Documents. Report to Engineer regarding such RFIs. Report to Engineer when clarifications and interpretations of the Construction Contract Documents are needed, whether as the result of a Contractor RFI or otherwise. Transmit Engineer's clarifications, interpretations, and decisions to Contractor.
7. *Shop Drawings and Samples:*
 - a. Record date of receipt of Samples and Contractor-approved Shop Drawings.
 - b. Receive Samples that are furnished at the Site by Contractor, and notify Engineer of availability of Samples for examination.
 - c. Advise Engineer and Contractor of the commencement of any portion of the Work requiring a Shop Drawing or Sample submittal, if RPR believes that the submittal has not been received from Contractor, or has not been approved by Contractor or Engineer.
8. *Proposed Modifications:* Consider and evaluate Contractor's suggestions for modifications to the Drawings or Specifications, and report such suggestions, together with RPR's recommendations, if any, to Engineer. Transmit Engineer's response (if any) to such suggestions to Contractor.
9. *Review of Work; Defective Work:*
 - a. Report to Engineer whenever RPR believes that any part of the Work is defective under the terms and standards set forth in the Construction Contract Documents, and provide recommendations as to whether such Work should be corrected,

removed and replaced, or accepted as provided in the Construction Contract Documents.

- b. Inform Engineer of any Work that RPR believes is not defective under the terms and standards set forth in the Construction Contract Documents, but is nonetheless not compatible with the design concept of the completed Project as a functioning whole, and provide recommendations to Engineer for addressing such Work; and
- c. Advise Engineer of that part of the Work that RPR believes should be uncovered for observation, or requires special testing, inspection, or approval.

10. *Inspections, Tests, and System Start-ups:*

- a. Consult with Engineer in advance of scheduled inspections, tests, and systems start-ups.
- b. Verify that tests, equipment, and systems start-ups and operating and maintenance training are conducted in the presence of appropriate Owner's personnel, and that Contractor maintains adequate records thereof.
- c. Observe, record, and report to Engineer appropriate details relative to the test procedures and systems start-ups.
- d. Observe whether Contractor has arranged for inspections required by Laws and Regulations, including but not limited to those to be performed by public or other agencies having jurisdiction over the Work.
- e. Accompany visiting inspectors representing public or other agencies having jurisdiction over the Work, record the results of these inspections, and report to Engineer.

11. *Records:*

- a. Maintain at the Site orderly files for correspondence, reports of job conferences, copies of Construction Contract Documents including all Change Orders, Field Orders, Work Change Directives, Addenda, additional Drawings issued subsequent to the execution of the Construction Contract, RFIs, Engineer's clarifications and interpretations of the Construction Contract Documents, progress reports, approved Shop Drawing and Sample submittals, and other Project-related documents.
- b. Prepare a daily report or keep a diary or log book, recording Contractor's hours on the Site, Subcontractors present at the Site, weather conditions, data relative to questions of Change Orders, Field Orders, Work Change Directives, or changed conditions, Site visitors, deliveries of equipment or materials, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to Engineer.
- c. Upon request from Owner to Engineer, photograph or video Work in progress or Site conditions.

- d. Record and maintain accurate, up-to-date lists of the names, addresses, fax numbers, e-mail addresses, websites, and telephone numbers (including mobile numbers) of all Contractors, Subcontractors, and major Suppliers of materials and equipment.
- e. Maintain records for use in preparing Project documentation.
- f. Upon completion of the Work, furnish original set of all RPR Project documentation to Engineer.

12. *Reports:*

- a. Furnish to Engineer periodic reports as required of progress of the Work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and Sample submittals.
- b. Draft and recommend to Engineer proposed Change Orders, Work Change Directives, and Field Orders. Obtain backup material from Contractor.
- c. Furnish to Engineer and Owner copies of all inspection, test, and system start-up reports.
- d. Immediately inform Engineer of the occurrence of any Site accidents, emergencies, acts of God endangering the Work, possible force majeure or delay events, damage to property by fire or other causes, or the discovery of any potential differing site condition or Constituent of Concern.

13. *Payment Requests:* Review applications for payment with Contractor for compliance with the established procedure for their submission and forward with recommendations to Engineer, noting particularly the relationship of the payment requested to the schedule of values, Work completed, and materials and equipment delivered at the Site but not incorporated in the Work.

14. *Certificates, Operation and Maintenance Manuals:* During the course of the Work, verify that materials and equipment certificates, operation and maintenance manuals and other data required by the Contract Documents to be assembled and furnished by Contractor are applicable to the items actually installed and in accordance with the Contract Documents, and have these documents delivered to Engineer for review and forwarding to Owner prior to payment for that part of the Work.

15. *Completion:*

- a. Participate in Engineer's visits to the Site regarding Substantial Completion, assist in the determination of Substantial Completion, and prior to the issuance of a Certificate of Substantial Completion submit a punch list of observed items requiring completion or correction.
- b. Participate in Engineer's visit to the Site in the company of Owner and Contractor, to determine completion of the Work, and prepare a final punch list of items to be completed or corrected by Contractor.

- c. Observe whether all items on the final punch list have been completed or corrected, and make recommendations to Engineer concerning acceptance and issuance of the Notice of Acceptability of the Work (Exhibit E).
- D. Resident Project Representative shall not:
1. Authorize any deviation from the Construction Contract Documents or substitution of materials or equipment (including “or-equal” items).
 2. Exceed limitations of Engineer’s authority as set forth in this Agreement.
 3. Undertake any of the responsibilities of Contractor, Subcontractors, or Suppliers, or any Constructor.
 4. Advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences or procedures of the Work, by Contractor or any other Constructor.
 5. Advise on, issue directions regarding, or assume control over security or safety practices, precautions, and programs in connection with the activities or operations of Owner or Contractor.
 6. Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by Engineer.
 7. Accept Shop Drawing or Sample submittals from anyone other than Contractor.
 8. Authorize Owner to occupy the Project in whole or in part.

Exhibit D - Resident Project Representative.

This is **EXHIBIT E**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

NOTICE OF ACCEPTABILITY OF WORK

PROJECT: City of Texarkana, Texas's NRDA Days Creek Comprehensive Aquatic Restoration Project

OWNER: City of Texarkana, Texas

CONTRACTOR:

OWNER'S CONSTRUCTION CONTRACT IDENTIFICATION:

EFFECTIVE DATE OF THE CONSTRUCTION CONTRACT:

ENGINEER: Aqua Strategies, Inc.

NOTICE DATE:

To: _____
Owner

And To: _____
Contractor

From: _____
Engineer

The Engineer hereby gives notice to the above Owner and Contractor that Engineer has recommended final payment of Contractor, and that the Work furnished and performed by Contractor under the above Construction Contract is acceptable, expressly subject to the provisions of the related Contract Documents, the Agreement between Owner and Engineer for Professional Services dated _____, and the following terms and conditions of this Notice:

CONDITIONS OF NOTICE OF ACCEPTABILITY OF WORK

The Notice of Acceptability of Work ("Notice") is expressly made subject to the following terms and conditions to which all those who receive said Notice in concurrence with NRDA Trustees approvals and rely thereon agree:

1. This Notice is given with the skill and care ordinarily used by members of the engineering profession practicing under similar conditions at the same time and in the same locality.

Exhibit E – Notice of Acceptability of Work.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

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2. This Notice reflects and is an expression of the Engineer's professional opinion.
3. This Notice is given as to the best of Engineer's knowledge, information, and belief as of the Notice Date.
4. This Notice is based entirely on and expressly limited by the scope of services Engineer has been employed by Owner to perform or furnish during construction of the Project (including observation of the Contractor's work) under Engineer's Agreement with Owner, and applies only to facts that are within Engineer's knowledge or could reasonably have been ascertained by Engineer as a result of carrying out the responsibilities specifically assigned to Engineer under such Agreement.
5. This Notice is not a guarantee or warranty of Contractor's performance under the Construction Contract, an acceptance of Work that is not in accordance with the related Contract Documents, including but not limited to defective Work discovered after final inspection, nor an assumption of responsibility for any failure of Contractor to furnish and perform the Work thereunder in accordance with the Construction Contract Documents, or to otherwise comply with the Construction Contract Documents or the terms of any special guarantees specified therein.
6. This Notice does not relieve Contractor of any surviving obligations under the Construction Contract, and is subject to Owner's reservations of rights with respect to completion and final payment.

By: _____

Title: _____

Dated: _____

Exhibit E – Notice of Acceptability of Work.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

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This is **EXHIBIT F**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Construction Cost Limit

Paragraph 5.02 of the Agreement is supplemented to include the following agreement of the parties:

F5.02 *Designing to Construction Cost Limit*

- A. Owner and Engineer hereby agree to a Construction Cost limit in the amount of \$8,450,000.
- B. A bidding or negotiating contingency of 15% percent may be added to any Construction Cost limit established pending NRDA Trustees approval.
- C. The acceptance by Owner at any time during Basic Services of a revised opinion of probable Construction Cost in excess of the then-established Construction Cost limit will constitute a corresponding increase in the Construction Cost limit.
- D. Engineer will be permitted to determine what types and quality of materials, equipment and component systems are to be included in the Drawings and Specifications. Engineer, in consultation with Owner, may make reasonable adjustments in the scope, extent, and character of the Project to the extent consistent with the Project requirements and sound engineering practices, to bring the Project within the Construction Cost limit.
- E. If the Bidding or Negotiating Phase has not commenced within three months after completion of the Final Design Phase, or if industry-wide prices are changed because of unusual or unanticipated events affecting the general level of prices or times of delivery in the construction industry, the established Construction Cost limit will not be binding on Engineer. In such cases, Owner shall consent to an adjustment in the Construction Cost limit commensurate with any applicable change in the general level of prices in the construction industry between the date of completion of the Final Design Phase and the date on which proposals or Bids are sought.
- F. If the lowest bona fide proposal or Bid exceeds the established Construction Cost limit, Owner shall (1) give written approval to increase such Construction Cost limit, or (2) authorize negotiating or rebidding the Project within a reasonable time, or (3) cooperate in revising the Project's scope, extent, or character to the extent consistent with the Project's requirements and with sound engineering practices. In the case of (3), Engineer shall modify the Construction Contract Documents as necessary to bring the Construction Cost within the Construction Cost Limit. Owner shall pay Engineer's cost to provide such modification services, including the costs of the services of its Consultants, all overhead expenses reasonably related thereto, and Reimbursable Expenses, but without profit to Engineer on account of such services. The providing of such services will be the limit of Engineer's responsibility in this regard and, having done so, Engineer shall be entitled to payment for services and expenses in accordance with this Agreement and will not otherwise be liable for damages attributable to the lowest bona fide proposal or bid exceeding the established Construction Cost limit.

Exhibit F – Construction Cost Limit.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

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This is **EXHIBIT G**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Insurance

Paragraph 6.05 of the Agreement is supplemented to include the following agreement of the parties:

G6.05 Insurance

- A. The limits of liability for the insurance required by Paragraph 6.05.A and 6.05.B of the Agreement will be in accordance with limits specified by The NRDA Project and as shown on Aqua Strategies, Inc. attached insurance documents:

1. By Engineer:

a. Workers' Compensation: Statutory

b. Employer's Liability --

- 1) Bodily injury, each accident: \$[]
- 2) Bodily injury by disease, each employee: \$[]
- 3) Bodily injury/disease, aggregate: \$[]

c. General Liability --

- 1) Each Occurrence (Bodily Injury and Property Damage): \$[]
- 2) General Aggregate: \$[]

d. Excess or Umbrella Liability --

- 1) Per Occurrence: \$[]
- 2) General Aggregate: \$[]

e. Automobile Liability --Combined Single Limit (Bodily Injury and Property Damage):

\$[]

f. Professional Liability --

- 1) Each Claim Made \$[]
- 2) Annual Aggregate \$[]

g. Other (specify): \$[]

Exhibit G – Insurance.

2. By Owner:

- a. Workers' Compensation: Statutory
- b. Employer's Liability --
 - 1) Bodily injury, Each Accident \$[]
 - 2) Bodily injury by Disease, Each Employee \$[]
 - 3) Bodily injury/Disease, Aggregate \$[]
- c. General Liability --
 - 1) General Aggregate: \$[1,000,000]
 - 2) Each Occurrence (Bodily Injury and Property Damage): \$[1,000,000]
- d. Excess Umbrella Liability
 - 1) Per Occurrence: \$[]
 - 2) General Aggregate: \$[]
- e. Automobile Liability – Combined Single Limit (Bodily Injury and Property Damage):
 - \$[1,000,000]
- f. Other (specify): \$[]

B. *Additional Insureds:*

- 1. The following individuals or entities are to be listed on Owner's general liability policies of insurance as additional insureds:

- a. []
Engineer
- b. [MTG Surveying and Engineering]
Engineer's Consultant
- c. [Titanium Environmental Services]
Engineer's Consultant
- d. []
[other]
2. During the term of this Agreement the Engineer shall notify Owner of any other Consultant to be listed as an additional insured on Owner's general liability policies of insurance.
3. The Owner shall be listed on Engineer's general liability policy as provided in Paragraph 6.05.A.

Exhibit G – Insurance.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.
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This is **EXHIBIT H**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Dispute Resolution

Paragraph 6.09 of the Agreement is supplemented to include the following agreement of the parties:

[NOTE TO USER: Select one of the two alternatives provided.]

H6.08 Dispute Resolution

6.08.1 Initial resolution process requiring the party raising a dispute to provide written notice to the other party with sufficient detail describing the provision of the Agreement alleged to be breached, the underlying facts of the dispute, a proposed solution consistent with the terms of the Agreement, and the relief sought.

6.08.2 A required meeting of the designated representatives of the parties within thirty (30) days following receipt of the written notice to discuss the dispute.

6.08.3 Mediation: Owner and Engineer agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement or the breach thereof ("Disputes") to mediation by [A CERTIFIED MEDIATOR]. Owner and Engineer agree to participate in the mediation process in good faith. The process shall be conducted on a confidential basis, and shall be completed within 120 days. If such mediation is unsuccessful in resolving a Dispute, then (1) the parties may mutually agree to a dispute resolution of their choice, or (2) either party may seek to have the Dispute resolved by a court of competent jurisdiction.

6.08.4 Mandatory arbitration: If initial resolution process and mediation results in an impasse, in accordance with and governed by Texas state law: the City and Aqua Strategies, Inc. shall each select a disinterested representative who shall be either a qualified registered engineer or certified public accountant experienced in economic development projects or projects similar to the one referenced in this agreement; the two selected representatives then choosing a third person similarly qualified and certified by the American Arbitration Association; the three persons shall comprise the "arbitration panel", with authority as provided under Chapter 171 of the Texas Civil Practice and Remedies Code, to render a non-binding decision on the matter in dispute; each party shall compensate its respective panel member and also shall equally share responsibility for compensating the third panel member.

This is **EXHIBIT I**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Limitations of Liability

Paragraph 6.11 of the Agreement is supplemented to include the following agreement of the parties:

A. *Limitation of Engineer's Liability*

[NOTE TO USER: Select one of the three alternatives listed below for I6.11. A.1]

1. *Engineer's Liability Limited to Stated Amount, or Amount of Engineer's Compensation:* To the fullest extent permitted by Laws and Regulations, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of Engineer and Engineer's officers, directors, members, partners, agents, employees, and Consultants, to Owner and anyone claiming by, through, or under Owner for any and all injuries, claims, losses, expenses, costs, or damages whatsoever arising out of, resulting from, or in any way related to the Project, Engineer's or its Consultants' services. or this Agreement, from any cause or causes whatsoever, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract, indemnity obligations, or warranty express or implied, of Engineer or Engineer's officers, directors, members, partners, agents, employees, or Consultants, shall not exceed the total amount of \$[1,000,000] or the total compensation received by Engineer under this Agreement, whichever is greater. Higher limits are available for an additional fee.

[or]

1. *Engineer's Liability Limited to Amount of Engineer's Compensation:* To the fullest extent permitted by Laws and Regulations, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of Engineer and Engineer's officers, directors, members, partners, agents, employees, and Consultants, to Owner and anyone claiming by, through, or under Owner for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from, or in any way related to the Project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract, indemnity obligations, or warranty express or implied of Engineer or Engineer's officers, directors, members, partners, agents, employees, or Consultants shall not exceed the total compensation received by Engineer under this Agreement.

[or]

1. *Engineer's Liability Limited to Amount of Insurance Proceeds:* Engineer shall procure and maintain insurance as required by and set forth in Exhibit G to this Agreement. Notwithstanding any other provision of this Agreement, and to the fullest extent

Exhibit I - Limitations on Liability.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

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permitted by Laws and Regulations, the total liability, in the aggregate, of Engineer and Engineer's officers, directors, members, partners, agents, employees, and Consultants to Owner and anyone claiming by, through, or under Owner for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from, or in any way related to the Project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability, breach of contract, indemnity obligations, or warranty express or implied, of Engineer or Engineer's officers, directors, members, partners, agents, employees, or Consultants (hereafter "Owner's Claims"), shall not exceed the total insurance proceeds paid on behalf of or to Engineer by Engineer's insurers in settlement or satisfaction of Owner's Claims under the terms and conditions of Engineer's insurance policies applicable thereto (excluding fees, costs and expenses of investigation, claims adjustment, defense, and appeal), up to the amount of insurance required under this Agreement. If no such insurance coverage is provided with respect to Owner's Claims, then the total liability, in the aggregate, of Engineer and Engineer's officers, directors, members, partners, agents, employees, and Consultants to Owner and anyone claiming by, through, or under Owner for any and all such uninsured Owner's Claims shall not exceed \$[1,000,000].

2. *Exclusion of Special, Incidental, Indirect, and Consequential Damages:* To the fullest extent permitted by Laws and Regulations, and notwithstanding any other provision in the Agreement, consistent with the terms of Paragraph 6.11, the Engineer and Engineer's officers, directors, members, partners, agents, Consultants, and employees shall not be liable to Owner or anyone claiming by, through, or under Owner for 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 this Agreement or the Project, from any cause or causes, including but not limited to:

This is **EXHIBIT J**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

Special Provisions

Paragraph(s) [] of the Agreement is/are amended to include the following agreement(s) of the parties: left intentionally blank.

Attachment: 2020-033 ATTH 02 E-500-2014-Standard-Form-Agreement-between-Owner-and-Engineer-for-Profes..final draftclean (2242 : 2020-

Exhibit J - Special Provisions.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.
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This is **EXHIBIT K**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

AMENDMENT TO OWNER-ENGINEER AGREEMENT

Amendment No. _____

The Effective Date of this Amendment is: _____.

Background Data

Effective Date of Owner-Engineer Agreement:

Owner:

Engineer:

Project:

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- _____ Additional Services to be performed by Engineer
- _____ Modifications to services of Engineer
- _____ Modifications to responsibilities of Owner
- _____ Modifications of payment to Engineer
- _____ Modifications to time(s) for rendering services
- _____ Modifications to other terms and conditions of the Agreement

Description of Modifications:

Here describe the modifications, in as much specificity and detail as needed. Use an attachment if necessary.

Agreement Summary:

Original agreement amount:	\$ _____
Net change for prior amendments:	\$ _____
This amendment amount:	\$ _____
Adjusted Agreement amount:	\$ _____

Change in time for services (days or date, as applicable): _____

Exhibit K – Amendment to Owner-Engineer Agreement.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

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The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

By: _____
Print
name: _____

Title: _____

Date Signed: _____

By: _____
Print
name: _____

Title: _____

Date Signed: _____

Attachment: 2020-033 ATTH 02 E-500-2014-Standard-Form-Agreement-between-Owner-and-Engineer-for-Profes..final draftclean (2242 : 2020-

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2020-033 Goals & Perspectives (2242 : 2020-033 RES NRDA Funding Contract)

RESOLUTION NO. 2020-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING CONTRACT WITH AQUA STRATEGIES FOR WATERSHED RESTORATION PROJECTS ALONG DAYS CREEK, COWHORN CREEK, WAGGONER CREEK, HOWARD CREEK, AND SWAMPOODLE CREEK; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Natural Resource Trustees, which include the Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas General Land Office, and U.S. Fish and Wildlife Service on behalf of the U.S. Department of the Interior, recovered approximately \$21.3 million from legal settlements for natural resource damages associated with releases of hazardous substances at or from the former Kerr-McGee Chemical Corporation wood-treating facility in Texarkana, Texas; and

WHEREAS, in March 2016, the Trustees solicited the public for project proposals in northeast and east Texas that would restore, rehabilitate, or conserve forested riparian, bottomland hardwoods, aquatic, and/or wetland habitats; and

WHEREAS, Texarkana responded to the NRDA Trustees' request for restoration proposals with its comprehensive watershed approach and proposal, "Days Creek Watershed Comprehensive Aquatic Ecosystem Restoration," consisting of 22 integrated environmental restoration project components along the creek systems leading through the City including Days Creek, Cowhorn Creek, Waggoner Creek, Howard Creek, and Swampoodle Creek; and

WHEREAS, The City of Texarkana, Texas, along with local project partners including Texarkana College, Texas A&M-Texarkana, and Liberty-Eylau ISD were recommended for a \$9.8 million award as a part of the Texas Natural Resource Damages Assessment (NRDA) process related to the former Kerr-McGee Chemical Corporation wood-treating facility located on Buchanan Road in Texarkana, Texas; and

WHEREAS, Aqua Strategies responded to RFQ #19-2001-08 for environmental design and engineering services for Texarkana's Natural Resource Damages Assessment (NRDA) projects.

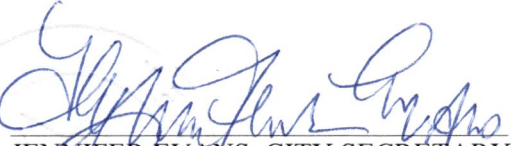
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

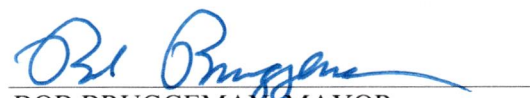
SECTION 1: That the City Manager is authorized to execute a consulting contract with Aqua Strategies.

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

PASSED AND APPROVED in Regular Council Session on this the **27th** day of April, 2020.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:41 p.m.

Attachment: 2020-033 RES auth CM to execute NRDA Consul Contr signed (2242 : 2020-033 RES NRDA Funding Contract)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 4/23/2020 10:42 AM

Lead Department: Planning and Community Development **Action Officer:** David Orr, Planning & Community Development Director
Subject: Resolution No. 2020-038 adopting the amended Community Development Block Grant (CDBG) Consolidated Plan, Citizen Participation Plan and Annual Action Plan for CARES Act funding in response to COVID-19.
Briefing: 4/27/2020 **Public Hearing:** 4/27/2020 **Council Vote:** 4/27/2020

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City has received additional Community Development Block Grant (CDBG-CV) CARES Act funding in the amount of \$218,921. This resolution packet includes adoption of an amended Community Development Block Grant (CDBG) 2018-2022 Consolidated Plan, 5-Year Strategic Plan, Citizen Participation Plan & Annual Action Plan as required by HUD in order to expend the additional CARES Act funding.

The Community Development Block Grant (CDBG) is a federal program established in 1974 that allows entitlement Jurisdictions receive a formula allocation each year. Projects/Activities must meet a HUD National Objectives including benefitting Low- to Moderate-Income residents, Reducing or eliminating Slum and Blight or Meeting an Urgent Need (Disaster Relief).

The 2018-2022 Consolidated Plan identifies housing and community development needs, priorities, goals, and strategies for Texarkana. Contains a 5-Year Strategic Plan and Annual Action Plan that are required by HUD to receive CDBG funding. The plan also provides a mechanism for public input and discussion for determining how CDBG funds will be allocated to housing and community development activities.

The Draft CDBG - CARES Action Plan includes:

Mission Texarkana \$30,000

Food, supplies and PPE for homeless and low-mod families in response to COVID-19.

Randy Sams Outreach Shelter \$50,000

For homeless shelter assistance, individual/family quarantine assistance and for displacement of homeless individuals in response to COVID-19.

Salvation Army \$30,000

For food boxes for low-mod individuals and families in response to COVID-19.

City of Texarkana, Texas

Texarkana Homeless Coalition \$5,000

For homeless care supply packages in response to COVID-19.

Texarkana COVID-19 Emergency Operations Center/Health Dept \$80,000

For testing, supplies and PPE for low-mod families in response to COVID-19.

Admin \$23,921

Due to COVID-19, the public review of the amended draft 2018-2022 Consolidated Plan and draft amended Action Plan has been shortened to 5 days. The proposed amended plan has been published on the city's website and social media platforms. Public comments can be emailed to pcd@txkusa.org or mailed to City Hall, Attn: Betsy Freeman, 220 Texas Blvd, Texarkana, Texas 75501. A public hearing is scheduled for April 27, 2020 to solicit public comments regarding the amended Consolidated Plan, Citizen Participation and Action Plan.

Potential Options:

- Approve
- Deny

Fiscal Implications:

\$218,921

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2020-038 RES adopting CDBG Consolidated Plan & Annual Action Plan (DOCX)
- b. 2020-038 ATTH 01 CARES ACT LETTER TXK (PDF)
- c. 2020-038 ATTH 02 Cares Act CDBG Flexibilities Infectious Disease Response 040920 (PDF)
- d. 2020-038 ATTH 03 2019 Amended Action Plan Apr2020 (DOCX)
- e. 2020-038 ATTH 04 2018-2022 Amended Con Plan (Apr2020) jeopt draft (PDF)
- f. 2020-038 ATTH 05 Citizen Participation Plan amended Apr2020 draft (PDF)
- g. 2020-038 ATTH 06 Notice of Public Hearing CPP, AAP, Con plan Apr2020 (DOCX)
- h. 2020-038 Goals & Perspectives (DOCX)
- i. 2020-038 RES adopt amnd CDBG plan for COVID 19 signed (PDF)

City of Texarkana, Texas

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	04/21/2020 3:46 PM	
Finance Department	Kristin Peebles	Finance Review
4:24 PM	Completed	04/21/2020
City Manager	Shirley Jaster	City Manager Review
2:00 PM	Completed	04/23/2020
City Council	Jennifer Evans	Meeting
6:00 PM	Completed	04/27/2020

Meeting History

RESOLUTION NO. 2020-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADOPTING THE AMENDED COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2018-2022 FIVE YEAR CONSOLIDATED PLAN, CITIZEN PARTICIPATION PLAN, AND ONE YEAR ACTION PLAN RELATED TO CARES ACT FUNDING FOR COVID-19 AND AUTHORIZING THE CITY MANAGER TO SUBMIT SAID ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the U. S. Department of Housing and Urban Development has provided the City of Texarkana, Texas, with Community Development Block Grant (CDBG-CV) CARES (Coronavirus Aid, Relief, and Economic Security) Act funds; and

WHEREAS, due to COVID-19, the public review of the amended draft 2018-2022 Consolidated Plan and draft amended Action Plan has been shortened to five days. The proposed amended plan has been published on the city's website and social media platforms. Public comments can be emailed to Betsy Freeman at betsy.freeman@txkusa.org or mailed to City Hall, Attn: Betsy Freeman, 220 Texas Blvd, Texarkana, Texas 75501. A public hearing is scheduled for April 27, 2020, to solicit public comments regarding the amended Consolidated Plan, Citizen Participation and Action Plan; and

WHEREAS, the City Council has determined it to be appropriate to amend the Community Development Block Grant (CDBG) 2018-2022 Consolidated Plan, 5-Year Strategic Plan, Citizen Participation Plan, and Annual Action Plan for the use of Community Development Block Grant (CDBG-CV) CARES Act funds.

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

SECTION 1: That the amended Community Development Block Grant (CDBG) 2018-2022 Consolidated Plan, 5-Year Strategic Plan, Citizen Participation Plan, and Annual Action Plan are hereby accepted.

SECTION 2: That the City Manager is hereby authorized to submit said amended Community Development Block Grant (CDBG) 2018-2022 Consolidated Plan, Citizen Participation Plan, and Annual Action Plan to the U. S. Department of Housing and Urban Development and is authorized to act in connection with the submission of the Consolidated Plan and the Action Plan to provide such additional information as may be required.

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, 2020.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2020-038 RES adopting CDBG Consolidated Plan & Annual Action Plan (2251 : 2020-038 RES adopting updated CDBG



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

April 2, 2020

The Honorable Bob Bruggeman
Mayor of Texarkana
P.O. Box 1967
Texarkana, TX 75504

Dear Mayor Bruggeman:

I am pleased to inform you of a special allocation to your jurisdiction of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department is immediately allocating \$2 billion based on the fiscal year 2020 CDBG formula. The remaining \$3 billion shall be allocated based on needs using best available data, in the following tranches: \$1 billion shall be allocated to States and insular areas within 45 days of enactment of the Cares Act, and \$2 billion shall be distributed to states and local governments at the discretion of the Secretary. Up to \$10 million will be set aside for technical assistance. Given the immediate needs faced by our communities, the Department has announced the first allocation of funds. Your jurisdiction's allocation is \$218,921.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the Secretary to grant waivers and alternative requirements of statutes and regulations the Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements can be granted when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus.

The Department is developing a notice that will further describes the CARES Act's provisions, a Quick Guide to the CARES Act flexibilities and other provisions, and other resources to enable swift implementation of CDBG-CV grants. As these become available, they will be

www.hud.gov

espanol.hud.gov

Attachment: 2020-038 ATTH 01 CARES ACT LETTER TXK (2251 : 2020-038 RES adopting updated CDBG Consolidated Plan, Annual Action & Citizen Plan)

posted on HUD's website and distributed to grantees. The Department will also support grantees with technical assistance.

As you develop your plan for the use of these grant funds, we encourage you to consider approaches that prioritize the unique needs of low- and moderate-income persons and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. You should coordinate with state and local health authorities before undertaking any activity to support state or local pandemic response. CDBG-CV grants will be subject to oversight, reporting, and requirements that each grantee have adequate procedures to prevent the duplication of benefits. HUD will provide guidance and technical assistance on DOB and regarding prevention of fraud, waste, and abuse and documenting the impact of this program for beneficiaries.

The Office of Community Planning and Development (CPD) is looking forward to working with you to successfully meet the urgent and complex challenges faced by our communities. If you or any member of your staff has questions, please contact your local CPD Field Office Director or CPDQuestionsAnswered@hud.gov.

Sincerely,



John Gibbs
Acting Assistant Secretary
for Community Planning and Development
U.S. Department of Housing and Urban Development

CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response

April 9, 2020

President Trump has signed *The Coronavirus Aid, Relief and Economic Security Act* (CARES Act). The CARES Act:

- Makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants);
- Provides flexibilities for CDBG grantees to make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements;
- Requires CDBG-CV grantees to prevent the duplication of benefits, which means grant funds may not be used to pay costs if another source of financial assistance is available to pay that cost.

HUD will publish a Federal Register notice describing the requirements for CDBG-CV grants. The notice will also include waivers and alternative requirements for CDBG-CV and fiscal year 2019 and 2020 CDBG grants. A grantee may submit a CDBG-CV action plan substantial amendment to its most recent accepted CDBG action plan for the first CDBG-CV allocation before the notice is published. To apply for CDBG-CV grants, grantees may follow existing regulatory requirements for a substantial amendment to the grantee's action plan that describes the amount of CDBG-CV funds available in the first allocation and planned use of funds, in accordance with existing requirements and the flexibilities in the CARES Act, summarized below. HUD will publish a Q&A document with further information on this process.

Grantees may use CDBG-CV and CDBG funds for a range of activities to prevent, prepare for, and respond to coronavirus. For examples, see the [Quick Guide to CDBG Activities for Infectious Disease Response](#).

Summary of CARES Act Provisions for Coronavirus Response With CDBG-CV and CDBG Grants

For more information, refer to applicable sections of the CARES Act, Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).				
Description of Program Flexibility	Applicability to CDBG-CV and CDBG Grants			
Public Service Activities				
Eliminates the 15 percent cap ¹ on the amount of grant funds that can be used for public services activities. Following enactment, the cap in section 105(a)(8) of the HCD Act and 24 CFR 570.201(e) has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts.	CDBG-CV	Immediately Available	✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available	✓	
	CDBG Grants before FY 19		Not Available	✗
Reimbursement of Costs				
Provides that grantees may use CDBG-CV grant funds to cover or reimburse costs to prevent, prepare for, and respond to coronavirus incurred by a State or locality, regardless of the date on which such costs were incurred, when those costs comply with CDBG requirements. For other grants, pre-agreement and pre-award cost authority is available under 24 CFR 570.489(b) (states) and 570.200(h) (entitlements).	CDBG-CV	Immediately Available	✓	
	CDBG FY 19 and FY 20 Grants		See current regulations.	✗
	CDBG Grants before FY 19		See current regulations.	✗

¹ Section 105(a)(8) of the Housing and Community Development Act of 1974, provides a different percentage cap for some grantees.

Description of Program Flexibility	Applicability to CDBG-CV and CDBG Grants		
Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans)			
Provides that grantees may amend citizen participation plans to establish expedited procedures to draft, propose, or amend consolidated plans. Expedited procedures must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the action plan amendment and amended citizen participation plans. In-person public hearings are not required. Grantees may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the grantee’s certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available ✓	
	CDBG Grants before FY 19		Not Available ✗
Deadline to Submit Consolidated Plans (including Annual Action Plans)			
Extends the deadline for grantees to submit action plans and other updates to their consolidated plans submissions for fiscal years 2019* and 2020 to August 16, 2021. Without extension, the deadline for fiscal year 2020 grants would be August 16, 2020, in accordance with section 116(b) of the HCD Act and 24 CFR 91.15. *The deadline for fiscal year 2019 passed on August 16, 2019 (plans due then have been submitted).	CDBG-CV	Immediately Available ✓	
	CDBG FY 19* and FY 20 Grants	Immediately Available. ✓	
	CDBG Grants before FY 19		Not applicable. ✗
Waiver and Alternative Requirement Authority			
Authorizes the Secretary to issue statutory and regulatory waivers/alternative requirements for CDBG-CV and some CDBG funds when necessary to expedite or facilitate the use of grant funds to prevent, prepare for, and respond to coronavirus. Prohibits waivers/alternative requirements related to fair housing, nondiscrimination, labor standards, and the environment. HUD has additional regulatory waiver and statutory suspension authorities that it may use for CDBG Grants before fiscal year 2019 if necessary.	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available. ✓	
	CDBG Grants before FY 19		Not applicable. ✗

Submit your questions to: CPDQuestionsAnswered@hud.gov

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City of Texarkana, Texas

CDBG-CV Action Plan

Community Development Block Grant Coronavirus funds
provided by the Coronavirus Aid, Relief, and Economic Security
Acts (CARES) Action Plan for the City of Texarkana, Texas
Prepared in Accordance with the
United States Department of Housing & Urban Development's
Planning Requirements

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OMB Control No: 2506-0117 (exp. 06/30/2018)

Attachment: 2020-038 ATTH 03 2019 Amended Action Plan Apr 2020 (2251 : 2020-038 RES adopting updated CDBG Consolidated Plan, Annual

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Texarkana, TX has received a special allocation of Community Development Block Grant (CDBG) funds to be used to prevent, prepare for and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department is immediately allocating \$2 billion based on the fiscal year 2020 CDBG formula. The remaining \$3 billion shall be allocated based on needs using best available data, in the following tranches: \$1 billion shall be allocated to States and insular areas within 45 days of enactment of the Cares Act, and \$2 billion shall be distributed to states and local governments at the discretion of the Secretary. Up to \$10 million will be set aside for technical assistance. Given the immediate needs faced by our communities, the Department has announced the first allocation of funds. The city of Texarkana, Texas' allocation is \$218,921.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the Secretary to grant waivers and alternative requirements of statutes and regulations the Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards and the environment). Waivers and alternative requirements can be granted when necessary to expedite and facilitate the use of funds to prevent, prepare for and respond to coronavirus.

The Planning & Community Development department is responsible for administering CDBG-CV grants for Texarkana.

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The purpose of this Action Plan is to identify needs & to develop specific goals & objectives to address those needs. This Plan for Texarkana covers the period **October 1, 2019, to September 30, 2020**.

2. Summary of the objectives & outcomes identified in the Plan Needs Assessment

Overview

Based on a detailed analysis of data describing community exposure & testing results gathered by Texarkana COVID-19 Emergency Operations Center & input from community participation process, the following were identified as priority needs for Texarkana:

1. Food boxes
2. Care supply packages
3. Testing supplies, virus testing & PPE
4. Homeless shelter assistance
5. Assistance with displacement of homeless individuals

3. Evaluation of past performance

Texarkana has consistently allocated funds to address the highest strategic plan priorities. The City has met all requirements as an entitlement grantee including administrative & public services caps. City policies & procedures comply with federal requirements to ensure that programs & activities benefit low- to moderate-income individuals & families & that community development projects are developed to provide the maximum benefit to low-moderate income residents.

4. Summary of citizen participation process & consultation process

The CARES Act adds additional flexibility for both the CDBG-CV grant &, in some cases, for the annual FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, & States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

Citizen & stakeholder input was crucial to the identification of community development needs & priorities for this Action Plan. The City solicited public & stakeholder input through city council meeting. The meeting was advertised on the city website & social media accounts. Comments were accepted at the meeting.

5. Summary of public comments

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Public input has shaped the priorities & goals adopted in this Action Plan. City residents had the opportunity to provide input on their community development priorities. All comments received are provided in the attachments.

6. Summary of comments or views not accepted & the reasons for not accepting them

All public meeting responses have been accepted & appended to the Action Plan.

7. Summary

This Action Plan was developed based on input from Texarkana residents, community partners, & stakeholders as well as a thorough analysis of data available from reliable sources. Significant sources of data for this report include the 2011-2015 American Community Survey (ACS) estimates, 2010-2014 Comprehensive Housing Affordability Strategy (CHAS) data, the U.S. Bureau of Labor Statistics, the 2010 Census, the Homeless Management Information System (HMIS) & local data sources.

The CDBG-CV Action Plan will guide the community development efforts of Texarkana in response to Covid-19 health issues.

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The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Action Plan & those responsible for administration of each grant program & funding source

The following are the agencies/entities responsible for preparing the Action Plan & those responsible for administration of each grant program & funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	City of Texarkana, Texas	Department of Planning & Community Development

Table 1 – Responsible Agencies

Narrative

The City of Texarkana Department of Planning & Community Development is the Lead Agency in the preparation & implementation of this 2019 Action Plan which describes the strategy for the City of Texarkana, Texas in PY2019 & is prepared in accordance with the U.S. Department of Housing & Urban Development's Action Plan requirements. The City would like to express our appreciation to the individuals, agencies, departments & committees who participated in developing the City of Texarkana 2019 Action Plan.

Action Plan Public Contact Information

David Orr
 Director of Planning & Community Development
 P. O. Box 1967
 Texarkana, Texas 75504-1967
 903-798-3902
 david.orr@txkusa.org

Mayor
 Bob Bruggeman

City Council
 Jean H. Matlock – Ward 1
 Mary Hart – Ward 2
 Betty Williams – Ward 3
 Christine Alcorn – Ward 4
 Bill Harp – Ward 5
 Josh Davis – Ward 6

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AP-10 Consultation - 91.100, 91.200(b), 91.215(l)**1. Introduction**

The City of Texarkana has implemented actions to develop institutional structures & enhance coordination between city departments, housing providers & social service agencies, & foster assisted housing improvements & resident initiatives. Through public hearings & meetings held throughout the year, the City continues to utilize a network of contacts, referrals, & partnerships to implement the strategies outlined in the Five-Year Consolidated Plan & re-enforced in each Annual Action Plan.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public & assisted housing providers & private & governmental health, mental health & service agencies (91.215(l)).

The City of Texarkana has implemented actions to develop institutional structures & enhance coordination between city departments, housing providers & social service agencies, & foster assisted housing improvements & resident initiatives. Through public hearings & meetings held throughout the year, the City continues to utilize a network of contacts, referrals, & partnerships to implement the strategies outlined in the Five-Year Consolidated Plan & re-enforced in each Annual Action Plan. The City will continue to build its relationship with local housing/service providers & the Housing Authority to ensure that the current limited housing resources are utilized in the most efficient manner possible & to meet the housing needs of extremely low, very low, & low-income renters & homeowners.

Texarkana Government Access Television provides public service & local government programming through Cable One. City Council meetings & other committee meetings are streamed on-line & archived. There is a municipal access channel (government access channel) that serves both Texas & Arkansas. Texarkana, AR manages the channel with Texarkana, TX paying a management fee. The channel divides the time equally for both cities showing meetings, general information, links to resources & documents, PSAs & any other relevant information. The Planning & Community Development department oversees the CDBG grant. The Grant Administrator is responsible for the day-to-day operation of the program. The department works in conjunction with the City's Finance, Inspection, Public Works, Street, & Parks & Recreation Departments to oversee the development of the Action Plan & administer the programs & activities incorporated in the Plan.

Interviews with key stakeholders included CDBG & other City staff, Texarkana Housing Authority staff, Area Office on Aging staff, homeless providers, services providers, Bowie County Veterans Service Officer & banking providers provided the basis for much of the information in the Action Plan.

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Describe coordination with the Continuum of Care & efforts to address the needs of homeless persons (particularly chronically homeless individuals & families, families with children, veterans, & unaccompanied youth) & persons at risk of homelessness

Texarkana participates in the Texas Balance of State Continuum of Care that is managed by the Texas Homeless Network. The Texarkana Homeless Coalition holds monthly meetings to discuss & strategize on ways to meet the needs of those experiencing homelessness. The Coalition has developed a Coordinated Entry system that streamlines the process for people experiencing homelessness to access resources. CDBG funding provides for a public service Vista person to work with the coordinated entry process assisting persons experiencing homelessness to attain the services needed.

The Texas Homeless Network provides data from the Homeless Management Information System (HMIS), Point-In-Time Count (PIT), the Housing Inventory Count & the Annual Homeless Assessment Report (AHAR). This information is utilized to assist in determining the nature & extent of homelessness in Texarkana & identifying potential projects that will eliminate gaps in housing & services.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards & evaluate outcomes, & develop funding, policies & procedures for the administration of HMIS

The City of Texarkana is an integral part of the Continuum of Care. The Randy Sams' Outreach Shelter is currently the only emergency homeless shelter for homeless persons in Texarkana, Texas. Randy Sams receives Emergency Solutions Program funds through the Texas Department of Housing & Community Affairs. The Coalition worked with the City to develop the Doorways Home project that assists homeless families & individuals to receive supportive housing through the Continuum of Care grant award.

HMIS responsibilities are shared among homeless assistance providers & City staff in the city. HMIS is administered by the Texas Homeless Network (THN) & serves the Texarkana, Texas population. THN has developed policies & procedures for the administration of HMIS. THN provides training & technical support to agencies participating in HMIS.

Commented [TB1]: s/b Outreach Shelter

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2. Describe Agencies, groups, organizations & others who participated in the process & describe the jurisdictions consultations with housing, social service agencies & other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Mission Texarkana
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted & what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through focus groups for input. Better understand of the needs of people experiencing homelessness & at-risk of homelessness.
2	Agency/Group/Organization	Randy Sams' Outreach Shelter
	Agency/Group/Organization Type	Housing Services-homeless Emergency Shelter
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Anti-poverty Strategy
	How was the Agency/Group/Organization consulted & what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through homeless providers focus group; provided data. Better understanding of the needs of people experiencing homelessness for future planning & projects.

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3	Agency/Group/Organization	Salvation Army-Texarkana
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless Services-Employment Emergency Shelter
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Anti-poverty Strategy
4	How was the Agency/Group/Organization consulted & what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through homeless providers focus group; provided data. Better understand the needs of people experiencing poverty & homelessness in the City
	Agency/Group/Organization	Texarkana Homeless Coalition
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Anti-poverty Strategy

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	How was the Agency/Group/Organization consulted & what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through homeless providers focus group; provided data. Better understand the needs of people experiencing homelessness. Information on how the Coalition & the Texas Homeless Network are collaborating with publicly funded institutions to develop plans so people are not discharged into homelessness.
5	Agency/Group/Organization	Texarkana COVID-19 Emergency Operations Center
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Anti-poverty Strategy
	How was the Agency/Group/Organization consulted & what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through homeless providers focus group; provided data. Better understand the needs of people experiencing poverty & homelessness in the City

Identify any Agency Types not consulted & provide rationale for not consulting

No agencies were excluded in the development of the plan.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Texarkana Homeless Coalition	Both plans analyze homeless needs & solutions.
PHA Consolidated 5 Year Plan	Housing Authority of Texarkana, TX	Both plans address public housing needs.

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Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
MPO Texarkana Regional Transportation Plan	Metropolitan Planning Organization	Transportation planning for the region & city is essential in meeting the needs of low-moderate income residents

Table 3 – Other local / regional / federal planning efforts

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Describe cooperation & coordination with other public entities, including the State & any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

The City of Texarkana, Texas enjoys a unique & challenging position in that it is a twin city to the City of Texarkana, Arkansas. The two cities share many things including infrastructure (roads, bridges, potable water systems, storm water systems, & sewage systems), planning organizations (MPO, Ark-Tex Council of Governments), health care agencies (Wadley Regional Medical System, Christus St. Michael Health System), economic development (Chamber of Commerce) & other non-profit agencies (Randy Sams Outreach Shelter, Salvation Army, Harvest Texarkana, Volunteer Center, Literacy Council, unique bi-state Workforce Development efforts). Consequently, collaborative planning is a necessity for the City & common practice. These agencies provide continual collaboration with the City in all aspects of community planning, including this Action Plan. Additionally, the City works closely with the Texarkana Housing Authority & has collaborated & provided funding for the renovation of existing public housing units.

Narrative (optional):

The Action Plan was developed in consultation with a wide range of public & private entities, including governmental & non-profit organizations knowledgeable about the needs of the low & moderate-income residents of Texarkana, & private citizens interested in, or affected by, the housing & community development activities discussed in the Plan. These contacts are part of a continuous process conducted in order to involve the broader community in assessing priority housing & community development needs; developing priorities, goals & objectives for addressing identified needs; & allocating available CDBG & other federal, state & local funding to activities that address priority needs.

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AP-12 Citizen Participation

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process & how it impacted goal setting

The City of Texarkana has implemented actions to develop institutional structures & enhance coordination between city departments, housing providers & social service agencies, & foster assisted housing improvements & resident initiatives. Through public hearings & meetings held throughout the year, the City continues to utilize a network of contacts, referrals, & partnerships to implement the strategies outlined in the Five-Year Consolidated Plan & re-enforced in each Annual Action Plan. The City will continue to build its relationship with local housing/service providers & the Housing Authority to ensure that the current limited housing resources are utilized in the most efficient manner possible & to meet the housing needs of extremely low, very low, & low-income renters & homeowners.

Texarkana Government Access Television provides public service & local government programming through Cable One. City Council meetings & other committee meetings are streamed on-line & archived. There is a municipal access channel (government access channel) that serves both Texas & Arkansas. Texarkana, AR manages the channel with Texarkana, TX paying a management fee. The channel divides the time equally for both cities showing meetings, general information, links to resources & documents, PSAs & any other relevant information. The Planning & Community Development department oversees the CDBG grant. The Grant Administrator is responsible for the day-to-day operation of the program. The department works in conjunction with the City's Finance, Inspection, Public Works, Street, & Parks & Recreation Departments to oversee the development of the Action Plan & administer the programs & activities incorporated in the Plan.

Interviews with key stakeholders included CDBG & other City staff, Texarkana Housing Authority staff, Area Office on Aging staff, homeless providers, services providers, Bowie County Veterans Service Officer, banking providers provided the basis for much of the information in the Plan.

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Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted & reasons	URL (if applicable)
1	Internet Survey	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community	14 surveys were completed	See Citizen Participation Attachment for comments	All comments were accepted	
2	Public Hearing	Non-targeted/broad community	A total of residents participated in public hearings	See Citizen Participation Attachment for comments	All comments were accepted	
6	Public Meeting	Residents of Public & Assisted Housing	Housing Authority residents participated	See Citizen Participation Attachment for comments	All comments were accepted	
8	Public Meeting	Non-targeted/broad community	Provided information on CDBG programs & handed out surveys	No comments	No comments	

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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted & reasons	URL (If applicable)
13	Newspaper Ad	Non-English Speaking - Specify other language: Spanish	Public notices for hearings; meetings & availability of the Action Plan were placed in Amigo News, a local Spanish newspaper	No comments were received	N/A	
14	Newspaper Ad	Non-targeted/broad community	Public notices for hearing, meetings & Action Plan were placed in the Texarkana Gazette & on City's website	No comments were received	N/A	
15	Newspaper Ad	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community	Public notice for the comment period & availability of the draft Action Plan for review	No comments were received	N/A	

Table 4 – Citizen Participation Outreach

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Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Texarkana will receive a CDBG-CV allocation of \$218,901 for PY 2019 to be used for eligible CDBG-CV activities.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of Con Plan	Narrative Description
			Allocation	Program Income	Prior Year Resources	Total		
CDBG-CV	public - federal	Admin & Planning Economic Development Public Services	218,921			218,921		Expected Amount Available based on fiscal year 2020 allocation formula

Anticipated Resources

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state & local funds), including a description of how matching requirements will be satisfied

The City recognizes the importance of leveraging resources. It is estimated that over the course of the 5 Year Plan, these community development projects will bring \$1.75 in private resources spent in the local economy for each grant dollar invested. Matching requirements will be met by in-kind donations of labor &/or materials. The programs listed above do not require matching funds. When matching funds are required, the City usually provides in-kind matching through labor & supplies or provides cash matches from the City's general funds.

If appropriate, describe publicly owned land or property located within the jurisdiction that

may be used to address the needs identified in the plan

Publicly owned land or property located within the jurisdiction includes housing lots owned by the city, city parks, & scattered properties may be used to promote economic development, provide support for homeless programs &/or affordable housing in Texarkana. Additionally, publicly owned land may also be used to support public health activities, infrastructure & public services.

Discussion

Texarkana anticipates receiving federal funding over the next year from the Community Development Block Grant (CDBG) program. These funds will be used to fund projects which advance the goals identified in the 2019 Action Plan. Projects carried out using these federal funds over the next year will leverage additional funds from state & local government as well as private funding sources.

Annual Goals & Objectives

AP-20 Annual Goals & Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding- Year 2	Goal Outcome Indicator
1	Public Services	2019	2022	Homeless Non-Homeless Special Needs Non-Housing Community Development	City-Wide	Public Services	CDBG: \$195,000	Public service activities Low/Moderate Income Benefit: 100 Persons Assisted
2	Program Administration	2019	2022	Administration	City-Wide		CDBG: \$23,921	Other: 1 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Public Services
	Goal Description	Assistance will be provided to public services agencies that provides services to low-income families & those experiencing homelessness. Agencies providing services may include Mission Texarkana, Randy Sams' Outreach Shelter, Salvation Army, Texarkana Homeless Coalition, and Texarkana COVID-19 Emergency Operations Center.
2	Goal Name	Program Administration
	Goal Description	Management & oversight of the CDBG-CV program.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

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Projects

AP-35 Projects – 91.220(d)

Introduction

The City of Texarkana will undertake activities that meet the needs & objectives established by its Consolidated Plan & approved by City Council. As shown below, the City will owner-occupied rehabilitation, down payment & closing costs assistance, sidewalk & tree planting; improvements to parks in low-moderate areas, Section 108 loan repayment & public services.

Projects

#	Project Name
1	Public Services
2	Administration

Table 7 – Project Information

Describe the reasons for allocation priorities & any obstacles to addressing underserved needs

The City of Texarkana is responding to the needs of the Texarkana area during this health crisis. To improve the quality of life of all citizens in Texarkana, the City will work with service providers to address with needs related to COVID-19. The city's focus will be on food, supplies, personal protection equipment, testing & supplies as well as homeless shelter assistance and assistance with the displacement of homeless individuals due to COVID-19.

AP-38 Project Summary

Project Summary Information

1	Project Name	Public Services
	Target Area	City-Wide
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$195,000
	Description	Funding to non-profit agencies that provide services to low-moderate income individuals & families.

	Target Date	9/30/2020
	Estimate the number & type of families that will benefit from the proposed activities	It is estimated that 100 individuals will benefit from the services offered by local non-profit agencies.
	Location Description	The programs are offered city-wide to income eligible clients.
	Planned Activities	Services including but not limited to food, supplies, personal protection equipment, testing & supplies as well as homeless shelter assistance and assistance with the displacement of homeless individuals due to COVID-19 to persons experiencing homelessness, youth & low-moderate income individuals & families.
2	Project Name	Administration
	Target Area	City-Wide
	Goals Supported	Program Administration
	Needs Addressed	Program Administration
	Funding	CDBG: \$23,921
	Description	Management & oversight of the CDBG-CV grant
	Target Date	9/30/2020
	Estimate the number & type of families that will benefit from the proposed activities	
	Location Description	City-wide
	Planned Activities	Management & oversight of the CDBG-CV grant

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income & minority concentration) where assistance will be directed

CDBG-CV funds are allocated city-wide to projects & activities that benefit low-moderate income persons & households or provide services to residents in a low-moderate income area.

Geographic Distribution

Target Area	Percentage of Funds
City-Wide	100%
Total	100%

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City of Texarkana is responding to the needs of the Texarkana area during this health crisis. To improve the quality of life of all citizens in Texarkana, the City will work with service providers to address with needs related to COVID-19. The city's focus will be on food, supplies, personal protection equipment, testing & supplies as well as homeless shelter assistance and assistance with the displacement of homeless individuals due to COVID-19.

Discussion

The specially allocated funds will be essential in the city's survival and recovery from COVID-19 health crisis. The city will work with local agencies to provide food, supplies, personal protection equipment, testing for the virus and supplies for testing. Also, homeless shelter assistance and assistance with the displacement of homeless individuals due to COVID-19.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Commented [TB2]: start here on Wed 8/14/19

Introduction

The City will assist local agencies as needed with rental assistance to provide for homeless individuals who are displaced as a result of COVID-19.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	0
Special-Needs	0
Total	0

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	0

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City will assist local agencies as needed with rental assistance to provide for homeless individuals who are displaced as a result of COVID-19.

AP-60 Public Housing – 91.220(h)

Introduction

N/A

Actions planned during the next year to address the needs to public housing

- N/A

Actions to encourage public housing residents to become more involved in management & participate in homeownership

N/A

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The Housing Authority of Texarkana is not designated as a troubled public housing authority.

Discussion

Not Applicable

AP-65 Homeless & Other Special Needs Activities – 91.220(i)

Introduction

The city supports the Texarkana Homeless Coalition in providing homeless care packages, services provided by Randy Sams Outreach Shelter for homeless shelter assistance and for displacement of homeless individuals, food boxes from Salvation Army for low mod individuals and families, Mission Texarkana for food, supplies & personal protection equipment for homeless and low mod families, and Texarkana COVID-19 Emergency Operations Center for testing, supplies and PPE for homeless and low mod families in response to COVID-19.

Describe the jurisdictions one-year goals & actions for reducing & ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) & assessing their individual needs

The City supports the Texarkana Homeless Coalition in its outreach & assessment efforts for homeless persons in the community by participating in Texarkana Homeless Coalition. There are no agencies in Texarkana that provide only outreach activities. Many agencies provide outreach to the specific population that they serve. The City uses CDBG-CV funds to support these agencies in their efforts.

Addressing the emergency shelter & transitional housing needs of homeless persons

Emergency shelter in Texarkana is provided by Randy Sams Outreach Shelter. Randy Sams is a low-barrier homeless shelter & an ID is not required to stay at the shelter. There are 112 emergency beds available for up to 90 days at a time. The shelter also provides showers, food, transportation & case services.

Rapid Re-Housing (formerly transitional housing) is provided by Randy Sams with 22 households receiving assistance & by Doorways Home providing 10 households with housing vouchers. Households in the Rapid Re-Housing programs pay subsidized rent & receive assistance with case management & life skill classes & job training. The development of a family shelter is crucial to meeting the needs of homeless families. In order to make homelessness short-lived & non-recurring, there is a need for additional Rapid Re-Housing vouchers & services.

Helping homeless persons (especially chronically homeless individuals & families, families with children, veterans & their families, & unaccompanied youth) make the transition to permanent housing & independent living, including shortening the period of time that individuals & families experience homelessness, facilitating access for homeless individuals &

families to affordable housing units, & preventing individuals & families who were recently homeless from becoming homeless again

There are no permanent supportive housing programs in Texarkana & the need for such housing is great. The Texarkana Homeless Coalition & the City will continue to identify agencies that have the capacity to expand their programs to provide permanent supportive housing. In order for chronically homeless individuals to maintain permanent housing, supportive services must be a part of their housing plan. Many chronically homeless & special needs populations will require long-term rental assistance since many are on disability incomes which do not cover the cost of housing plus living expenses. The average income for a person receiving Supplemental Security Income (SSI) is \$750 per month. Coordinated Entry has facilitated the access of housing & services for many people experiencing homelessness, but the availability of affordable & decent housing does not meet the need.

Helping low-income individuals & families avoid becoming homeless, especially extremely low-income individuals & families & those who are: being discharged from publicly funded institutions & systems of care (such as health care facilities, mental health facilities, foster care & other youth facilities, & corrections programs & institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Individuals with severe mental health challenges often require transitional or permanent supportive housing including ongoing treatment, social services & housing assistance to recover & live independently. Homelessness prevention services are needed for ex-offenders & persons being discharged from mental health facilities for reentry into their communities. Currently in Texarkana, there are no programs targeted to assist these individuals. Randy Sams is a low barrier shelter that provides emergency housing but only for a period of 90 days. The Coalition is discussing how to provide services & permanent housing solutions for these populations as well as unaccompanied youth. Youth aging out of foster care need transitional housing & supportive services. Lack of funding & lack of capacity of local agencies are the challenges to providing this type of housings.

The City will continue to use CDBG funds to support programs that address housing & service issues of those with special needs &/or at risk of becoming homeless. The largest obstacle is a lack of transitional & permanent supportive housing. The City will work with local service providers & provide funding when available & appropriate for programs that serve special needs populations.

Discussion

In PY2019, the City is assisting low-income &/or homeless persons by providing CDBG funding to agencies that provide supportive services to those experiencing homelessness. The challenges for providing an adequate supply of a variety of housing options are lack of funding & lack of capacity of the agencies to expand or create new programs. Efforts will be made during the year to identify ways to provide permanent supportive housing & a family shelter.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Many public & private sector policies & factors can create barriers to affordable housing for low- to moderate-income households. In general, the City's policies do not create undue barriers to affordable housing. The City has a fair housing ordinance which indirectly reduces the barriers to affordable housing by ensuring that all protected classes, many of whom are low- to moderate-income have equitable advantages to housing of choice. The City's development & building standards have been established to protect the citizenry & the general welfare of the community, which can result in higher costs for new & rehabilitated structures. The City uses all of the current international & national codes related to residential construction & rehabilitation as a means to protect the residents & the community as a whole. Development impact fees have been established to ensure that the developer carries the cost of development instead of the taxpayers. However, the impact fees & building standards can drive up the cost of new dwellings.

The adherence to building codes & impact fees are necessary & city-wide to protect the safety & wallets of the community as a whole. With the exception of zoning that prohibits development in or around unsafe areas, zoning ordinances are more flexible than building codes & development fees, & each zoning district does not provide a city-wide benefit. The zoning ordinance prohibits manufactured home parks & mobile homes & manufactured homes as fixed dwellings in all zoning districts. Manufactured home parks may be allowed with a specific use permit in districts zoned as agricultural; & HUD code manufactured homes as a fixed dwelling may be allowed in both agricultural & single family 3 zones, also with a specific use permit. Boarding & rooming houses may only be located within townhome & multi-family residential, commercial & planned development districts. This can be a barrier to group homes for special populations to be located single-family districts.

Private sector barriers include:

- Developers reluctant to construct affordable housing or unable to secure Low Income Housing Tax Credit approval;
- Insufficient number of multi-family units;
- High number of vacant housing that is abandoned or uninhabitable, preventing new development on the lots;
- Sellers requiring higher down payments than LMI buyers can afford; &
- Credit & employment histories of many LMI buyers result in mortgage denial.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees & charges, growth limitations, & policies affecting the return on residential investment

Although policies & ordinances can affect the cost of housing, the City's Analysis of Impediments indicates that there are no significant institutional barriers to affordable housing in Texarkana, Texas. Housing costs in Texarkana are considerably lower than the state as a whole, with the city of Texarkana, Texas averaging \$79 per square foot, the Texarkana metropolitan area averaging \$77 per square foot, & Texas averaging \$124 per square foot. The City is committed to maintaining & enhancing its policies that increase equal opportunity to housing for the lower income & protected classes.

To maintain the City's commitment to prevent barriers to affordable housing the City will:

- Maintain flexibility in zoning & building requirements when appropriate to allow for infill housing development;
- Complete the 20 units of affordable loft housing as part of the Grim Hotel project;
- Conduct outreach efforts to for-profit & non-profit builders & developers through funding & technical assistance to increase the supply of decent, affordable housing within low to moderate income neighborhoods as well as creation of affordable housing on a city-wide basis;
- Maintain an Affirmative Marketing Plan to directly market newly developed City-assisted housing units to minority groups least likely to apply to homeownership programs;
- Meet with local lenders & home builders to encourage the use of non-traditional client loan qualifying & loan products to better serve the needs of homebuyer households with challenges that preclude conventional qualification;
- Support local Continuum of Care efforts for homeless populations & provides ongoing support & technical assistance to the Texarkana Homeless Coalition;
- Work with local agencies that provide financial case management & credit counseling;
- Review & when applicable, revise the Fair Housing ordinance which ensures that fair housing options are available to its citizens;
- Monitor city-sponsored projects for equal access & compliance of the Fair Housing Act;
- Monitor code compliance to HQS & Fair Housing standards;
- Hold periodic Public Hearings providing information & requesting public comment on affordable & fair housing issues;
- Work with local housing service providers to conduct homebuyer & homeowner education;
- Conduct public outreach regarding availability of housing & housing assistance including translation of housing application materials into Spanish & maintains bi-lingual staff to assist applicants & clients who are not English-proficient.

Discussion:

The City is concerned with the shortage of affordable housing units that meet housing quality standards. Many of the units have been lost through abandonment of older properties. One way that the City is directly impacting the problem is the renovation & repurposing of the Grim Hotel. They will be constructing 20 affordable units in the hotel. The project has been delayed but will begin in PY2018. The other efforts with greatest effect are those where the City collaborates with the private non-profit & for-profit community as they provide affordable housing solutions.

AP-85 Other Actions – 91.220(k)

Introduction:

The following actions will be undertaken to address obstacles to meeting underserved needs, foster & maintain affordable housing, reduce lead-based paint hazards, reduce the number of poverty level families, & develop institutional structure.

Actions planned to address obstacles to meeting underserved needs

Requests for funding far exceed the available entitlement dollars received by the City of Texarkana. The City will continue to partner with non-profit agencies to leverage its CDBG allocation so that the maximum benefit is achieved. The City will facilitate a stakeholder's meetings & participate in the Texarkana Homeless Coalition to identify unmet needs & to strategize on how to meet those needs.

Actions planned to foster & maintain affordable housing

The City will continue to support development of affordable housing by providing flexibility in its development standards that encourages the industry to seek community partners. The City will fund owner-occupied rehabilitation & improvements geared toward maintaining the house in a decent condition. The City will support Low Income Housing Tax Credit applications when the project is compatible with the City's goals & objectives.

Actions planned to reduce lead-based paint hazards

Lead-based paint hazard identification & reduction strategies include education, outreach, & conformance with 24 CFR Part 35 regulations. The City distributes and maintains documentation of required information for homes built before 1978, including the EPA Lead-based Pamphlet, Notification of Lead Hazard Evaluation, & Notification of Lead Hazard Reduction. Lead-based paint information is included in the application package for housing rehabilitation & down payment assistance as well as distributed at events & neighborhood meetings.

Actions planned to reduce the number of poverty-level families

Texarkana addresses the problem of poverty through its strategic goals. Through a holistic approach that combines safe, decent affordable housing for low to moderate income households with social services, education, access to health & employment. The City, as lead agency in the implementation of the Consolidated Plan, will coordinate with local organizations to ensure that goals are met & will

continue to provide assistance to agencies that provide services to poverty level individuals & families.

Actions planned to develop institutional structure

The City will continue to make entitlement funds available to the community through issuance of subrecipient agreements. The City provides subrecipient training during the application phase, prior to the execution of subrecipient agreements & is available for technical assistance, if needed. The City distributes updated information on CDBG funded programs to subrecipients when appropriate. The City will maintain its webpage with up-to-date information as a resource for other city departments, general public & service/housing providers. The City is committed to meeting regularly with interested citizens & stakeholders to discuss community development issues.

The City recognizes the need to provide increased outreach to minority & non-English speaking residents. In an effort to reach these populations, the City held public hearings & community meetings with translation services to the Hispanic population at facilities located in low-moderate income areas. Public notices will be in English and Spanish & the City will advertise public hearings in the local newspaper & on their website.

Actions planned to enhance coordination between public & private housing & social service agencies

City staff will continue work with service providers, the local public housing authority, private housing resources & the Continuum of Care to ensure that there is awareness of the available resources & provide a conduit for communication & collaboration.

Discussion:

Since CDBG funding basically remains level, relationships are key to the success of housing, economic & community development efforts within the City of Texarkana. The City will continue to partner with service & housing providers to leverage CDBG funding in assisting the low to moderate residents of Texarkana.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

It is the City of Texarkana's policy that 70% of the CDBG funds will be used to benefit low-moderate income people residing within the city limits. The City sets aside 15% of the allocation to fund public services & 20% to be used for administration of the program.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year & that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs & specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low & moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low & moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

The City anticipates using 70% of CDBG funds for projects involving low-moderate income people or low-moderate areas. Three years will be used to determine the minimum overall benefit.

CDBG Annual Action Plan (amended April 2020)	TEXARKANA	33
OMB Control No: 2506-0117 (exp. 06/30/2018)		

Attachments

Citizen Participation Comments

CDBG Annual
Action Plan
(amended
April2020)

OMB Control No: 2506-0117 (exp. 06/30/2018)

TEXARKANA

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Attachment: 2020-038 ATTH 03 2019 Amended Action Plan Apr2020 (2251 : 2020-038 RES adopting updated CDBG Consolidated Plan, Annual

Grantee Unique Appendices

CDBG Annual
Action Plan
(amended
April2020)

TEXARKANA

35

OMB Control No: 2506-0117 (exp. 06/30/2018)

Attachment: 2020-038 ATTH 03 2019 Amended Action Plan Apr2020 (2251 : 2020-038 RES adopting updated CDBG Consolidated Plan, Annual

Grantee SF-424's & Certification(s)

CDBG Annual
Action Plan
(amended
April 2020)

TEXARKANA

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OMB Control No: 2506-0117 (exp. 06/30/2018)

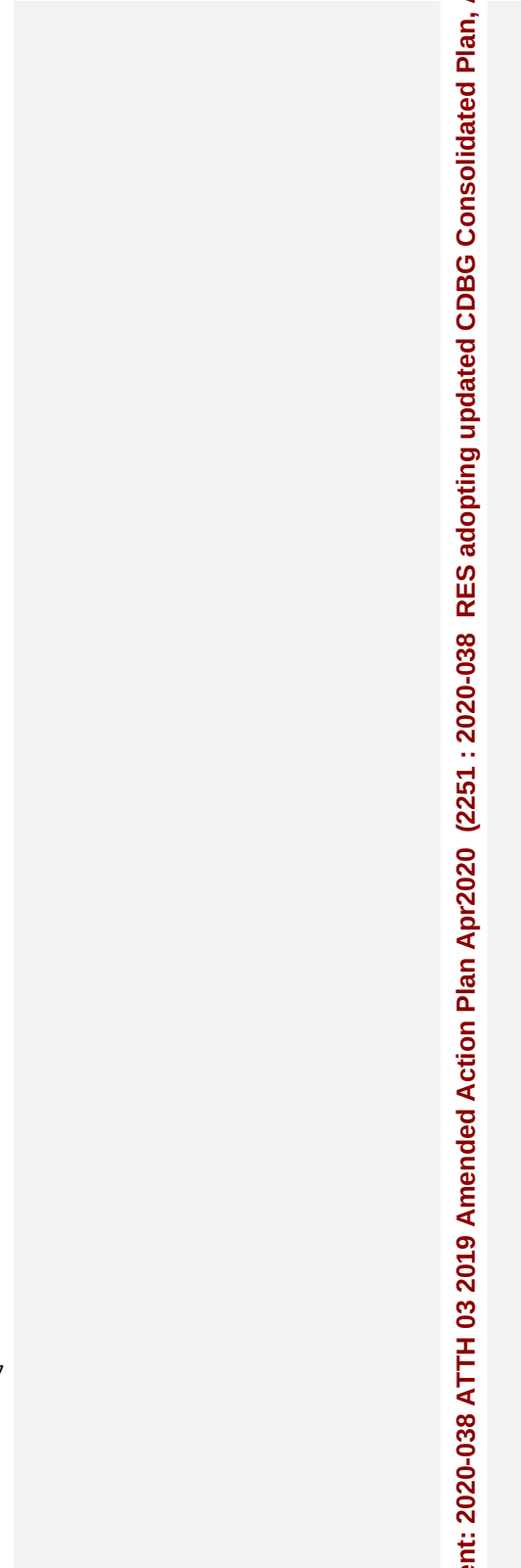
Attachment: 2020-038 ATTH 03 2019 Amended Action Plan Apr 2020 (2251 : 2020-038 RES adopting updated CDBG Consolidated Plan, Annual

CDBG Annual
Action Plan
(amended
April2020)

TEXARKANA

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OMB Control No: 2506-0117 (exp. 06/30/2018)





City of Texarkana, Texas

2018 – 2022 Consolidated Plan

2018 Annual Action Plan

A 5-Year Strategy for the City of Texarkana, Texas, prepared in
accordance with the U.S. Department of Housing & Urban
Development's Consolidate Plan Requirements

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Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Texarkana, TX became a federal entitlement program grantee in 1987. As an entitlement grantee, the City receives an annual share of federal Community Development Block Grant (CDBG) funds authorized under Title I of the Housing and Community Development Act of 1974, as amended. The Planning and Community Development department is responsible for administering CDBG grants for areas within the city limits of Texarkana.

The purpose of a Consolidated Plan is to identify housing and community development needs and to develop specific goals and objectives to address those needs over a five-year period. This Five-Year Consolidated Plan for Texarkana covers the period October 1, 2018, to September 30, 2022. The Consolidated Plan enables the City to continue to receive federal housing and community development funds and, according to regulations CFR 91.200(a), must be submitted to the U.S. Department of Housing and Urban Development (HUD) no less than 45 days prior to the start of the grantee's program year.

This Consolidated Plan consists of four major sections: an assessment of housing and community development needs (Needs Assessment), an analysis of the local housing market (Market Analysis), a five-year strategic plan for allocating city resources (Strategic Plan), and a one-year plan for implementing recommendations (Action Plan). Key findings from these sections are discussed below.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

Based on a detailed analysis of data describing community characteristics and housing market conditions, a survey of available community resources, and an extensive community participation process, the following were identified as priority needs for Texarkana:

1. Rehabilitation of existing affordable owner-occupied housing units
2. Public improvements and infrastructure
3. Homeless/Continuum of Care (CoC) services that benefit adults, families with children, and other special needs homeless populations
4. Homeownership assistance
5. Collaboration with community partners to coordinate development activities
6. Renovation of the Grim Hotel
7. Public services

3. Evaluation of past performance

In partnership with other public, private, and non-profit housing providers and service agencies, Texarkana has worked to increase and preserve the available stock of affordable, safe and decent housing; helped ensure a suitable living environment for city residents; and contributed to expanding economic opportunities. The City has affected change in the Rose Hill Neighborhood, Downtown Texarkana and the Beverly Neighborhood, addressing concentrations of poverty and proliferation of Brownfields. The 2018-2022 Consolidated Plan will continue to guide the City in addressing these neighborhoods.

Texarkana has consistently allocated funds to address the highest strategic plan priorities. The City has met all requirements as an entitlement grantee including administrative and public services caps. City policies and procedures comply with federal requirements to ensure that programs and activities benefit low- to moderate-income individuals and families and that community development projects are developed to provide the maximum benefit to low-moderate income residents.

For each year of this Consolidated Plan, the Consolidated Annual Performance Evaluation Review (CAPER) will provide an assessment of progress towards meeting the five-year goals and one-year goals adopted. The CAPER is due annually to HUD on December 30.

4. Summary of citizen participation process and consultation process

The City of Texarkana actively promotes collaboration and coordination among public, private, and non-profit organizations providing housing and non-housing community development services in the city. The City strives to maintain open communication with partner agencies and organizations as well as Texarkana residents.

Citizen and stakeholder input were crucial to the identification of community development needs and priorities for this Consolidated Plan. The City solicited public and stakeholder input through three public meetings, three stakeholder focus groups, two resident focus groups, one meeting with a neighborhood association and a booth at a neighborhood event. These meetings were advertised on the city website; social media accounts, community partner list serves and in the Texarkana Gazette and Amigo News. Detailed information on the public hearing, focus groups and meetings can be found in Sections PR10 and PR15

Interviews were also conducted with representatives from public agencies, non-profit service providers, and city staff. Twenty-nine residents responded to an electronic survey. The survey provides direct feedback from residents on housing needs, factors that affect housing choice, and non-housing community development needs. Select service providers were contacted to obtain feedback for targeted special needs populations.

5. Summary of public comments

Public input has shaped the priorities and goals adopted in this Consolidated Plan. City residents had numerous opportunities to provide input on their community development priorities. All comments received as well as survey results are provided in the Attachments.

6. Summary of comments or views not accepted and the reasons for not accepting them

All survey, public hearings, focus groups, stakeholder and community meeting responses have been accepted and appended to the Consolidated Plan.

7. Summary

This Five-Year Consolidated Plan was developed based on input from Texarkana residents, community partners, and stakeholders as well as a thorough analysis of data available from reliable sources. Significant sources of data for this report include the 2011-2015 American Community Survey (ACS) estimates, 2010-2014 Comprehensive Housing Affordability Strategy (CHAS) data, the U.S. Bureau of Labor Statistics, the 2010 Census, the Homeless Management Information System (HMIS) and local data sources.

The 2018-2022 Consolidated Plan will guide the community development efforts of Texarkana over the five years concluding on September 30, 2022. The strategy outlined in the plan is focused on decent, safe, and affordable housing, a suitable living environment, and economic opportunity. Adhering to this fundamental community development strategy will lay a secure foundation for growth and prosperity for all Texarkana residents.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator		Department of Planning and Community Development

Table 1 – Responsible Agencies

Narrative

The City of Texarkana Department of Planning and Community Development is the Lead Agency in the preparation and implementation of this 2018-2022 Consolidated Plan which describes the City's five-year strategy for the City of Texarkana, Texas and is prepared in accordance with the U.S. Department of Housing and Urban Development's Consolidated Plan requirements. The City would like to express our appreciation to the individuals, agencies, departments and committees who participated in developing the City of Texarkana 2018-2022 Consolidated Plan.

Consolidated Plan Public Contact Information

David Orr
Director of Planning & Community Development
P. O. Box 1967
Texarkana, Texas 75504-1967
903-798-3902
david.orr@txkusa.org

Mayor
Bob Bruggeman

City Council
Jean H. Matlock – Ward 1
Mary Hart – Ward 2
Betty Williams – Ward 3
Christine Alcorn – Ward 4
Bill Harp – Ward 5
Josh Davis – Ward 6

PR-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Texarkana has implemented actions to develop institutional structures and enhance coordination between city departments, housing providers and social service agencies, and foster assisted housing improvements and resident initiatives. Through public hearings and meetings held throughout the year, the City continues to utilize a network of contacts, referrals, and partnerships to implement the strategies outlined in the Five-Year Consolidated Plan and re-enforced in each Annual Action Plan.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City of Texarkana has implemented actions to develop institutional structures and enhance coordination between city departments, housing providers and social service agencies, and foster assisted housing improvements and resident initiatives. Through public hearings and meetings held throughout the year, the City continues to utilize a network of contacts, referrals, and partnerships to implement the strategies outlined in the Five-Year Consolidated Plan and re-enforced in each Annual Action Plan. The City will continue to build its relationship with local housing/service providers and the Housing Authority to ensure that the current limited housing resources are utilized in the most efficient manner possible and to meet the housing needs of extremely low, very-low, and low-income renters and homeowners.

Texarkana Government Access Television provides public service and local government programming through Cable One. City Council meetings and other committee meetings are streamed on-line and archived. There is a municipal access channel (government access channel) that serves both Texas and Arkansas. Texarkana, AR manages the channel with Texarkana, TX paying a management fee. The channel divides the time equally for both cities showing meetings, general information, links to resources and documents, PSAs and any other relevant information. The Planning and Community Development department oversees the CDBG grant. The Grant Administrator is responsible for the day-to-day operation of the program. The department works in conjunction with the City's Finance, Inspection, Public Works, Street, and Parks and Recreation Departments to oversee the development of the Consolidated Plan and administer the programs and activities incorporated in the Plan.

Interviews with key stakeholders included CDBG and other City staff, Texarkana Housing Authority staff, Area Office on Aging staff, homeless providers, services providers, Bowie County Veterans Service Officer, banking providers provided the basis for much of the information in the Consolidated Plan.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

Texarkana participates in the Texas Balance of State Continuum of Care that is managed by the Texas Homeless Network. The Texarkana Homeless Coalition holds monthly meetings to discuss and strategize on ways to meet the needs of those experiencing homelessness. The Coalition has developed a Coordinated Entry system that streamlines the process for people experiencing homelessness to access resources.

The Texas Homeless Network provides data from the Homeless Management Information System (HMIS), Point-In-Time Count (PIT), the Housing Inventory Count and the Annual Homeless Assessment Report (AHAR). This information is utilized to assist in determining the nature and extent of homelessness in Texarkana and identifying potential projects that will eliminate gaps in housing and services.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	RANDY SAMS' OUTREACH SHELTER, INC.
	Agency/Group/Organization Type	Housing Services-homeless Emergency Shelter
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through homeless providers focus group; provided data. Better understanding of the needs of people experiencing homelessness for future planning and projects.

2	Agency/Group/Organization	Habitat for Humanity Texarkana
	Agency/Group/Organization Type	Housing Home Ownership
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Provided input in a one-on-one interview. Better understanding of the needs of first time homebuyers, the need for additional affordable housing and housing rehabilitation.
3	Agency/Group/Organization	Mission Texarkana
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through homeless providers focus group; provided data. Better understand of the needs of people experiencing homelessness and at-risk of homelessness.
4	Agency/Group/Organization	Domestic Violence Prevention
	Agency/Group/Organization Type	Housing Services - Victims
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency was invited to participate in focus group meetings, public hearings and a one-on-one interview but elected not to participate in the Con Plan planning process

5	Agency/Group/Organization	SALVATION ARMY-TEXARKANA
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless Services-Employment Emergency Shelter
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through homeless providers focus group; provided data. Better understand the needs of people experiencing poverty and homelessness in the City
6	Agency/Group/Organization	Ark-Tex COG Area Office on Aging
	Agency/Group/Organization Type	Services-Elderly Persons Regional organization Planning organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	One-on-One Interview with Director; Better understanding of the needs of the senior population for planning future projects.
7	Agency/Group/Organization	Amigo News
	Agency/Group/Organization Type	Housing Spanish Newspaper
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy Needs of Spanish speaking residents

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Input was obtained during a focus group for the Latino community; better understanding of the needs of a minority population in Texarkana. Attendees were able to meet with City staff and discuss housing programs. This could result in increased participation by the Latino community in CDBG activities and projects.
8	Agency/Group/Organization	Bowie County Veterans Service Office
	Agency/Group/Organization Type	Housing Services - Housing Regional organization Services - Veterans
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Needs - Veterans
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Information provided on the needs of veterans in Texarkana will assist the City in future planning activities and projects.
9	Agency/Group/Organization	Housing Authority of Texarkana, Texas
	Agency/Group/Organization Type	Housing PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	One-on-one interviews with senior management staff; focus groups at three housing properties. Better understanding of the improvements at the HA properties and future needs of residents
10	Agency/Group/Organization	Texarkana Homeless Coalition
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through homeless providers focus group; provided data. Better understand the needs of people experiencing homelessness. Information on how the Coalition and the Texas Homeless Network are collaborating with publicly funded institutions to develop plans so people are not discharged into homelessness.
11	Agency/Group/Organization	Community Resource Council - Helping Hands
	Agency/Group/Organization Type	Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-homeless Services-Health Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation by presentation and discussion with stakeholder group. Provided information on service needs of low-moderate income residents.
12	Agency/Group/Organization	Texas Homeless Network
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless Planning organization

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through homeless providers focus group; provided PIT and HMIS data analysis. Better understand the needs of people experiencing homelessness will help focus funding where most needed.
13	Agency/Group/Organization	Believe In Beverly
	Agency/Group/Organization Type	Housing Neighborhood Improvement Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Consultation through Public Hearing and focus group; better understanding of the needs of the Beverly Neighborhood. The City has recognized the Beverly neighborhood as a targeted area for CDBG funded projects.
14	Agency/Group/Organization	City of Texarkana, Texas
	Agency/Group/Organization Type	Other government - Local Economic Development
	What section of the Plan was addressed by Consultation?	Economic Development Market Analysis Business Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	One-on-one interview with the Economic Development Director for the City of Texarkana; provided information on business needs, education and training for workforce; general economic outlook for the City.

15	Agency/Group/Organization	TEXAS DEPARTMENT OF STATE HEALTH SERVICES
	Agency/Group/Organization Type	Services-Health Other government - State
	What section of the Plan was addressed by Consultation?	Lead-based Paint Strategy Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Reviewed Lead-Based Paint statistics for Bowie County; website provided information on the number of children tested and identified with elevated lead blood levels
16	Agency/Group/Organization	COMMUNITY HEALTHCORE (FORMERLY SABINE VALLEY)
	Agency/Group/Organization Type	Services-Health Health Agency Regional organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	One-on-one interview by telephone; discussed medical and mental health needs of low-moderate income residents and prevalence of children with elevated blood lead levels.

Identify any Agency Types not consulted and provide rationale for not consulting

No agencies were excluded in the development of the plan. Domestic Violence, Inc. opted not to participate in the planning process for the Consolidate Plan.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Texarkana Homeless Coalition	Both plans analyze homeless needs and solutions.
PHA Consolidated 5 Year Plan	Housing Authority of Texarkana, TX	Both plans address public housing needs.
MPO Texarkana Regional Transportation Plan	Metropolitan Planning Organization	Transportation planning for the region and city are essential in meeting the needs of low-moderate income residents

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

The City of Texarkana, Texas enjoys a unique and challenging position in that it is a twin city to the City of Texarkana, Arkansas. The two cities share many things including infrastructure (roads, bridges, potable water systems, storm water systems, and sewage systems), planning organizations (MPO, Ark-Tex Council of Governments), health care agencies (Wadley Regional Medical System, Christus St. Michael Health System), economic development (Chamber of Commerce) and other non-profit agencies (Randy Sams Outreach Shelter, Salvation Army, Harvest Texarkana, Volunteer Center, Literacy Council, unique bi-state Workforce Development efforts). Consequently, collaborative planning is a necessity for the City and common practice. These agencies provide continual collaboration with the City in all aspects of community planning, including this Consolidated Plan. Additionally, the City works closely with the Texarkana Housing Authority and has collaborated and provided funding for the renovation of existing public housing units.

Narrative (optional):

The Consolidated Plan was developed in consultation with a wide range of public and private entities, including governmental and non-profit organizations knowledgeable about the needs of the low and moderate-income residents of Texarkana, and private citizens interested in, or affected by, the housing and community development activities discussed in the Plan. These contacts are part of a continuous process conducted in order to involve the broader community in: assessing priority housing and community development needs; developing priorities, goals and objectives for addressing identified needs; and allocating available CDBG and other federal, state and local funding to activities that address priority needs.

PR-15 Citizen Participation

Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

The City of Texarkana has implemented actions to develop institutional structures and enhance coordination between city departments, housing providers and social service agencies, and foster assisted housing improvements and resident initiatives. Through public hearings and meetings held throughout the year, the City continues to utilize a network of contacts, referrals, and partnerships to implement the strategies outlined in the Five-Year Consolidated Plan and re-enforced in each Annual Action Plan. The City will continue to build its relationship with local housing/service providers and the Housing Authority to ensure that the current limited housing resources are utilized in the most efficient manner possible and to meet the housing needs of extremely low, very-low, and low-income renters and homeowners.

Texarkana Government Access Television provides public service and local government programming through Cable One. City Council meetings and other committee meetings are streamed on-line and archived. There is a municipal access channel (government access channel) that serves both Texas and Arkansas. Texarkana, AR manages the channel with Texarkana, TX paying a management fee. The channel divides the time equally for both cities showing meetings, general information, links to resources and documents, PSAs and any other relevant information. The Planning and Community Development department oversees the CDBG grant. The Grant Administrator is responsible for the day-to-day operation of the program. The department works in conjunction with the City's Finance, Inspection, Public Works, Street, and Parks and Recreation Departments to oversee the development of the Consolidated Plan and administer the programs and activities incorporated in the Plan.

Interviews with key stakeholders included CDBG and other City staff, Texarkana Housing Authority staff, Area Office on Aging staff, homeless providers, services providers, Bowie County Veterans Service Officer, banking providers provided the basis for much of the information in the Consolidated Plan.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Internet Survey	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community	29 surveys were completed	See Citizen Participation Appendix for comments	All comments were accepted	
2	Public Hearing	Non-targeted/broad community	A total of 18 residents participated in public hearings	See Citizen Participation Appendix for comments	All comments were accepted	
3	Public Meeting	Housing & Service Providers	A total of 12 agency representatives attended	See Citizen Participation Appendix for comments	All comments were accepted	
4	Public Meeting	Housing Providers	One-on-One interviews with Habitat for Humanity staff and BanCorp South Mortgage Company representative	See Citizen Participation Appendix for comments	All comments were accepted	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
5	Public Meeting	Staff	Interviews with 5 staff	See Citizen Participation Appendix for comments	All comments were received	
6	Public Meeting	Residents of Public and Assisted Housing	28 Housing Authority residents participated	See Citizen Participation Appendix for comments	All comments were accepted	
7	Public Meeting	Youth Services Agency	One-on-one interview with staff at agency providing services to low-moderate income youth	See Citizen Participation Appendix for comments	All comments were accepted	
8	Public Meeting	Non-targeted/broad community	Provided information on CDBG programs and handed out surveys	No comments	No comments	
9	Internet Survey	Homeless Providers	Representatives from six agency participated	See Citizen Participation Appendix for comments	All comments were accepted	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
10	Internet Survey	Service Providers	Interviewed staff from veterans' program; healthcare providers; Area Agency on Aging; Workforce; Housing Choice Voucher program	See Citizen Participation Appendix for comments	All comments were accepted	
11	Internet Survey	City Staff	Meet with staff from the City's Economic Development; Parks; Public Works; and Planning departments	See Citizen Participation Appendix for comments	All comments were accepted	
12	Public Meeting	Non-English Speaking - Specify other language: Spanish	Community meeting for non-English speaking residents; answered questions about CDBG program; received comments about community issues	See Citizen Participation Appendix for comments	All comments were accepted	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
13	Newspaper Ad	Non-English Speaking - Specify other language: Spanish	Public notices for hearings; meetings and availability of the Con Plan were placed in Amigo News, a local Spanish newspaper	No comments were received	N/A	
14	Newspaper Ad	Non-targeted/broad community	Public notices for hearing; meetings; Con Plan; Fair Housing Plan; Citizen Participation Plan were placed in the Texarkana Gazette and on City's website	No comments were received	N/A	
15	Newspaper Ad	Non-English Speaking - Specify other language: Spanish Non-targeted/broad community	Public notice for the comment period and availability of the draft Consolidated Plan for review	No comments were received	N/A	

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

There has been a trend since 2000 for an increase in population with a sizable decrease in the number of occupied housing units (households), resulting a significant increase in household size. The average household size was 2.18 persons in 2000, 2.53 in the HUD 2009-2013 pre-populated data, and is now 2.61 in the ACS 2012-2016. Not only has the overall population increased by 2,607, the decrease of 706 in the group quarters population has created a household population increase of 10% over a 9% decrease in the number of households. Compounding the issue, is the dramatic increase in the percentage of vacant units, especially vacancies that are not on the market. In 2000, 10.5% of the housing units were vacant, compared with 13.34% in the HUD pre-populated tables from the 2009-2013 ACS and 16.13% in the 2012-2016 ACS data. While the number of housing units increased by 422, the number of vacancies increased by 974. More problematic than the increase in total vacancies is the very dramatic increase in off-market vacancies. There has been an 84% increase in vacancies not on the market from the 2009-2013 ACS to the 2012-2016 ACS, with off-market vacancies currently comprising 60% of all vacant units. These are vacancies that do not fall in the categories of for rent, rented but not occupied, for sale, sold but not occupied, and for seasonal or migrant use.

Income greatly affects housing need, and the income distribution for Texarkana has shifted in the past eight years. In the 2009-2013 ACS, reported in the HUD tables below, 16.16% of the households were extremely low income, compared with 21.78% in the 2012-2016 ACS. Very low-income households comprised 12.65% in 2009-2013 versus 16.02% in 2012-2016. Moderate (low) income percentages were identical between the two time periods, and the households with incomes at 80%-100% of median varied by only 2 percentage points. However, the households with incomes above the median decreased from 45.21% to 36.4%. The change in median income for the two time periods has been flat, with less than a \$50 difference when controlled for inflation, though the distribution of incomes both below and above the median have changed. More of the households below median income are skewed toward the extremely low- and very low-income; and, those above median are skewed to the higher incomes.

With the number of available housing units decreasing significantly, household population increasing, and incomes restructuring around a flat economy, there is a major shortage of affordable housing for those below the median income. Not only are there fewer affordable units, the dramatic increase in off-market vacancies has created a housing affordability mismatch where higher income renters have been accessing lower-cost housing, thus taking the units off the market for the lower income households that possibly could afford the units.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

There has been a trend since 2000 for an increase in population with a sizable decrease in the number of occupied housing units (households), resulting a significant increase in household size. The average household size was 2.18 persons in 2000, 2.53 in the HUD 2009-2013 pre-populated data, and is now 2.61 in the ACS 2012-2016. Not only has the overall population increased by 2,607, the decrease of 706 in the group quarters population has created a household population increase of 10% over a 9% decrease in the number of households. Compounding the issue, is the dramatic increase in the percent of vacant units, especially vacancies that are not on the market. In 2000, 10.5% of the housing units were vacant, compared with 13.34% in the HUD pre-populated tables from the 2009-2013 ACS and 16.13% in the 2012-2016 ACS data. While the number of housing units increased by 422, the number of vacancies increased by 974. More problematic than the increase in total vacancies is the very dramatic increase in off-market vacancies. There has been an 84% increase in vacancies not on the market from the 2009-2013 ACS to the 2012-2016 ACS, with off-market vacancies currently comprising 60% of all vacant units. These are vacancies that do not fall in the categories of for rent, rented but not occupied, for sale, sold but not occupied, and for seasonal or migrant use.

Income greatly affects housing need, and the income distribution for Texarkana has shifted in the past 8 years. In the 2009-2013 ACS, reported in the HUD tables below, 16.16% of the households were extremely low income, compared with 21.78% in the 2012-2016 ACS. Very low-income households comprised 12.65% in 2009-2013 versus 16.02% in 2012-2016. Moderate (low) income percentages were identical between the two time periods, and the households with incomes at 80%-100% of median varied by only 2 percentage points. However, the households with incomes above the median decreased from 45.21% to 36.4%. The change in median income for the two time periods has been flat, with less than a \$50 difference when controlled for inflation, though the distribution of incomes both below and above the median have changed. More of the households below median income are skewed toward the extremely low- and very low-income; and, those above median are skewed to the higher incomes.

With the number of available housing units decreasing significantly, household population increasing, and incomes restructuring around a flat economy, there is a major shortage of affordable housing for those below the median income. Not only are there fewer affordable units, the dramatic increase in off-market vacancies has created a housing affordability mismatch where higher income renters have been accessing lower-cost housing, thus taking the units off the market for the lower income households that possibly could afford the units.

Demographics	Base Year: 2000	Most Recent Year: 2013	% Change
Population	34,782	36,851	6%
Households	15,105	14,004	-7%
Median Income	\$29,727.00	\$38,887.00	31%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2000 Census (Base Year), 2009-2013 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	2,330	1,825	2,305	975	6,565
Small Family Households	810	690	765	355	3,315
Large Family Households	60	130	185	70	475
Household contains at least one person 62-74 years of age	375	360	410	225	1,400
Household contains at least one person age 75 or older	175	240	545	185	615
Households with one or more children 6 years old or younger	539	509	370	110	694

Table 6 - Total Households Table

Data Source: 2009-2013 CHAS

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total	0-30% AMI	>30- 50% AMI	>50- 80% AMI	>80- 100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	55	25	50	60	190	4	0	0	0	4

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	0	0	35	50	85	0	0	0	0	0
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	25	35	60	4	124	0	0	4	0	4
Housing cost burden greater than 50% of income (and none of the above problems)	895	485	25	0	1,405	465	55	240	35	795
Housing cost burden greater than 30% of income (and none of the above problems)	180	585	465	15	1,245	55	265	240	240	800
Zero/negative Income (and none of the above problems)	175	0	0	0	175	130	0	0	0	130

Table 7 – Housing Problems Table

Data 2009-2013 CHAS

Source:

Attachment: 2020-038 ATTH 04 2018-2022 Amended Con Plan (Apr2020) jeopt draft (2251 : 2020-038 RES adopting updated CDBG

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	975	545	165	115	1,800	470	55	245	35	805
Having none of four housing problems	445	705	835	285	2,270	135	520	1,060	545	2,260
Household has negative income, but none of the other housing problems	175	0	0	0	175	130	0	0	0	130

Table 8 – Housing Problems 2

Data 2009-2013 CHAS
Source:

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	350	510	205	1,065	200	45	195	440
Large Related	35	70	15	120	0	25	10	35
Elderly	210	155	165	530	195	210	170	575
Other	540	340	140	1,020	125	35	110	270
Total need by income	1,135	1,075	525	2,735	520	315	485	1,320

Table 9 – Cost Burden > 30%

Data 2009-2013 CHAS
Source:

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	330	260	0	590	200	0	30	230
Large Related	35	25	0	60	0	0	0	0
Elderly	160	75	30	265	140	40	120	300
Other	425	120	10	555	125	15	90	230
Total need by income	950	480	40	1,470	465	55	240	760

Table 10 – Cost Burden > 50%

Data 2009-2013 CHAS
Source:

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	25	35	45	50	155	0	0	0	0	0
Multiple, unrelated family households	0	0	50	4	54	0	0	4	0	4
Other, non-family households	0	0	0	0	0	0	0	0	0	0
Total need by income	25	35	95	54	209	0	0	4	0	4

Table 11 – Crowding Information – 1/2

Data 2009-2013 CHAS
Source:

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	0	0	0	0	0	0	0	0

Table 12 – Crowding Information – 2/2

Data 2009-2013 CHAS
Source:

Describe the number and type of single person households in need of housing assistance.

According to the 2012-2016 ACS, there are 4,438 single-person households in Texarkana, or 32% of total households, including 1,977 owner occupied single-person households and 2,465 single-person renter households. The percent of single-person households is considerably higher in Texarkana than for Texas as a whole, particularly for owner-occupied households. There is no definitive information on the number and type of single-person households that need housing assistance. However, in reviewing the HUD-provided data for non-family households (HUD pre-populated Tables 6 and 9) and applying the percentages to the most current ACS data, it can be assumed that 445 renters and 357 owners are low- to moderate-income with a housing cost burden of greater than 30%. An additional estimated 691 single-person owner households are LMI without a cost burden but in possible need of housing maintenance/repair/rehab assistance, especially since a high percentage are elderly.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

There are 1,714 households with at least one disabled person receiving Food Stamps/SNAP, and 1,074 of these are living below poverty. The median income of disabled civilians 16 years and older is \$18,393, or 1.56 times the poverty level and only 34% of the Area Median Income residents.

The City is unable to estimate the needs of victims of domestic violence, dating violence, stalking and/or sexual assault. The local domestic violence shelter/agency elected not to participate in meetings, the planning process or to supply data on the number and needs of their clients.

What are the most common housing problems?

The most common housing problems in Texarkana are: (1) shortage of sound affordable housing for renters, especially large families, elderly, and disabled renters; (2) with over 63% of the owner-occupied housing built before 1980, most likely owned by lower income households, a majority is in disrepair due to deferred maintenance; (3) shortage of landlords willing to make reasonable accommodations or allow reasonable modifications for disabled; and, (4) potential problem lenders who either deny mortgages to protected classes at a greater proportion of applicants or approve mortgages that are out of affordability.

Are any populations/household types more affected than others by these problems?

The low- to moderate-income households, obviously, face housing problems and are forced into housing above affordability, lower quality housing, and housing in neighborhoods with fewer amenities. The extremely low- and very low-income small family renters and those living alone have the greatest rate of housing cost burdens at greater than 50%. Additionally, elderly low- to moderate-income owners who

can no longer afford the maintenance and taxes for the homes they purchased and afforded many years before retirement are more affected by high cost burdens than other owners. The income group with the highest rate of overcrowding is the renters with incomes at 80-100% of median. The disabled face the problems of landlords refusing to rent to them or to make reasonable accommodations, allow reasonable modifications to the interior, and/or allow service animals or non-relative caregivers. Those with histories of mental illness and mental disabilities, as well as those with service animals face discrimination in accessing housing.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

The elderly and disabled, particularly those living alone, have the greatest cost burden and the greatest impediments to earning a livable wage, making them at risk of becoming homeless in shelters, doubling up, or unsheltered. Renters are at dramatically higher risk of homelessness. Nearly all extremely low-income renters (92%) and 38% of all renters regardless of income are paying more than 30% of income on housing. The hourly wage required to afford a 2-bedroom rental unit at the Fair Market Rent of \$720 is \$13.85 in Texarkana, requiring \$28,800 per year in income or 80 hours per week of work at minimum wage. Extremely low-income households can only afford rents at \$395 per month. According to the 2012-2016 ACS, only 440 2-bedroom and larger rent for less than \$400. With the dramatic increase in household size, and a shortage of larger rental units, landlords are able to charge more. This is compounded by the fact that most of the larger units are single family homes that not only have higher rents but require more out-of-pocket costs to the renter for minor maintenance, yard work, water, and the like. Even a temporary unemployment or health crisis will most likely throw the extremely low- and very low-income households into homelessness.

Formerly homeless individuals and families who are currently receiving rapid re-housing assistance and are nearing their termination date are in danger of becoming homeless if they have not improved their financial situation and resolved the issues that originally led to their homelessness. Because they are considered housed while in the rapid re-housing program, they are not considered homeless until evicted at the end of the assistance window. Rapid Re-Housing was provided to 32 households during 2017. While most participants did not increase income, they were initially placed in housing that they could afford when the assistance ended.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

The City of Texarkana has not determined an estimate for at-risk of homelessness.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

The need for emergency rent/mortgage/utility assistance due to a temporary unforeseen crisis is a major characteristic that can be linked with instability and an increased risk of homelessness. More importantly, the working-class poor and the unemployed who are unable to find safe housing at an affordable rent are facing an on-going inability to pay utilities and rent. These households are at the greatest level of instability and risk of homelessness. A major local factor is the high number of vacancies in Texarkana, particularly those not for rent or sale. This has created a rental shortage forcing doubling-up and renting well above affordability. The most recent ACS indicates that the vacancy rate is 16.13% and of the 2,667 vacant units, 1,589 (60%), nearly double the number in the 2009-2013 ACS, are “other” vacant units, not for rent, rented/not occupied, for sale, sold/not occupied, or for seasonal/migrant use.

Discussion

Lack of affordable rental housing is the primary housing problem in Texarkana. Nearly half of all households are low- to moderate-income, and just over three-fourths of large family households are low to moderate income (LMI). The high rate of LMI households coupled with the shortage of affordable units results in a housing cost mismatch. The lack of an adequate number of affordable rentals is due, in part, to the high percent of single-family rentals. More than one-third of the rental housing is single-family, which traditionally rent for more than apartments or mobile homes. While single family housing usually has more bedrooms than other types of rentals, the rents are higher, and the renter has more maintenance costs. In addition, of the rental units built before 1960, 72% are single family houses, and 37% of all rentals were built before 1960, resulting in higher utility bills and higher minor maintenance and repairs, which falls on the tenant. Additionally, the very high vacancy rate, particularly for vacant units not in the housing market, has produced a shortage of housing for those of lower income.

Swampoodle, Wagner, and Cowhorn Creeks, which run north-south through the predominately low-income and minority area of the city (inside the loop) creates a forked path of 100-year floodplain areas. The floodplains are only about 2 blocks wide along the creeks. The area north of the city limits, which would be prime for new affordable housing developments is virtually all within the 100-year floodplain. Unpredictable tornadoes are another natural hazard in the area. Though USA.com lists Texarkana as having a high index for tornadoes, there were no tornadoes reported in Texarkana in 2013-2016 according to the Tornado History Project. A study of extreme weather events within 50 miles of Texarkana, Texas from 1950 to 2010 found that hail was the biggest hazard, followed by flooding, primarily outside the city. The City’s website provides resources, guides, and videos to help residents prepare for and recover from emergencies. The broadband service is sufficient to provide warnings of approaching hazards and to provide information during and after a hazard strike.

Across all of the high-speed internet providers that serve the area, 100% of Texarkana homes and businesses have at least one internet option. Many have at least two. Cable One is a large cable and

internet provider that serves the Texarkana region. DSL is also available throughout 98% of Texarkana through Windstream. HughesNet provides satellite service, including internet throughout the majority of the residential areas of Texarkana. AT&T, Verizon, Sprint, and T-Mobile provide cellular service Texarkana, though all receive poor reviews, with an average of 1.6 out of 5.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

While most low- to moderate-income households have the potential of having one of the four HUD-determined housing problems, there is a disparity among the racial/ethnic groups. This is particularly true for those households with incomes at or below 50% of the area median. Not only do African Americans comprise a greater percent of the total households in the lower income ranges, but in some instances both African Americans and Hispanics comprise a higher percentage of those with housing problems within each income range. It should be cautioned when reviewing the HUD pre-populated tables below, that the information is from a 5-year average of a very small monthly sample of households. As a result, because of the much lower percentage of Asians, American Indians, Pacific Islanders, and Hispanics in Texarkana, these groups are underrepresented, and the data may be skewed. Also, keep in mind that the years covered are 2009-2013 and there have been significant changes in housing conditions in general from this survey and the 2012-2016 survey.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,680	345	305
White	675	30	130
Black / African American	910	310	180
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	35	0	0

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data Source: 2009-2013 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,450	375	0
White	590	225	0
Black / African American	780	130	0
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	40	24	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data Source: 2009-2013 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,120	1,185	0
White	575	700	0
Black / African American	430	445	0
Asian	10	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	45	25	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data Source: 2009-2013 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	395	575	0
White	240	270	0
Black / African American	70	225	0
Asian	0	4	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	50	75	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data Source: 2009-2013 CHAS

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

Based on the tables above, 72% of all extremely low-income households had one or more housing problems. All of the 35 Hispanics extrapolated from the survey had a housing problem. Although among all income groups, there are 35% fewer African American households than whites, there were 67% more African American than white households within this income range. There were more African Americans than Whites with a housing problem, though 65% of African Americans and 81% of the Whites had a housing problem.

For those very low-income, the disparity between the total number of white and African American households was less, but the African Americans did comprise 12% more of the total than Whites. Just under 80% of the very low-income in the city as a whole had at least one housing problem. Again, African Americans outnumbered the Whites by 12%, but unlike the extremely low-income, African Americans also out-paced the Whites with 86% having a housing problem as opposed to 72% of Whites. Only 64 Hispanic households were very low-income and 40 (62.5%) had a housing problem.

Whites comprise 57% of total households and African Americans comprise 37%, with Hispanics comprising 4%, and Asians/others comprising 2%. Moderate-income households mirror this distribution within 1 percentage point of each group. However, African Americans, Hispanics, and Asians with housing problems are over-represented. Of the moderate-income Whites, 45% had housing problems, with 49% of the African Americans, 64% of the Hispanics, and 100% of the 10 Asians having housing problems.

As the incomes increase, the disparity among the racial/ethnic distribution for all households decreases as does the percent with housing problems within each racial/ethnic group.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

A disproportionately greater need exists when the members of racial or ethnic group at an income level experience housing problem at a greater rate (10% or more) than the income level as a whole. It should be cautioned when reviewing the HUD pre-populated tables below, that the information is from a 5-year average of a very small monthly sample of households. As a result, because of the much lower percentage of Asians, American Indians, Pacific Islanders, and Hispanics in Texarkana, these groups are underrepresented, and the data may be skewed. Also, keep in mind that the years covered are 2009-2013 and there have been significant changes in housing conditions in general from this survey and the 2012-2016 survey.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,445	580	305
White	575	130	130
Black / African American	775	450	180
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	35	0	0

Table 17 – Severe Housing Problems 0 - 30% AMI

Data Source: 2009-2013 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	600	1,225	0
White	240	575	0
Black / African American	325	580	0
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	4	60	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data Source: 2009-2013 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	410	1,895	0
White	235	1,040	0
Black / African American	160	720	0
Asian	10	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	10	60	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data Source: 2009-2013 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	150	830	0
White	95	410	0
Black / African American	15	275	0
Asian	0	4	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	0	120	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data Source: 2009-2013 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

The City as a whole had 2,330 households that were extremely low-income, with 62 % having at least one severe housing problem. African Americans make up 37% of the total households in Texarkana but 62% of the extremely low-income households and 54% of the total households with one or more severe housing problems. Only 35 Hispanics had incomes at or below 30% of the median but all had a severe housing problem. Only 15.6% of the extremely low-income Whites had a severe housing problem.

The disparities lessen as incomes increase. While African Americans were over-represented among very low-income households, the disparity between them and Whites with severe housing problems decreased to 36% for African Americans and 29% for Whites. Only four of the 64 Hispanics had a severe housing problem. Moderate-income households show no disparity among the racial/ethnic groups with 18% of Whites, 18% of African Americans, and 14% of Hispanics having a severe housing problem. There were 10 Asians within the moderate-income group and while all had a severe housing problem, the sample was too small to determine an accurate total count. Among those with incomes between 80% and 100% of the median, 19% of the Whites had a severe housing problem as opposed to 5% of the African Americans, and none of the 120 Hispanics or four Asians.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

Due to the very low number of units lacking complete plumbing and/or kitchen facilities and the low number of overcrowded households, disproportionately greater need because of housing cost burdens defines the general disproportionate need in Texarkana. Whites, African Americans, Hispanics, and Asians have been compared in the discussion section below.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	8,930	2,460	2,305	305
White	5,730	1,215	1,095	130
Black / African American	2,685	1,035	1,110	180
Asian	70	15	4	0
American Indian, Alaska Native	15	0	0	0
Pacific Islander	0	0	0	0
Hispanic	270	120	45	0

Table 21 – Greater Need: Housing Cost Burdens AMI

Data Source: 2009-2013 CHAS

Discussion:

According to the HUD 2009-2013 CHAS table above, Texarkana as a whole had 34.8% of its computed households with a housing cost burden of greater than 30%. When looking at the 2010-2014 HUD CHAS data, the percentage had decreased to 33.8% of the computed households. However, there is a significant difference between owner-occupied and renter-occupied units. The 2010-2014 CHAS data indicates that only 22.8% of owners had a cost burden greater than 30% compared with 51.3% of renters. The 2012-2016 ACS data by tenure paints a worse situation with 26.6% of owners having a cost burden greater than 30%, and 60.2% of renters having such a burden. The most recent HUD CHAS data and the Census ACS files do not include the housing costs by race/ethnicity.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

The latest Census American Community Survey indicates that there is significant disparity in income by race/ethnicity leading to a disproportionately greater need. The median income for Asians is 182% of the city as a whole and the median income for Whites is 126% of the city median. Hispanic households have a median income of 98% of the median for the city overall. However, African American households have a median income of only 62% of the city as a whole. This disparity in income causes a significantly greater need in housing, transportation, and services for the African Americans than other racial/ethnic groups, and a slighter greater need for Hispanics.

If they have needs not identified above, what are those needs?

Income is the greatest need for African Americans and Hispanics. However, barring any dramatic increases in the salaries of the two groups, the primary needs for both groups, particularly African American households, are more affordable rental housing, homebuyer assistance for affordable ownership, and repair/rehabilitation assistance for homeowners.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

All racial/ethnic groups are scattered throughout the city, African Americans are much more densely clustered south of IH-30, north of US-87, and east of US-59 primarily within the CDBG Target Areas, including the city's R/ECAP area.

NA-35 Public Housing – 91.205(b)

Introduction

This section provides an overview of public housing in Texarkana. The data in the tables below are pre-populated by HUD which will be used in the discussion below but does not accurately reflect the number of public housing units.

Public housing in Texarkana is managed by the Housing Authority of Texarkana Texas (HATT). The housing authority has been in operation for over 78 years and is located at 1611 N. Robison Road. HATT manages 14 public housing developments throughout the city including properties that are workforce housing properties.

HATT is participating in the Rental Assistance Demonstration (RAD) program and is on track of developing its public housing portfolio to project-based vouchers by the end of 2018. Texarkana Public Facility Corporation (TPFC) is an instrumentality of the HATT and was created for purposes of implementing public housing, other affordable housing development activities programs, and other services.

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of unit vouchers in use	0	0	386	395	0	395	0	0	0

Table 22 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source: PIC (PIH Information Center)

Characteristics of Residents

	Program Type							
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher	
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	0	9,506	11,601	0	11,601	0	0
Average length of stay	0	0	4	5	0	5	0	0
Average Household size	0	0	1	2	0	2	0	0
# Homeless at admission	0	0	0	3	0	3	0	0
# of Elderly Program Participants (>62)	0	0	92	53	0	53	0	0
# of Disabled Families	0	0	157	107	0	107	0	0
# of Families requesting accessibility features	0	0	386	395	0	395	0	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Race	Certificate	Mod-Rehab	Public Housing	Program Type					
				Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	0	94	50	0	50	0	0	0
Black/African American	0	0	291	344	0	344	0	0	0
Asian	0	0	0	1	0	1	0	0	0
American Indian/Alaska Native	0	0	1	0	0	0	0	0	0
Pacific Islander	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Ethnicity	Certificate	Mod-Rehab	Public Housing	Program Type					
				Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	0	4	2	0	2	0	0	0
Not Hispanic	0	0	382	393	0	393	0	0	0
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

The tables above indicate that disabled households represent 40.7% of public housing occupants and 27.1% of voucher recipients. Elderly program participants, or residents over age 62, represent 23.8% of public housing occupants and 13.4% of voucher recipients. These groups are not mutually exclusive, and it is likely that a number of elderly residents also have disabilities. Table 24 shows that, according to pre-populated data from the Public and Indian Housing Information Center (PIC), all families in publicly assisted housing request accessibility features.

The needs of disabled and elderly household in public housing are similar to the needs of all residents of public housing. Residents of Robinson Terrace, a 130-unit property for elderly and disabled residents, and HATT staff report that neighborhood safety, supportive services, case management and accessibility to bus lines are the most pressing needs.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

According to Housing Authority staff and meetings with residents of public housing, the most immediate needs of residents of public housing or the housing choice voucher program are available affordable housing, neighborhood safety, improvements to neighborhood parks and accessibility to bus lines. The map of Publicly Supported Housing units shows the location of publicly supported housing units in the City with most units being located Rosehill and Beverly neighborhoods.

In a focus groups held at HATT properties, residents of public housing were asked to discuss their current housing situation. Most residents said that their housing met their basic needs, but that they have difficulty with transportation due to the limitations of bus routes. Residents also said that they feel safe in their housing complex, but do not feel safe in areas around the properties at night. They suggested more places around the complex where children can play, and adults could sit outside as well as increased police presence and increased lightening for parks and streets and improvements to existing parks.

How do these needs compare to the housing needs of the population at large

When asked to compare the population in publicly supported housing to the population in Texarkana at large, a representative from HATT said the needs for the population in publicly supported housing are similar, but with a greater emphasis on the need for public transportation and supportive services. One significant difference is that residents who are not in public housing listed affordable housing and rehabilitation of owner-occupied house as priorities.

Discussion

Data from HATT regarding the number of public housing units and Housing Choice Vouchers does not correspond to the data provided in the charts populated by IDIS. Over 808 households benefit from public housing in Texarkana either living in units managed by the HATT or receiving assistance through Housing Choice Vouchers. The majority of public housing residents and voucher holders are African American (75.4% and 87.1% respectively). Average household income for public housing residents is \$9,506 and for Housing Choice Vouchers holders is \$11,601 which is below the average income for other households in the City.

The limited availability of public housing programs does not meet the demand. There are 422 people on the waiting list for public housing units and 382 for Housing Choice Vouchers. The waiting lists for both programs are currently closed. HA will have information to me on Wednesday.

The demand for public housing in Texarkana is not a completely isolated need. The limited availability of affordable units city-wide requires residents at lower income levels to compete for units with residents at higher levels of income, which may be a reason that so many low-income residents are interested in receiving public assistance.

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The Texarkana Homeless Coalition conducts an annual Point-In-Time (PIT) survey, which is a physical count of people experiencing homelessness on a specified day in January. The Texas Homeless Network annually assists Texarkana's Continuum of Care through the Texarkana Homeless Coalition and other communities with their Point-in-Time homeless survey preparation and data analysis. This census of individuals and families experiencing homelessness is required by HUD for all CoC providers. The PIT survey results are limited because they are a snapshot of homelessness on one given day and only counted those who were sheltered and not all questions were complete. The actual homeless population in the City of Texarkana is much higher as evidenced by the data from HMIS and analyzed by the Texas Homeless Network.

Homeless Needs Assessment

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Adult(s) and Child(ren)	25	143	893	869	195	48
Persons in Households with Only Children	0	0	0	0	0	0
Persons in Households with Only Adults	24	118	0	0	0	0
Chronically Homeless Individuals	1	25	0	0	0	0
Chronically Homeless Families	0	0	0	0	0	0
Veterans	0	18	0	0	0	0
Unaccompanied Child	7	12	0	0	0	0
Persons with HIV	0	2	0	0	0	0

Table 26 - Homeless Needs Assessment

Data Source Comments: Texas Homeless Network

Indicate if the homeless population is: Has No Rural Homeless

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

The 2018 PIT count found 143 sheltered individuals and 25 unsheltered individuals experiencing homelessness in the City. The chart above exceeds 168 because some people were counted in more than one category.

Chronically Homeless - twenty-six (sheltered and unsheltered) individuals (15 %) were considered chronically homeless. This is an increase since 2017 PIT count which may be due to the implementation of Coordinated Entry and the Vulnerability Index-Service Prioritization and Decision Assistance Tool (VI-SPDAT), a tool that meets HUD criteria for chronic homelessness prioritization. The VI-SPDAT prioritizes the most vulnerable individuals for appropriate assistance at homeless service providers. According to the PIT report, because the tool allows for a more accurate identification of people with extended experiences of homelessness, increased estimates of the chronically homeless population may have been due to improvements in identification, rather than actual increases in the population.

Veterans made up 11% % of the individuals counted during the PIT count although according to the homeless providers this number is lower than expected. Unaccompanied Youth (18-24 years old) were 4% of those counted during the PIT count. This number is also considered to be low since many youths do not use shelters but couch surf between friends and family members.

The 2018 PIT count found 143 sheltered individuals and 25 unsheltered individuals experiencing homelessness in the City.

There are no family shelters in Texarkana Texas so the data for unsheltered families with children is not available. The Salvation Army has a family shelter in Texarkana, Arkansas and their numbers are included in the data for Arkansas.

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
White	85	0
Black or African American	31	0
Asian	1	0
American Indian or Alaska Native	1	0
Pacific Islander	0	0
Ethnicity:	Sheltered:	Unsheltered (optional)
Hispanic	9	0
Not Hispanic	106	0

Data Source

Comments:

Texas Homeless Network

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

An estimate of the housing needs of families with children and the families of veterans cannot be determined. There are no facilities in Texarkana that provide emergency shelter to households with children and the 2018 Point-in-Time (PIT) count does not contain any data on homeless households with children. However, based on the information presented in the Needs Section, it can be assumed that the need for emergency housing and homeless prevention is significant. The domestic violence shelter does provide emergency shelter and transitional housing to families, but the agency elected not to participate in the Con Plan planning process or to provide data on their clients.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

The 2018 PIT survey found that in Texarkana, 40% of all individuals experiencing homelessness were White, 31% were Black/African American, and 8% were of Mixed Race. The PIT count also provided the data that 90 % were Non-Hispanic with 9 being Hispanic.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

According to the 2018 PIT count, a total of 143 individuals experiencing homelessness in Texarkana were sheltered. Of this number, 67% were male and 33% were female. Veterans make up 13% of the sheltered homeless population and 23% are considered Chronically Homeless. The length of stay in Randy Sams' emergency shelter is limited to 90 days.

Many unsheltered homeless individuals live in encampments in the wooded areas that surround the city. The PIT count identified one chronically homeless individual. However, outreach workers estimated that there are at least 50 unsheltered homeless individuals in the City and surrounding rural areas.

Discussion:

During the public participation process for this report, stakeholders and residents were asked about homelessness in Texarkana. Stakeholders stated that service providers, including Randy Sams, Friendship Center, Mission Texarkana, are working together to address the needs of those experiencing homelessness. The Coordinated Entry program operated at Doorways is an example of the collaboration between providers and is proving to be an efficient way to provide services and housing. Homeless providers also cited specific needs for veteran populations including affordable housing, employment, behavioral health services, transportation, substance abuse treatment and medical treatment. The nearest VA medical center is located in Shreveport, Louisiana which is 71 miles away making it difficult for veterans to access services and healthcare due to transportation issues. Homeless providers noted that veterans often reside in encampments in the rural areas outside the City.

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b, d)

Introduction:

The elderly, disabled, persons living with HIV, veterans, and non-homeless victims of domestic violence have the greatest limitations in accessing housing and services, particularly in a community that does not have the economies of scale for non-profit agencies to establish themselves in the area and adequately serve the needs. All special needs population groups, other than veterans, have significantly lower incomes than the general population, which exacerbates their ability to secure safe/accessible housing and necessary public services. While veterans have a higher per capita income than the general population, they have a much higher disability rate, requiring access to more comprehensive services. Texarkana Arkansas has a VA Community Outpatient Center, but there are no other veteran-specific services. The nearest comprehensive services for veterans are in Shreveport, 71 miles away, and Dallas, 175 miles away.

Describe the characteristics of special needs populations in your community:

Elderly: According to the 2012-2016 ACS data, there are 6,956 (19%) individuals 65 years or older living in 3,742 households and 472 in group quarters. Approximately half are 65-74 years and half are 75 years or older. Of these 1,696 (24%) are living alone and comprise 38% of all those living alone. Three-fourths of the elderly living alone are female. However, of the 2,031 disabled elderly, 987 have an independent living difficulty. With 472 in group quarters, it can be estimated that 515 are either living with in a family or alone. Approximately 30% (2,031) of the elderly, including 57% of those over 65 years of age, are disabled, compared with 11% of the total population. Approximately 51% of the elderly are low- to moderate-income.

Disabled: Approximately 2,600 (12%) of the working-age population is disabled, with 53% living below the poverty level, and 2,000 (77%) working age disabled not in the labor force. There is no information on the number in the labor force but unemployed or underemployed. Those who are not in the labor force but are also not living below the poverty level are within the LMI designation. Nearly two thirds (62%) of the households on Food Stamps/SNAP have at least one disabled person.

Veterans: Texarkana is home to 2,595 veterans, 38.4% of whom are elderly and 61.6% are working age. The veterans as a whole are better off financially than the general population. While the median income for the civilian population 18 years and over is \$21,899, for veterans it is \$30,537. One fifth of the general population is below poverty compared with only 8.3% of veterans. However, while, 17.4% of the adult population is disabled, 36% of veterans are disabled, up considerably from early ACS estimates.

Mental Health: According to the SAMHSA Center for Behavioral Health Statistics and Quality, 3.8% of adults in Texas have a serious mental illness. This translates into 1,050 adults in Texarkana. State statistics indicate that 38.3% of adults sought some level of mental health treatment or counseling between 2010 and 2014. An additional estimated 229 adults in Texarkana were enrolled in a substance

abuse intervention or treatment program, and approximately 6 were either enrolled in treatment or on the waiting list for treatment for COPSD (co-occurring psychiatric and substance use disorder). Approximately 4% of this population was assigned to supportive housing with 97% showing improved housing stability within a year and 17.2% having improved employment.

Victims of Domestic Violence: Based on a 2011 domestic violence survey for Texas, 25.5% of women and 12.6% of men reported intimate partner violence in their lifetime, from threatening physical harm to committing physical harm, including rape. Assuming Texarkana follows the State in the prevalence, it can be estimated that 3,573 women and 1,578 men have experienced intimate partner abuse in their lifetimes. The local domestic violence agency was contacted regarding meetings and requesting data for the Con Plan but elected not to participate in the planning process nor provide any data.

What are the housing and supportive service needs of these populations and how are these needs determined?

The needs have been determined based on the number of special needs residents, the types of needs they have, and the capacity of services to address the needs. Income is the over-riding criteria for defining need and location is the secondary criteria for determining if there are services available to meet the needs.

Affordable housing is the greatest need for the special needs population. Two thirds of elderly renters have a housing cost burden of 30% or greater. While only 22% of elderly owners have such a cost burden, they are unable to maintain and repair their homes without assistance. Therefore, an estimated 640 renters and 530 owners are in need of affordable housing options or financial assistance. Nearly 5,000 disabled working age individuals are living below the poverty level, making them only able to afford \$295 per month for housing with a cost burden of 30% or less. With a 2016 fair market rent of \$712 for a 2-bedroom, and \$563 for a 1-bedroom, it would mean that none of the 5,000 can afford even a 1-bedroom at the fair market rents. There are only 355 units renting for less than \$300 per month and the disabled are vying with an additional 550 non-disabled renters for the 355 units. There are no financial statistics available for those with mental health, substance abuse, or HIV issues.

The supportive needs of the special populations are extensive and, due to the size of Texarkana, there are limited resources available. The level of poverty within the special population groups prevents them from having adequate funds to secure the services that they need, even when there are providers in the community. Additionally, these population groups have less access to private transportation and are in need of not only affordable public transit, but also specialized paratransit services. The veterans, disabled, and victims of domestic violence are in need of job training and retraining in order to obtain employment at a livable wage.

In summary, the primary needs of the special needs populations are: housing repairs/maintenance/rehabilitation for the elderly and disabled homeowners; affordable housing for renters and for those requiring assisted living; emergency rent/utility assistance to temporarily address

the urgent needs for affordable housing; emergency shelter for victims of domestic violence (DV); transitional housing for DV victims escaping abuse; permanent accessible housing, including group homes, for the disabled population; job training and re-training for the disabled population; transportation; food assistance; day programs; and, health care services.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

An estimated 273 Texarkana residents are HIV positive according to CDC's 2012 Atlas. There is no local demographic information for HIV positive individuals. However, at the state level, 78% are men, 22% women. In Texas, there are four times the number of African American males living with HIV than white males; and 14.7 African American females for every white female living with HIV. The rate of Hispanic males with HIV is the same as white males, while the rate of Hispanic females is twice that of white females. Despite the differences by race/ethnicity of those living with HIV, the ethnic distribution of those diagnosed since 2014 is rather equal with 37% being African American, 31% Hispanic, and 27% white.

Discussion:

The special needs population has a much higher poverty rate than the population as a whole. As with any individual living below poverty or classified as low- to moderate-income, the primary needs of the special needs populations are: housing repairs/maintenance/ rehabilitation for the elderly and disabled homeowners; affordable housing for renters and for those requiring assisted living; emergency rent/utility assistance to temporarily address the urgent needs for affordable housing; emergency shelter for victims of domestic violence (DV); transitional housing for DV victims and disabled who are homeless; permanent housing for the homeless disabled population; job training and re-training for the disabled population; transportation; food assistance; day programs; and, health care services. However, the economies of scale, due to the size of Texarkana, prevents the number of affordable supportive services and supportive housing options necessary to address all of the needs of the general LMI population, much less the special needs population whose degree and type of needs are greater.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

Non-housing community development needs include the areas of public improvements, public services, economic development, and public facilities in either predominately low- to moderate-income areas or serving predominantly low-income individuals and households. Residents in Texarkana express that they would like to see more well-maintained parks in low-income areas and community centers. Residents would like to see Beverly Neighborhood Community Center reopened and used for after-school and summer programs for area youth, most of whom are minority and/or children and youth of extremely low- to moderate-income families. This facility is a metal building structure with no air conditioning, limiting its usefulness and desirability for community programs. Additionally, the City cannot expend federal funds for the facility as it is located on a flood plain.

The Parks and Recreation Department provided information on possible projects in six parks that are located in low-moderate income areas. Projects would include maintenance and repair of existing park equipment, installation of playground shades and repairing or installing new basketball courts. Of residents surveyed, 91.67 ranked Additional Recreations and Youth Facilities as a high priority. Other activities ranked as a high priority were: Expand/Repair Existing Community Centers and Parks – 75% and Additional Lighting in Parks – 66.67% and Additional General Population Community Activity Centers – 83.33%.

How were these needs determined?

The needs were identified by Texarkana stakeholders, City staff and residents through the public participation process. This process included interviews, community meetings, focus groups, and an online survey. Outreach efforts were also made at public events, to ensure as much opportunity for input and feedback as possible.

Describe the jurisdiction's need for Public Improvements:

Residents involved in the public participation process mention that streets in low-moderate income areas often lack sidewalks or the sidewalks are in need to repair. Survey results state that 83.33% listed New Sidewalks and Improved Streets as a high priority with 66.67%. Fifty-eight percent listed Improve Existing Sidewalks as a high priority.

How were these needs determined?

The needs were identified by Texarkana stakeholders, City staff and residents through the public participation process. This process included interviews, community meetings, focus groups, and an online survey. Outreach efforts were also made at public events, to ensure as much opportunity for input and feedback as possible.

Describe the jurisdiction's need for Public Services:

Public Services critical to the Texarkana community include job training and education for low to moderate income individuals, programs for youth, facilitation of access to supportive services for low-moderate income residents and those experiencing homelessness. Expanded programs for mental health, substance abuse treatment, housing-related services, programs for elderly, summer and after-school programs for youth and access to local medical care for veterans. Currently veterans must travel to Shreveport, Louisiana for medical care. Survey results show that 91.67% ranked Employment Training/Job Placement as a high priority with 83.33% ranking Services for Veterans as a high priority and Youth Services (83.33%) as a high priority. Other high priorities were Services for Homeless (75.0%), Emergency Assistance for Rent/Mortgages and Utilities (66.67%). In the areas of Public Safety, 91.67% listed Crime Prevention and Awareness as a high priority.

How were these needs determined?

The needs were identified by Texarkana stakeholders, City staff and residents through the public participation process. This process included interviews, community meetings, focus groups, and an online survey. Outreach efforts were also made at public events, to ensure as much opportunity for input and feedback as possible. Focus groups with service agencies and homeless agencies as well as meetings with public housing residents including elderly and disabled residents provided a basis for the need determination.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

There are currently 1,589 vacant units that are not on the market. This is nearly double the number from five years ago. These were previously occupied by low-income owners or renters and are now either abandoned or uninhabitable or both. Though population is increasing, and the number of housing units has increased slightly, the number of occupied and on-market vacancies has decreased, causing a shortage of available housing and an affordability mismatch.

There is a shortage of multi-family housing, which is traditionally more affordable than single family. Virtually all of these older rentals are single family. While the landlord should be taking care of major repairs and maintenance, the renter is usually required to maintain the yard, make minor repairs to the house even if reimbursed later, and pay for all utilities. Low-income renters do not have sufficient income to afford the rent much less the additional costs of renting a single-family home. As a result, nearly half of the housing in Texarkana is 3-bedroom units, mostly single family. This causes large families, particularly multi-generational families, to be overcrowded and individuals and small families to be forced to access larger housing than they need. The problem is exacerbated by the high number of off-market vacancies.

Incomes, housing values and gross rental costs are higher on the Texas side of Texarkana than the Arkansas side. Net incomes are even higher in Texas because Texas, unlike Arkansas, has no state income tax. As a result, the net income difference between the two adjacent areas can more than support the housing cost differences, all other things being equal.

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

The Texarkana, Texas population has increased by 538 persons and the number of housing units has increased by 422 since 2013. However, the number of households has decreased by 1,235. One major factor is that it the increase of vacancies by 512 units, but, more importantly the number of vacancies not on the market increased by 724. The vacancy rate, according to the latest American Community Survey is 16.13%, with 60% of those vacancies being off the market. The result is that there are fewer available units to serve an increasing population. Though most of the vacancies, particularly the off-market vacancies, are in the low-income CDBG Target Area, the shortage has a ripple effect on higher-income households competing for housing.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	10,977	68%
1-unit, attached structure	464	3%
2-4 units	1,593	10%
5-19 units	1,843	11%
20 or more units	849	5%
Mobile Home, boat, RV, van, etc.	433	3%
Total	16,159	100%

Table 27 – Residential Properties by Unit Number

Data Source: 2009-2013 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	0	0%	242	4%
1 bedroom	55	1%	1,172	19%
2 bedrooms	1,251	16%	2,790	46%
3 or more bedrooms	6,594	83%	1,900	31%
Total	7,900	100%	6,104	100%

Table 28 – Unit Size by Tenure

Data Source: 2009-2013 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

Housing Authority of Texarkana Texas (HATT) manages the public housing and Housing Choice Vouchers (formerly Section 8) programs in the City. Both programs provide rental assistance to low-moderate income households.

HATT is in the process of converting public housing units into project-based housing that offers rental assistance attached to a specific property. Project based vouchers differ from Housing Choice Vouchers since the assistance remains with the property when a tenant moves.

HATT Properties - Four apartment properties, The Oaks at Rosehill, Pecan Ridge at Rosehill, Rosehill Ridge and Woodbridge Apartments were developed as workforce housing for working families who live in the Rosehill neighborhood. The four apartment complexes provide 460 units of affordable housing and range in size from one to four bedrooms. The majority of non-senior residents are working families - participating and contributing to our workforce, our economy and our community.

Robison Terrace is a 10-story high-rise that houses elderly and/or disabled residents in 130 one- and two-bedroom units. The remaining HATT properties range from apartment complexes to duplexes and provide 228 units of affordable housing ranging from one to three-bedroom units.

Housing Choice Vouchers - The program's primary purpose is to provide rental assistance to low-income families for affordable housing. Recipients of this assistance receive a voucher and use to rent homes in the private market. Seventy-five percent of new vouchers issued must be made available to families earning less than 30% of the area median income (AMI).

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

There are currently 1,589 vacant units that are not on the market. This is nearly double the number from 5 years ago. These were previously occupied by low-income owners or renters and are now either abandoned or uninhabitable or both and have therefore been removed from the affordable housing inventory. Without rehabilitation efforts, the number will increase, but when and by how many is not quantifiable.

The Housing Authority of Texarkana Texas (HATT) manages the Housing Choice Vouchers program for the City. No contracts are expected to expire within the timeframe of this Consolidated Plan.

HATT is in the process of converting the public housing units in the project-based vouchers through the Rental Assistance Demonstration program. The conversion to project-based vouchers will be completed by December 2018. No units have been lost during this process. All units that were demolished have been reconstructed.

Does the availability of housing units meet the needs of the population?

Texarkana has a shortage of available housing units for all income ranges due in part to the high vacancy rate with 60% of vacant units not being on the market. This is especially impacting the lower-income residents, particularly inside the loop formed by I-30, US-59, and Highway 151. Even though the high vacancies impact the lower-income areas within the CDBG target area, their impact, coupled with the lack of significant new development in the city, has caused the lack of availability to flow into all income groups.

With the ACS 2012-2016 estimating that 60% of the renters have a housing cost burden of more than 30%, there is a definite shortage of affordable rental units, particularly 2-bedroom and larger. Texarkana has a relatively high percent of rentals that are single family which increases the rents and the ancillary costs, such as water, yard care, and higher electric, and minor maintenance. The ACS estimates that 27% of homeowners have a housing cost burden of more than 30%, with more than half of those with incomes less than \$50,000 having a cost burden more than 30%. As a result, there is a general shortage of available units and a significant shortage of rental and sale units available to LMI households. Due to the shortage of units, particularly because of the high number of vacancies not in the market, there is an affordability mismatch with higher income households occupying units that would normally be affordable to lower incomes, thereby squeezing the lower-income households out of the market. The ACS indicates that 32% of the households are single individuals living alone with an additional 27% being 2-person households, yet only 13% of the units are 0- or 1-bedroom and 26% are 2-bedroom. At a minimum, more than half of the individuals and 2-person households are forced to access housing with more bedrooms, and higher cost, than would be necessary.

Describe the need for specific types of housing:

There is a need for more units that are affordable to the LMI households, particularly 1- and 2-bedroom units. With more than twice as many individuals and small families than 1- and 2-bedroom units, there is a size mismatch resulting in an affordability mismatch. Many renters, especially, are forced to rent larger units than they need or can afford. Conversely, only 5% of the rental units are 4-bedroom and none have 5 or more bedrooms. Large families and those doubling up due to the high number of non-market vacancies have to access smaller units, causing overcrowding and displacing the smaller family households. In summary, with 44.5% of all units, including 26.6% of rental units being 3-bedroom, there is a shortage of units to accommodate small and large households.

Discussion

There is a shortage of multi-family housing, which is more affordable than single family, for renters. As a result, nearly half of the housing in Texarkana is 3-bedroom units, mostly single family. This causes large families, particularly multi-generational families, to be overcrowded and individuals and small families to be forced to access larger housing than they need. The problem is exacerbated by the high number of off-market vacancies.

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

Texarkana, Texas should not be looked at isolated from Texarkana, Arkansas. It is one city in two states. This Consolidated Plan is for the Texas side of Texarkana, but housing costs should be examined on both sides of the state line. Income and housing values and rents are higher in Texarkana, Texas than in Arkansas. Median income on the Texas side of the city are 4% higher than on the Arkansas side, while contract rent, and housing values are 9% higher. However, median gross rent is only \$2 higher on the Texas side.

Housing values on the Texas side increased 20% in the 3 years from 2013 to 2016, for an average annual increase of 6.67%. Median contract rent increased 8% between 2013 and 2016 but median gross rent did not change. The Fair Market Rents changed very little between 2013 and 2016, with the 0- and 1-bedroom FMRs decreasing. However, though there is no reliable information on actual rents for 2018, the FMRs have increased substantially since 2016, with more than an 11% increase across the board and 25% for 0-bedroom units, 11.4% for 1-bedroom units, 11.6% for 2-bedrooms, 14.4% for 3-bedrooms, and 20.7% for 4-bedrooms.

Cost of Housing

	Base Year: 2000	Most Recent Year: 2013	% Change
Median Home Value	64,300	95,900	49%
Median Contract Rent	377	541	44%

Table 29 – Cost of Housing

Data Source: 2000 Census (Base Year), 2009-2013 ACS (Most Recent Year)

Rent Paid	Number	%
Less than \$500	2,754	45.1%
\$500-999	2,848	46.7%
\$1,000-1,499	333	5.5%
\$1,500-1,999	86	1.4%
\$2,000 or more	83	1.4%
Total	6,104	100.0%

Table 30 - Rent Paid

Data Source: 2009-2013 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	570	No Data
50% HAMFI	1,430	1,080
80% HAMFI	3,775	2,455
100% HAMFI	No Data	3,185
Total	5,775	6,720

Table 31 – Housing Affordability

Data Source: 2009-2013 CHAS

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	0	0	0	0	0
High HOME Rent	0	0	0	0	0
Low HOME Rent	0	0	0	0	0

Table 32 – Monthly Rent

Data Source Comments:

Is there sufficient housing for households at all income levels?

On May 21, 2018, there were 270 homes on the market for sale through Multiple Listing Service (MLS). Of these, 44 (16.3%) were foreclosures. Approximately one-fifth of the homes for sale, including 31 of the foreclosures, had an asking price of less than \$75,000. An additional 37 (13.7%) of the homes for sale had an asking price of \$75,000 - \$100,000 and included 6 foreclosures. Approximately 100 residential lots were listed for sale, with most being more rural acreage and lots in new subdivisions where the average price is well above affordability. According to the 2012-2016 ACS, 25.8% of the owner-occupied homes are valued at \$75,000 or less, compared with only 11.1% for sale in that price range. On the same date, according to www.apartments.com there were 12 units in 7 apartment complexes available for less than \$500 per month. All were efficiencies or 1-bedroom units. There were 52 units in 16 complexes renting for \$500-\$750. Of these, 20 were 1-bedroom units, 30 were 2-bedroom, and 2 were 3-bedroom. At rents above \$1,000, there were five 1-bedroom, two 2-bedroom and seven 3-bedroom units available. There were no 4-bedroom units available at any cost. Ten of the units for rent were single family homes.

A major concern is the dramatic increase in the average household size as population has increased and the number occupied housing units has decreased. Vacancy rates have increased, but more importantly, the percent of vacancies that are not in the market is extremely high at 60%. The large number of off-

market houses takes from the number of units affordable to the extremely low- and very low-income households. These households are forced to compete for housing affordable to the low- and moderate-income households, who are being displaced up to the higher-cost housing. This in turn causes a housing shortage for those at or above median income. Conversely, there is a shortage of housing affordable to the higher incomes, causing the higher-income households to compete with moderate- and middle-income households for moderately-priced housing. The result is there insufficient housing at both ends of the cost spectrum leaving both ends of the income spectrum to compete with the moderate- to middle-income households for units in short supply. This has caused a sizable affordability mismatch and housing shortage at all income levels and housing types.

How is affordability of housing likely to change considering changes to home values and/or rents?

Median housing values increased \$19,400 (20.23%) between 2013 and 2016 in Texarkana, Texas, but only increased \$3,200 (3.1%) in Texarkana, Arkansas. Median gross rents did not change between 2013 and 2016 for either side of Texarkana; however, the median contract rents increased slightly (2%) on the Arkansas side but 8% on the Texas side. Median income on the Texas side showed virtually no change while incomes on the Arkansas side declined by 7.8%.

There is no reliable information for overall housing values, actual rents, and median income for 2018. The Fair Market Rents for 2018 are substantially higher than for 2016. The FMRs have increased by 25% for 0-bedroom units, 11.4% for 1-bedroom units, 11.6% for 2-bedrooms, 14.4% for 3-bedrooms, and 20.7% for 4-bedrooms. Because Texarkana's households are predominately individuals, 2-person households, and large families the need for 0- or 1-bedroom and 3- or 4-bedroom units, the FMR increases impact the vast majority of the household types. HUD's Section 8 income limit data suggest that median incomes actually declined between 2016 at \$54,100 to 2018 at \$52,200. As a result, if housing and income data are correct, housing affordability, both in the rental and owner market has decreased since 2016, leaving more households with a housing cost burden that they cannot afford.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

The 2016 Fair Market Rents and the HOME High Rents of \$712 for a 2-bedroom are comparable to the median gross rent for 2016; but substantially higher than the median contract rent of \$567. One of the major limitations to accessing affordable housing are the number of vacant uninhabitable and abandoned units in the Rosehill and Beverly neighborhoods, both of which are lower income and more affordable areas.

Discussion

Incomes, housing values and rents are higher on the Texas side of Texarkana than the Arkansas side. Net incomes are even higher in Texas because Texas, unlike Arkansas, has no state income tax. As a result, the net income difference between the two adjacent areas can more than support the housing cost differences, all other things being equal.

However, there is still an affordability issue in Texarkana, Texas. Housing values on the Texas side increased 20% in the 3 years from 2013 to 2016. Median contract rent increased 8% between 2013 and 2016 but median gross rent did not change. The Fair Market Rents changed very little between 2013 and 2016, with the 0- and 1-bedroom FMRs decreasing. Median income increased 8% during the same time period, making homeownership less affordable and renting being as affordable. However, though there is no reliable information on actual rents for 2018, the FMRs have increased substantially since 2016, with more than an 11% increase across the board and 25% for 0-bedroom units, 11.4% for 1-bedroom units, 11.6% for 2-bedrooms, 14.4% for 3-bedrooms, and 20.7% for 4-bedrooms. There is no reliable information for overall housing values, actual rents, and median income for 2018. HUD's Section 8 income limit data suggest that median incomes actually declined between 2016 at \$54,100 to 2018 at \$52,200. As a result, if the data are correct, housing affordability, both in the rental and owner market has decreased since 2016.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

Age is a good determinate of housing condition, particularly for rental housing. Texarkana has a somewhat older housing stock than Texas as a whole. The median age of the rental units in Texarkana is one year newer than Texas, but the median age of owned units is 13 years older than Texas. While the median age of rentals is newer than owned units, there is a large portion of older single-family homes that are renter-occupied. Most of the units built in this century are renter-occupied, but more than one-third of the units built before 1960 are renter occupied, and virtually all single family. Older housing, particularly rental housing, and more specifically single-family rental housing is likely to have the need for some level of structural rehabilitation. Additionally, with more than 50% of the housing being built before 1978, it can be estimated that there is a substantial segment of the housing stock with some level of lead-based paint hazards.

Definitions

This jurisdiction defines "standard condition" as a structure that meets HUD's Housing Quality Standards (HQS) and all applicable state and local codes.

"Substandard condition" is a structure that does not meet HUD's Housing Quality Standards (HQS) and/or applicable state and local codes.

"Substandard condition but suitable for rehabilitation" is defined as a structure where costs for labor, materials, tools, and other costs of improving buildings, including repair directed toward an accumulation of deferred maintenance; replacement of principal fixtures and components of existing buildings; installation of security devices; and improvement through alterations or incidental additions to, or enhancement of, existing buildings, including improvements to increase the efficient use of energy in buildings, and structural changes necessary to make the structure accessible for persons with physical disabilities do not exceed 75% of the value of the building before conversion or where rehabilitation costs are less than 75% of the replacement cost of the building.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	1,992	25%	3,087	51%
With two selected Conditions	5	0%	123	2%
With three selected Conditions	0	0%	0	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	5,903	75%	2,894	47%
Total	7,900	100%	6,104	100%

Table 33 - Condition of Units

Data Source: 2009-2013 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	737	9%	1,294	21%
1980-1999	1,849	23%	1,818	30%
1950-1979	4,353	55%	2,326	38%
Before 1950	961	12%	666	11%
Total	7,900	99%	6,104	100%

Table 34 – Year Unit Built

Data Source: 2009-2013 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	5,314	67%	2,992	49%
Housing Units build before 1980 with children present	1,095	14%	475	8%

Table 35 – Risk of Lead-Based Paint

Data Source: 2009-2013 ACS (Total Units) 2009-2013 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	0	0	0
Abandoned Vacant Units	0	0	0
REO Properties	0	0	0
Abandoned REO Properties	0	0	0

Table 36 - Vacant Units

Data Source: 2005-2009 CHAS

Need for Owner and Rental Rehabilitation

For the most part, the multi-family units in Texarkana are in sound condition. However, many single-family homes are in need of rehabilitation, and due to the shortage of apartments, many renters are renting single-family houses. There is no information on the number of dwellings in need of rehabilitation, much less the number by tenure. But, it can be assumed that all renters living in units built before 1950 are living in dwellings with some level of rehabilitation need. A significant percentage of owners living in homes built before 1950 also need some level of rehabilitation in their homes. An estimate of 2,992 renters and 2,650 owners are living in dwelling which need some level of rehabilitation. In addition, there are 1,589 abandoned vacant units, and approximately 639 are suitable for rehabilitation while 950 are not.

Estimated Number of Housing Units Occupied by Low- or Moderate-Income Families with LBP Hazards

Based on the number of housing units built before 1980 and the number of those that are rentals versus owned, it can be estimated that 2,495 units with possible LBP hazards are low- to moderate-income.

Discussion

The vast majority of the housing units with one selected condition have only a housing cost burden of greater than 30% and no structural issues with the dwelling. Likewise, those with two selected conditions are predominately in overcrowded conditions and with a housing cost burden of greater than 30%. The Census Bureau no longer classifies housing as sound or unsound, and the only structural variables are having complete plumbing and complete kitchens. Very few dwellings in Texarkana are lacking complete plumbing and/or kitchens.

Age is a good proxy for housing condition and the older the housing, the more likely it is to need some level of rehabilitation. This is especially true for older rental housing and for housing owned or rented by low- to moderate-income. Lower income households, and elderly or disabled households defer maintenance and over time the dwelling comes into disrepair. Because most renters are looking for more modern, newer structures, the older rentals are occupied generally by low- to moderate-income households. Virtually all of these older rentals are single family. While the landlord should be taking care of major repairs and maintenance, the renter is usually required to maintain the yard, make minor repairs to the house even if reimbursed later, and pay for all utilities. Low-income renters do not have sufficient income to afford the rent much less the additional costs of renting a single-family home.

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

The Housing Authority of Texarkana, HATT, is the local Public Housing Authority and operates the public housing in the City. As the City works to overcome obstacles and enhance coordination through improved communication and marketing, public housing and resident initiatives are positively impacted. HATT has been improving the public housing stock for the past decade. HATT is currently participating in the Rental Assistance Demonstration program and converting the public housing units into project-based voucher units. The conversion will be completed by December 2018.

Totals Number of Units

This chart is prepopulated by the Integrated Disbursement and Information System and does not accurately reflect the number of public housing units or Tenant-Based Vouchers

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	0	577	606	2	604	0	0	0
# of accessible units									
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 37 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

Describe the supply of public housing developments:

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

Housing Authority of Texarkana Texas (HATT) manages the public housing and Housing Choice Voucher (formerly Section 8) programs in the City. Both programs provide rental assistance to low-moderate income households. HATT is in the process of converting public housing units into project-based housing that offers rental assistance attached to a specific property. Project based vouchers differ from Housing Choice Vouchers since the assistance remains with the property when a tenant moves.

The HUD pre-populated chart does not reflect the total number of units currently managed by HATT. HATT Properties - Four apartment properties, The Oaks at Rosehill, Pecan Ridge at Rosehill, Rosehill Ridge and Woodbridge Apartments were developed as workforce housing for working families who live in the Rosehill neighborhood. The four apartments provide 460 units of affordable housing and range in size from one to four bedrooms. The majority of non-senior residents are working families - participating and contributing to our workforce, our economy and our community.

Robison Terrace is a 10-story high-rise that houses elderly and disable residents in 130 one or two bedroom units. The remaining HATT properties range from apartment complexes to duplexes and provide 228 units of affordable housing ranging from one to three-bedroom units.

Public Housing Condition

Public Housing Development	Average Inspection Score
Overall Score	85

Table 38 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

HATT has systematically replaced or revitalized aging inventory through the HOPE VI grant and currently through the Rental Assistance Demonstration program. Robison Terrace is the last property to be renovated through RAD. During the RAD conversion all residents were relocated to other HATT properties and relocation expenses were provided by HATT. HATT will renovate 294 units during 2018.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

The HOPE VI grant and the conversion to RAD are positive steps to improve the living conditions of residents of public housing. In addition, HATT has developed a number of entities to assist in the development and improvement of public housing.

1. Texarkana Public Facility Corporation is an instrumentality of the HATT that was created for purposes of implementing public housing, other affordable housing development activities programs, and other services.
2. Premier Texarkana Development and Management Facility Corporation dba/ as Premier Texarkana D&MFC (Premier) was created to provide for the acquisition, construction, rehabilitation, renovation, repair, equipping, furnishing, and placement in service of public facilities in an orderly, planned manner and at the lowest possible borrowing costs. Premier is also an instrumentality that is authorized to issue bonds on behalf of its sponsors for the purposes of Section 103, Internal Revenue Code of 1986 (26 U.S.C. Section 103).
3. Prime Impact Solutions, Inc., a 501c3 non-profit instrumentality, was created to transform the world of affordable housing. Communities across this country are facing low-income housing shortages. Recent statistics provides that there is not a single county in the United States that can fill 100% of its low-wealth population's need for safe, affordable housing. Prime Impact Solutions, Inc. will continue its efforts to address the needs of low-wealth individuals and families in Texarkana, Texas and the surrounding areas by accessing and leveraging available grants and other philanthropic resources to positively affect change in this need.

Discussion:

The Housing Authority of Texarkana has made significant strides toward ensuring that public housing residents have access to affordable, safe and decent housing by implementing innovative solutions that have resulted in new and/or renovated properties. HATT seeks to improve the living environment of its tenants by:

- Expanding public housing security efforts and continuing to work with the City's Police Department.
- Developing educational, cultural, and supportive service programs to further foster social and economic independence for the elderly.
- Implementing programs that promote a healthy lifestyle
- Increasing youth programs for public housing residents by fostering partnerships in the community.
- Increasing resident participation in the Resident's Executive Council.

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

This section describes services and facilities available in Texarkana to meet the needs of those experiencing homelessness. Coordination and cooperation between homeless providers, law enforcement, housing and service agencies, mainstream resources, city government individuals experiencing homelessness are connected with services/housing suited to their needs.

Shelter, housing and services for individuals experiencing homelessness in Texarkana is offered through a network of organizations. These include both mainstream service providers and organizations specializing in services targeted to populations experiencing homelessness. The Texarkana Homeless Coalition is the designated Continuum of Care (CoC) for the areas participating through the Texas Balance of State CoC managed by the Texas Homeless Network.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year-Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	0	0	0	0	0
Households with Only Adults	150	0	9	0	0
Chronically Homeless Households	0	0	0	0	0
Veterans	0	0	0	0	0
Unaccompanied Youth	0	0	0	0	0

Table 39 - Facilities and Housing Targeted to Homeless Households

Data Source Comments: Texas Homeless Network & the Texarkana Homeless Coalition - PIT Count and HMIS data

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

Mainstream services are publicly funded programs that provide services, housing and income supports to low-income persons whether they are experiencing homelessness or not. It includes programs providing TANF, Medicaid, Social Security benefit including SSI, health care, mental health care, substance abuse treatment programs, Workforce programs and veteran's assistance.

Mainstream providers are:

- Healthcorp - mental health and intellectual disability services
- TANF – Temporary Aid to Needy Families
- Medicaid – Payment for medical services for low-income adults, elderly, disabled and children
- Social Security SSI – Disability income payments
- Greater Texarkana Workforce – Job and vocational training, job placement, career planning, veterans' services
- Federally Qualified Health Centers – There are five federally qualified health centers in Texarkana providing free and low-cost health care to low income and homeless persons
- Overton Brooks Medical Center – Located in Shreveport, LA provides comprehensive services to veterans

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

The following list of services and facilities is based on information from the Texarkana Homeless Coalition. These are organizations with services specifically targeted for the homeless including those specifically targeted to special needs populations.

- The Randy Sams' Outreach Shelter – emergency shelter for homeless individuals including chronically homeless and supportive services
- Doorways Home – Coordinated Entry access
- Mission Texarkana - gasoline or bus tickets for stranded travelers, lodging and rent-help for the homeless, prescription assistance, utility payments, diapers and baby-food and a State Certified Nurse Assistant Training program
- Special Health Services of Texas - free HIV/AIDS antibody testing, prevention/intervention; education/counseling, utility, prescription assistance

- Domestic Violence Prevention, Inc. - Emergency shelter, legal assistance, family violence prevention, transitional housing, children's services, supportive services, counseling
- Bowie County Family Health Center: medical, family planning and counseling, WIC, testing for STDs
- The Salvation Army Homeless Shelters for Families, and Unaccompanied Men are located in Texarkana, Arkansas. Their facility is not included in the inventory although homeless persons move back and forth across the state line. Crossing state lines for assistance is problematic for many homeless persons because assistance can be tied to state of residence.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

The primary goal for serving special needs populations is to assist public and nonprofit agencies in expanding and enhancing their provision of housing and services to the elderly, disabled and dually/multiply diagnosed, persons with HIV/AIDS, victims of domestic violence, and persons with addictions. The City recognizes services required by special-needs populations often overlap the housing needs and supportive services for those experiencing homelessness.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

The elderly, frail elderly, persons with disabilities, persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, and victims of domestic violence present a range of complex problems that put them at greater risk of severe income limitations and inadequate housing. These populations have a much more difficult time finding, securing, and maintaining adequate housing and necessary social services. The public housing residents' needs are discussed in the public housing sections of this plan. One attribute that complicates matters, particularly for the elderly, is the high percentage that live alone. All of their social service needs must be met outside the home as there is no caregiver living with them. This is true for a number of disabled adults. The shortage of available affordable housing is compounded by the need to be housed in a location accessible to services and public transportation. The elderly often has transportation needs. The frail elderly and many of the disabled, particularly those living alone and not in group quarters, need caregiving and meals, as well as transportation. Supportive housing through Rapid Rehousing and other programs is necessary for many veterans, mentally ill, persons with addictions, persons with HIV/AIDs, and victims of domestic violence. Many can regain independence in time, but many will never be able to live totally independently without some level of supportive housing and social services. Additional affordable group homes, permanent supportive housing and accessible multi-family units are needed as well as assistance in maintaining and rehabilitating single family homes. Day centers, transportation, access to medical care and shopping, are critical needs for the majority of the special needs population.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

There are no local programs at this time that ensure that persons returning from mental and physical health institutions receive appropriate supportive housing. The institutions themselves, work with the individuals returning home to help identify and connect with local organizations to assist in accessing supportive housing and services. However, according to State of Texas data, only 3.9% of adults leaving mental health institutions are assigned to supportive housing. The City has developed a partnership with Community HealthCore, a non-profit providing MHMR services in the Northeast Texas region to provide

services in Texarkana. They have expanded MHMR services in Texarkana to provide supportive housing particularly to veterans utilizing their mental health care services.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

The City will provide funding for Owner-Occupied Rehabilitation which includes accessibility modifications and improvements, Down payment and Closing Costs Assistance and funding for public services agencies that provide services to special needs populations. The PY18 allocations support these activities. It is anticipated that four rehab projects will be conducted during the program year. The City will continue to support service and housing agencies through public service funding.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

Not Applicable

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

Many public and private sector policies and factors can create barriers to affordable housing for low- to moderate-income households. In general, the City's policies do not create undue barriers to affordable housing. The City has a fair housing ordinance which indirectly reduces the barriers to affordable housing by ensuring that all protected classes, many of whom are low- to moderate-income have equitable advantages to housing of choice. The City's development and building standards have been established to protect the citizenry and the general welfare of the community, which can result in higher costs for new and rehabilitated structure.

The City uses the International Building Code, International Residential Code for one- and two-family dwellings, National Electrical Code, International Plumbing Code, International Fuel Gas Code, and International Mechanical Code, with minor amendments that do not impact development costs. The City has a Building and Standards Commission and a Planning and Zoning Committee. The B&B Commission is comprised of an attorney, an engineer, a member elected from the building industry within Texarkana, Texas, a building contractor, and one non-industry member selected from the citizens. All own or operate a business in Texarkana, Texas. Development impact fees have been established to ensure that the developer carries the cost of development instead of the taxpayers. However, the impact fees and building standards can drive up the cost of new dwellings. The zoning ordinance regulates the land use, size and type of development within the 19 zoning districts. The zoning ordinance prohibits manufactured home parks and mobile homes and manufactured homes as a fixed dwelling in all zoning districts. Manufactured home parks may be allowed with a specific use permit. Boarding and rooming houses may only be located within townhome and multi-family residential, commercial and planned development districts. This can be a barrier to group homes for special populations to be located in single-family district.

Private sector barriers include:

- Developers shying away from constructing affordable housing or unable to secure Low Income Housing Tax Credits (LIHTC) approval;
- Insufficient number of multi-family units;
- High number of vacant housing that is abandoned or uninhabitable, preventing new development on the lots;
- Sellers requiring higher down payments than LMI buyers can afford; and
- Credit and employment histories of many LMI buyers result in mortgage denial.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

It should be kept in mind that the information available for employment is from the Census Bureau's American Community Survey and is based on the employment of those living in Texarkana, Texas regardless of where they are employed. For the most part, there are many more jobs in Texarkana, Texas than employees living in the city. However, there is not an abundance of available jobs because of the residential communities within easy access to the commercial and industrial areas within the city limits.

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	199	83	2	0	-2
Arts, Entertainment, Accommodations	1,892	4,414	17	17	0
Construction	532	619	5	2	-3
Education and Health Care Services	2,657	7,161	23	28	5
Finance, Insurance, and Real Estate	621	1,717	5	7	2
Information	155	404	1	2	1
Manufacturing	1,414	848	12	3	-9
Other Services	394	859	3	3	0
Professional, Scientific, Management Services	521	1,244	5	5	0
Public Administration	0	0	0	0	0
Retail Trade	1,846	5,745	16	23	7
Transportation and Warehousing	561	629	5	2	-3
Wholesale Trade	623	1,788	5	7	2
Total	11,415	25,511	--	--	--

Table 40 - Business Activity

Data 2009-2013 ACS (Workers), 2013 Longitudinal Employer-Household Dynamics (Jobs)
Source:

Labor Force

Total Population in the Civilian Labor Force	16,626
Civilian Employed Population 16 years and over	14,659
Unemployment Rate	11.83
Unemployment Rate for Ages 16-24	28.63
Unemployment Rate for Ages 25-65	6.97

Table 41 - Labor Force

Data Source: 2009-2013 ACS

Occupations by Sector	Number of People
Management, business and financial	2,668
Farming, fisheries and forestry occupations	1,018
Service	2,210
Sales and office	3,923
Construction, extraction, maintenance and repair	886
Production, transportation and material moving	546

Table 42 – Occupations by Sector

Data Source: 2009-2013 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	12,813	90%
30-59 Minutes	1,161	8%
60 or More Minutes	286	2%
Total	14,260	100%

Table 43 - Travel Time

Data Source: 2009-2013 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	760	107	925
High school graduate (includes equivalency)	3,229	536	1,995
Some college or associate degree	4,436	516	1,568
Bachelor's degree or higher	3,782	163	868

Table 44 - Educational Attainment by Employment Status

Data Source: 2009-2013 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	115	98	85	236	324
9th to 12th grade, no diploma	377	313	314	746	567
High school graduate, GED, or alternative	1,406	1,620	1,421	2,727	1,651
Some college, no degree	1,396	1,419	1,288	2,230	1,068
Associate degree	251	383	443	823	174
Bachelor's degree	142	1,009	800	1,251	748
Graduate or professional degree	14	366	306	1,081	687

Table 45 - Educational Attainment by Age

Data Source: 2009-2013 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	12,760
High school graduate (includes equivalency)	22,476
Some college or associate degree	29,878
Bachelor's degree	37,485
Graduate or professional degree	63,090

Table 46 – Median Earnings in the Past 12 Months

Data Source: 2009-2013 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

The major employment sectors are education and health care; retail trade; and arts, entertainment and accommodations; and manufacturing.

Describe the workforce and infrastructure needs of the business community:

The population in the civilian labor force has increased by only 62 workers and the employed population by only one. Given that both sets of figures are estimates based on a very small monthly sample over a 5-year period, it can be estimated that there has been no employment growth in the city. The overall unemployment rate has increased slightly, with the biggest increase in the 25-65 year old and a large decrease in the youngest employees – 16-24 year old. The greatest increases in occupations have been

in the management, business, financial sector and the service sector. Therefore, there is an increased need for employees with a bachelor's degree to fill the management, business and financial sector jobs. Additionally, there is a need for more affordable housing to house service-sector employees so that they aren't having to commute. Public transit is another need to provide access to the lower-paying service sector jobs.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

There are no major changes within the city that will have a dramatic economic impact on Texarkana, Texas or Bowie County. However, regional changes have and will continue to result in allowing the area west of Texarkana to not only regain an employment base lost due to the 2005 BRAC actions but become a major commercial/industrial hub for the area. In 2010 TexAmericas Center took over the property and has been cleaning up the sites for leasing. Currently, leases have employed 934 workers. In November 2016, Expal USA signed a 10-year lease to re-occupy a portion of the former Lone Star Army Ammunition Plant, at a cost of \$24 million. As a result, TexAmericas Center has secured approximately \$2.5 million in technical assistance and infrastructure projects from the U.S. Economic Development Administration and Texas CDBG funds. As of October 2017, there have been 80 companies that have expressed interest in locating on the property. The current lease revenue is more than \$1.8 million per year.

Located within the city limits, has been the extension of Pavilion Parkway, just north of IH-30 is surrounded by 70 acres of land for commercial development. The City's Brownfield Redevelopment Program is continuing, with more than \$2 million in grant funds and additional private funding to clean up and restore downtown properties as well as other Brownfields in the city. The redevelopment has led and will continue to lead to new businesses locating in Texarkana.

There is a need for advanced telecommunications capability that allows users to originate and receive high-quality voice, data, graphics, and video services in order to attract businesses to Texarkana. The current capacity is not sufficient to attract new businesses or industries. Additionally, the airport is in need of repairs to increase access in and out of Texarkana.

The *2018 Broadband Deployment Report* examines fixed and mobile broadband deployment.

The report also concludes that mobile services are not currently full substitutes for fixed services. The FCC retains the existing speed benchmark of 25 Mbps download/3 Mbps upload (25 Mbps/3 Mbps) for fixed services and examines the deployment of mobile services with minimum advertised speeds of 5 Mbps/1 Mbps, and those with a median speed of 10 Mbps/3 Mbps or higher. The chart below shows the data for Bowie County. City level data was not available.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

The difficulty in analyzing the data is that Texarkana is the employment center, but the new residential developments are outside the city limits. Therefore, the number of jobs versus the number of qualified employees cannot be accurately determined when looking only within the city limits, for which the numbers are provided. Lower wage jobs and high-wage jobs are predominately located within the city, while lower-income and high-income residents have chosen to live outside the corporate limits where the housing is newer and less expensive. Taking the housing-to-job market into account, there is still a need for increased high school retention, access to GED preparation, vocational training, and affordable higher education in order to prepare the workforce in Texarkana, Texas and the surrounding area for the expanding job market, particularly in the health care, education, and professional/scientific/management sectors.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

Texarkana Community College offers workforce development a number of areas that lead to AA degrees and/or state certifications: industrial arts (digital drafting, programmable logistic controllers, OSHA safety training, forklift operations, welding, CDL); construction; culinary arts; EMT; firefighting; allied health professions; cosmetology and electrical. Additionally, the college provides a number of continuing education classes in computer education, business skill development, and GED education.

Texas A&M University has a Texarkana campus with its College of Business, Engineering and Technology, and College of Arts, Sciences and Education. Full on-line degree programs are offered in a number of fields, including nursing, business administration, accounting, and instructional technology. Currently, most of the on-line degree programs are at the master's level.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

Yes

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Ark-Tex Council of Governments leads the Comprehensive Economic Development Strategy (CEDS) process in this region. The Comprehensive Economic Development Strategy is a survey conducted on the economic state of the North East Texas Economic Development District (NETEDD) as mandated by the

EDA. This survey addresses the strengths and weaknesses of NETEDD, which consists of eleven counties encompassing over 6,500 square miles which is home to approximately 293,000 people. The survey is completed with input from individuals from all over the NETEDD region including, but not limited to, economic development managers, city managers, chambers of commerce, representatives from housing, education, and health, political and public advocates, and other interested parties. The CEDS is conducted every five years to assess the economic progress made in the region and to set new economic goals for the region. The most recent CEDS Report was completed in 2008. ATCOG is in the process of completing a new plan.

Discussion

The tables and information above show that a large percentage of the employees in Texarkana's low-skilled jobs, such as retail are living outside of Texarkana, Texas. Comparing the pre-populated tables with the 2012-2016 ACS data, it shows that the number of workers living in Texarkana has increased 27%. This can be attributed to the increase in total population, the regentrification of areas leading to new housing opportunities, and new units being added to the market.

However, a large percentage of the high-end jobs in the medical, educational, scientific, and professional sectors are occupied by employees living outside of the Texarkana, Texas city limits. The reason is that the city itself is more of a commercial/industrial hub with the newer residential developments being outside of the city and the cost of urban living being lower in Texarkana, Arkansas.

The major development in the area that has and will continue to impact the labor market is the TexAmericas Center's redevelopment of the Red River Army Depot that was closed as a result of the 2005 Base Realignment and Closure (BRAC). The City's Brownfield Redevelopment Program is continuing and downtown areas, along with other sites in the city, are continuing to be cleaned up and redeveloped for commercial and residential uses.

The Texarkana Community College is the primary provider of Associates degrees and professional certifications. Texas A&M University has a Texarkana campus with its College of Business, Engineering and Technology, and College of Arts, Sciences and Education. While University of Arkansas has a campus in Texarkana, Arkansas, that is open to all area students, Texarkana, Texas students would pay out of state tuition.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

The City's definition of Concentration of Housing Problems: The definition is 2-tiered: those areas with greater than 60% with a housing problem, and those with greater than 45%. The R/ECAP area falls in the first tier and the area adjacent to the north falls in the second tier.

The vast majority of the households with housing problems are those with a housing cost burden of greater than 30%. There are very few houses lacking complete plumbing and/or kitchen facilities and a small number of over-crowded units. Texarkana, Texas has one R/ECAP area (racially/ethnically concentrated areas of poverty) – Census Tract 10500 – which has a high concentration of LMI and minority households with a 64.84% of the households with at least one of the four housing problems. Two more areas also within the CDBG Target Areas, having greater than 51% LMI households, have a high percentage of housing problems – Census Tract 10600 has 55.48% with problems, and 10800 has 49.23%. The map at the end of this section shows the location of the areas with high concentration of housing problems. This is the area with the highest vacancy rate of housing not on the market, the highest foreclosures, and the highest percent low-income. The Beverly and Rosehill neighborhoods are included in this area and are the City's priority target areas for revitalization. Though the Census Bureau does not enumerate the substandard buildings – those in disrepair, dilapidated, and/or uninhabitable, the City's code enforcement and planning offices indicate that the 7th Street corridor of the downtown area, Beverly and Rosehill neighborhoods have the highest number of substandard housing, including housing that is substandard but with rehabilitation potential.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

Low-income families (those with incomes 80% or less of the area median) are concentrated within the loop formed by I-30, US-59, and Highway 151. The City's CDBG Target Areas with 51% or greater LMI households are located in this area. The map at the end of this section shows the location of the Target Areas, which are at least 51% LMI. Concentrated areas of LMI are those with 51% or greater LMI households.

African Americans primarily live within the loop formed by I-30, US-59, and Highway 151, particularly north of US-67. An additional pocket south of US-67, in the far southwest area of the city has a high percentage of African Americans. They are heavily concentrated (> 75%) between College on the north, US-67 on the south, Summerhill (93) on the west and Swampoodle Creek/Railroad on the east as well as southeast of Findley and Robinson. The maps at the end of this section show the location of the African American population as well as the Census Blocks by the percent African American.

There are few Hispanics in the City, and they are not concentrated in any one area. Only a couple of Census Blocks have more than 50% Hispanic and no Block Groups are predominately Hispanic. The maps at the end of this section show the location of Hispanic households and the Census Blocks by the percent Hispanic.

Definition: Concentrations of minority populations are those contiguous Census Blocks with more than 75% population for the minority group, as well as the intersecting Blocks with at least 50% minority.

What are the characteristics of the market in these areas/neighborhoods?

The Beverly and Rosehill neighborhoods have the majority of the vacant units that are off-market – not for rent or sale, not rented/sold but not yet occupied, not for seasonal or migrant use. These are units that have been abandoned, with many too deteriorated to make rehabilitation an option. Like neighborhoods in depressed areas of most cities, housing is only one of the market factors that can hinder revitalization. The Beverly and Rosehill areas not only have high substandard housing, but also have a very high level of poor air quality as mapped by the HUD's Affirmatively Furthering Fair Housing Tool. Conversely, the areas have high school proficiency score as reported in HUD's AFHH-T, improving the marketability for gentrification and new in-fill housing.

Are there any community assets in these areas/neighborhoods?

The areas of lowest transportation cost and highest use of and access to public transit are in the lowest income areas, particularly the Beverly and Rosehill neighborhoods. T-Line transit has made public transportation available in the more depressed neighborhoods. Texarkana Community College is located in the area, and there are employment opportunities available

Are there other strategic opportunities in any of these areas?

With the availability of public transit, higher proficiency of the schools, proximity to employment, the number of vacant abandoned buildings, the Beverly, Rosehill, and downtown areas provide strategic opportunities for revitalization. However, public and private incentives are needed, as well as a collaborative effort to remove the barriers of public perception in order to encourage developers to invest in the areas.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The City of Texarkana has developed a long-range strategy for significantly impacting low and moderate-income communities through new housing and economic development activities. The areas identified for geographically determined investment allocation in this Consolidated Plan were selected based on consultation with area agencies, citizen input, and agreed upon by City Council Members representing every ward in the city. These areas have both great need and present significant opportunity to meet the City's goals.

The City has developed strong links between representatives of the low and moderate-income community's public service agencies, public housing agency, educational institutions, health facilities and the business community for the purpose of developing an ongoing strategic plan for reinvestment in the low income communities.

The City is currently addressing identified needs through coordinating the use of CDBG and other federal, state and local funds in distressed areas and through providing services to low- and moderate-income households. In addition, the City, with its collaborative partners and citizens, has identified neighborhoods appropriate for revitalization efforts which includes the Downtown area and Beverly neighborhood. However, owner-occupied housing rehabilitation and home buyers assistance are offer city-wide to income eligible residents.

The City is the recipient of a Section 108 Loans program in order to facilitate development of new affordable rental units and revitalization in the downtown area.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Table 47 - Geographic Priority Areas

1	Area Name:	Beverly Community Revitalization
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	Boundaries for this target area: Southern border: New Boston Road, also US Hwy 82 Western border: Robinson Road Northern border: College Drive Eastern border: Richmond Road to Summerhill Road Comprised mostly of Qualified Census Tract 106.
	Include specific housing and commercial characteristics of this target area.	This once thriving community is bordered on all four sides by commercially zoned streets with an interior comprised of older housing stock, both single family and apartment complexes, and many vacant, boarded buildings. These commercial zones are showing their age as most are either single commercial structures or dilapidated strip malls. The City's main water treatment facility is located in the commercial section. Also, the area's only park sits next to this facility. Park improvements are problematic here as it lies within an established flood plain. Within the core are homes that while older are still owner-occupied. This is an area of minority, elderly, and poverty concentrations. On the northern border of the area lies one of Texarkana's most valued assets, Texarkana Community College. Just north of the college, both commercial and residential areas are thriving with new businesses and well-established homes and neighborhoods that are either maintaining or increasing in value. The proximity to this thriving area indicates a substantial opportunity for improvements in the community that will be beneficial to

	the entire city and the region.
How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	As in 2013, the city's consultations and citizen participation process are central to the development and continued designations of Beverly Heights as a Local Target Area. The Beverly neighborhood has stood in direct contrast to the more prosperous neighborhoods to the north for more than twenty years. Crime in Beverly and the problems of substandard housing and vacant, derelict housing has increased. Residents, service agencies, as well as law enforcement and emergency services began reporting higher and higher numbers of people impacted by this community's decline. The Believe in Beverly neighborhood association continues to be active voicing the needs of the Beverly neighborhood by participating in public hearings, community meetings and City Council meetings.
Identify the needs in this target area.	Needs in this area include access to affordable, livable housing, removal of slum and blight conditions associated with derelict, vacant and boarded homes, minority and poverty concentrations, public facilities for health care and recreation/exercise. Other needs include high concentration of households with one or more of the Four Housing Problems or Severe Housing Problems, low and extremely-low incomes for both owner-occupied and renter-occupied households, high percentages of at-risk of homelessness households, high numbers of homes without accessibility features and/or low-efficiency ratings, and lack of services and/or opportunities for children and the elderly.

	What are the opportunities for improvement in this target area?	The Beverly Neighborhood presents many opportunities for improvements with targeted resource distribution. At the northern boundary, Texarkana Community College brings individuals from all over the region into the area. With appropriate planning and implementation, this area could easily provide suitable housing both for current residents and for those that attend or work at the college. Likewise, the other commercial corridors that are the boundaries of Census Tract 106/Beverly have significant commercial viability for neighborhood redevelopment. Improving the housing stock could prolong the viability of the homes for both owners and renters. With homeownership rates well below the City's rates, improving opportunities for homeownership could also stabilize the community. Further, improvements in public facilities like parks and health care facilities, the addition of streetlights, bike lanes, sidewalks, and safe walking trails, will also make the community safer and more livable. Increased public transit availability, Jobs and services within this area are two additional areas of opportunity that can improve this community.
	Are there barriers to improvement in this target area?	Significant barriers exist to improvement in this area including variable citizen participation and adequate funding. The number of vacant and/or substandard housing and the issue of crime must be addressed in order for the area to revitalize.

2	Area Name:	City-Wide
	Area Type:	For Housing Rehab and & Homeowner Assistance
	Other Target Area Description:	For Housing Rehab and & Homeowner Assistance
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	City limits of Texarkana. Housing Rehabilitation and Homeownership Assistance are offered to all eligible residents with the Texarkana, TX city limits.
	Include specific housing and commercial characteristics of this target area.	Low-income homeowners do not have the financial resources to maintain their homes and therefore, they fall into disrepair. Needs city-wide include access to affordable, livable housing, removal of slum and blight conditions associated with derelict, vacant and boarded homes, minority and poverty concentrations, public facilities for health care and recreation/exercise. The majority of projects occur in low-moderate income areas where there is a high concentration of households with one or more of the Four Housing Problems or Severe Housing Problems, low and extremely-low income owner-occupied households and a high number of homes without accessibility features and/or low-efficiency ratings.
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	Residents at public hearings, community meetings, stakeholder meetings and the on-line survey expressed that housing rehabilitation and homeownership opportunities were high priorities. These programs can be offered city-wide since eligibility is based on household income and not by a low-moderate income area.

	Identify the needs in this target area.	Affordable and decent housing are an issue city-wide. While Owner-Occupied Housing Rehabilitation is offered city-wide, the majority of the projects are in the targeted neighborhoods. This is due to a larger percentage of older homes and homeowners that do not have the financial ability to maintain their home. Homeownership assistance is also offered city-wide to income eligible homebuyers with many opting to purchase homes in the targeted neighborhoods due to the lower cost of housing.
	What are the opportunities for improvement in this target area?	Upgrading the existing housing stock and increasing homeownership results in neighborhood revitalization and stabilization. The low-income areas of the City have older housing stock many of which are owner-occupied and in need of repairs. Improving the housing stock could prolong the viability of the homes for both owners and renters.
	Are there barriers to improvement in this target area?	The most significant barrier is inadequate funding to meet the need for housing rehabilitation and homeownership assistance.

3	Area Name:	Downtown Area
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	The Downtown Area Local Target Area is sometimes referred to as the Downtown/7th Street Corridor as this is descriptive of the boundaries of the Target Area. It is bounded on one side by the Kansas City Southern Railroad (Front Street) and 7th Street (Martin Luther King Blvd.) on the other. It's eastern and western border are Stateline Avenue, the Texas/Arkansas border, on the east side and Lakeside Drive/Summerhill Road on the west. Major thoroughfares include: Martin Luther King Blvd. Texas Blvd. 4th Street Oak Street Front Street Stateline Ave
	Include specific housing and commercial characteristics of this target area.	The Downtown/7th Street Corridor, Downtown Local Target area is a mix of commercial and residential properties. There are a significant number of vacant businesses in the area. The homes are older and many need rehabilitation or repairs. There are over 200 Brownfields properties with suspected or confirmed environmental contamination in an area of approximately 240 acres.

How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	Citizens of Texarkana have asked the City to focus on downtown revitalization for at least ten years knowing that a vibrant downtown area would attract new businesses and tourists to the area. Consultation with numerous agencies, public meetings, public hearings, citizen surveys, and approval by the City Council Members establish a strong consensus for moving forward to arrest the decline of this historic center of the town and revitalize the area's economic potential and potential for providing affordable housing close to city, county, state, federal and non-profit services.
Identify the needs in this target area.	Downtown and the 7th Street Corridor present many challenges to redevelopment. Of primary concern is that more than 200 properties within a 200 acre area are either confirmed or suspected of having various levels of environmental contamination ranging from lead paint to deadly gasoline additive buried underground and potentially leaking into the area's ground water. Many commercial, industrial, and residential properties are neglected, abandoned, or substandard. These problem properties are mixed in with functioning homes, businesses, and essential government services.
What are the opportunities for improvement in this target area?	Developers are attracted to redevelopment downtown because of the existing infrastructure and unique architecture. The area is a food desert with great opportunity for affordable housing and commercial endeavors. The Section 108 loan for the renovation of the Grim Hotel will not only provide 20 units of affordable housing but also revitalize a historic landmark in the City.
Are there barriers to improvement in this target area?	The most significant barriers are the costs associated with environmental assessment and cleanup of asbestos, lead paint, mold, pigeon guano, and other hazardous or petroleum based contaminants. Texarkana's solid relationship with the U.S. EPA Brownfields program and the Texas Commission on Environmental Quality mitigate some of these challenges.

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

The City of Texarkana, Texas is working in cooperation with the Texarkana Texas Housing Authority, Texarkana Community College, non-profit agencies, and the private sector to bring about the revitalization of the City's Downtown/7th Street Corridor and Beverly Neighborhood.

These geographic regions were chosen because they have great potential and great need. These areas are bordered by major transportation routes, which are prime real estate for commercial development. These neighborhoods are provide significant opportunity for quality affordable housing. New multifamily units along with the development of new single family housing will provide what these neighborhoods need the most – safe, secure, quality, affordable, housing for families.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 48 – Priority Needs Summary

1	Priority Need Name	Owner-Occupied Housing Rehabilitation
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	For Housing Rehab and & Homeowner Assistance
	Associated Goals	Owner-Occupied Housing Rehabilitation
	Description	Rehabilitation of single-family homes for income eligible homeowners. Home must be their primary residence.
	Basis for Relative Priority	During public hearings and meetings with stakeholders and residents, housing rehabilitation was listed as a high priority. Based on the housing stock and available data, the City concurs that it is a high priority need.
2	Priority Need Name	Homeownership Assistance
	Priority Level	High
	Population	Extremely Low Low Moderate
	Geographic Areas Affected	For Housing Rehab and & Homeowner Assistance
	Associated Goals	Home Ownership Assistance
	Description	The City will fund up to 50% of the required downpayment and all of the closing costs for low-moderate income first-time homebuyers.

	Basis for Relative Priority	The City encourages homeownership as a means of revitalizing and maintaining the quality of neighborhoods. A major barrier in becoming a homeowner is the downpayment and closing costs. This activity was listed as a high priority by residents at community meetings and public hearings.
3	Priority Need Name	Lead-Based Paint Awareness
	Priority Level	Low
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	For Housing Rehab and & Homeowner Assistance
	Associated Goals	Lead-Based Paint Awareness
	Description	The City will disseminate information on the dangers of lead-based paint to homeowners, renters, residents and prospective homebuyers.
	Basis for Relative Priority	The City is aware of the dangers of lead-paint. However given the annual CDBG allocation, the City does not receive enough CDBG funds to conduct lead abatement processes on existing homes. Lead-based paint was not expressed as a concern or high priority at public hearings, community meetings and by residents.
4	Priority Need Name	Section 108 Loan - Affordable Housing
	Priority Level	High
	Population	Extremely Low Low Moderate
	Geographic Areas Affected	Downtown Area
	Associated Goals	Section 108 Loan-Affordable Housing

	Description	Using a Section 108 loan, this project includes restoration and redevelopment of the historic Hotel Grim built in 1925 originally as an eight-story hotel. The building contains 103,200 square feet and when restoration is complete will produce 20 new units of affordable housing in the downtown area.
	Basis for Relative Priority	Increasing affordable housing stock and revitalization of the downtown area have been a high priority for several years. Affordable housing was the number one priority at all the meetings with residents and public hearings as well as agency representatives.
5	Priority Need Name	Public Facilities Improvements
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	Downtown Area Beverly Community Revitalization
	Associated Goals	Public Facilities Improvements
	Description	Improvements to public facilities, parks, trails, public buildings and public spaces in low-moderate income areas of the City.
	Basis for Relative Priority	Input from residents as community meetings and public hearings provided the basis for the high priority. Most residents expressed that they would like to see new and improved parks in their neighborhoods. Community rooms for activities for children, youth and the elderly were also considered important. The City concurs that it is a high priority.
6	Priority Need Name	Public Improvements & Infrastructure
	Priority Level	High

Population	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Non-housing Community Development
Geographic Areas Affected	Downtown Area Beverly Community Revitalization
Associated Goals	Public Improvements and Infrastructure
Description	Public improvements in low-moderate areas of the city. Improvements could include but are not limited to, sidewalks, accessibility improvements, bike facilities/lanes and beautification projects.
Basis for Relative Priority	Accessibility in older neighborhoods was discussed as a concern at community meetings and public hearings. Certain low-income areas of the City have deteriorated sidewalks and there are sections where there are no sidewalks limiting mobility for disabled residents and creating a safety hazard. The City has already begun a program of sidewalk improvements based on a sidewalk inventory completed by the MPO and considers this activity to be a high priority.

7	Priority Need Name	Public Services
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Persons with HIV/AIDS and their Families Victims of Domestic Violence Non-housing Community Development
	Geographic Areas Affected	For Housing Rehab and & Homeowner Assistance
	Associated Goals	Public Services
	Description	CDBG funding is provided to agencies that provide services and/or housing to low-moderate income residents.

	Basis for Relative Priority	Public services provide stability and security to Texarkana residents in need. The City supports these agencies in their mission to provide services and/or housing to low-moderate income persons and people experiencing homelessness. The City of Texarkana, TX has received a special allocation of Community Development Block Grant (CDBG) funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. Based on a detailed analysis of data describing community exposure & testing results gathered by Texarkana COVID-19 Emergency Operations Center & input from community participation process, the following were identified as priority needs for Texarkana: 1. Food boxes 2. Care supply packages 3. Testing supplies, virus testing & PPE 4. Homeless shelter assistance 5. Assistance with displacement of homeless individuals
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8	Priority Need Name	Revolving Loan Fund
	Priority Level	Low
	Population	Non-housing Community Development
	Geographic Areas Affected	Downtown Area
	Associated Goals	Revolving Loan Fund
	Description	The City maintains a Revolving Loan fund to provide economic development funds for start-up businesses in target areas to increase job creation and labor market participation rates.
	Basis for Relative Priority	The Revolving Loan Fund has been inactive for several years and while the City feels this is an important component to the revitalization of target areas and job creations, it is a low priority at this time.
9	Priority Need Name	Section 108 Loan - Repayment
	Priority Level	High
	Population	Extremely Low Low Moderate
	Geographic Areas Affected	
	Associated Goals	Section 108 Loan - Repayment
	Description	The City obtained a Section 108 loan in order to provide funding for the Grim Hotel project. CDBG funds are used to repay the 108 Loans. The Grim Hotel project will create 20 new units of affordable housing.
	Basis for Relative Priority	Increasing affordable housing stock and revitalization of the downtown area have been a high priority for several years. Affordable housing was the number one priority at all the meetings with residents and public hearings as well as agency representatives.

10	Priority Need Name	Program Administration
	Priority Level	High
	Population	Extremely Low Low Moderate
	Geographic Areas Affected	For Housing Rehab and & Homeowner Assistance
	Associated Goals	Program Administration & Fair Housing Activities
	Description	Management and oversight of the CDBG program.
	Basis for Relative Priority	Managing the CDBG program is vital to meeting the federal requirements for the program and ensuring continued funding.

Narrative (Optional)

The City developed priority needs based on information from a variety of sources. Historical and current data provided information on unmet needs and gaps in housing and services. Information was also obtained from service agencies and residents on the need for supportive services.

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	Demand for rental assistance far exceeds existing capacity. Demand for tenant based rental assistance is extremely high. HATT provides rental assistance to over 500 households; however, the demand for rental assistance through the housing choice voucher program far exceeds the supply and the waiting list is now closed. The great demand for this program and the relatively low administrative cost contribute to its priority position among strategies for expanding access to affordable housing.
TBRA for Non-Homeless Special Needs	Non-homeless, special needs renters constitute a significant proportion of households in Texarkana and are at greater risk for homelessness. Texarkana, Texas has a high percent of renters that currently have a housing cost burden greater than 50%. Many of these are in neighborhoods with high minority and low income concentrations.
New Unit Production	Abandoned substandard properties abound in neighborhoods where there are high concentrations of minority and extremely low- and very low-income individuals. Reconstruction and building new affordable infill units can help to revitalize these communities. The tax rates in Texarkana, Texas as well as the lack of available land within the inner city area has resulted in developers moving to the fringes of the city limits, outside the city, and into Arkansas.
Rehabilitation	The Beverly and Rosehill areas have a significant number of vacant and owner-occupied properties in need of rehabilitation rather than demolition. Downtown Texarkana has many properties that are structurally sound but require rehabilitation to be livable. Some of the downtown non-residential properties are suitable for renovation into lofts, similar to the Grim Hotel project which will result in 20 residential lofts. While the City is funding owner occupied rehabilitation, there are more homes in need than several years of CDBG dollars can fund. Currently, there are no public or private efforts to rehabilitate rental properties.
Acquisition, including preservation	Acquisition of properties for preservation, redevelopment, or to remove slum and blight conditions is necessary to stabilize neighborhoods and support revitalization efforts. The renovation of the Grim Hotel is underway at this time using Section 108 Loan funds. Similar projects are needed to increase the number of affordable units. Mortgage lenders have developed programs to assist low-moderate income homebuyers. The City offers downpayment and closing costs assistance to low-moderate income first-time homebuyers.

Table 49 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

The City of Texarkana will receive a CDBG allocation of \$325,033 for PY 2018; \$230,000 from Section 108 loan; \$2,500 Program Income with the reallocated funds from previous years \$300,000 for a total of \$627,533 to be used for eligible CDBG activities and \$230,000 for loan repayment. The City of Texarkana, TX has received a special allocation of Community Development Block Grant Coronavirus (CDBG-CV) funds in the amount of \$218,921 to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	325,033	2,500	300,000	627,533	1,309,967	Expected Amount Available based on yearly allocation plus program income times 5 years
Section 108	public - federal	Housing	230,000	0	0	230,000	920,000	City will make four annual payments of \$230,000 to pay off Section 108 loan

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG-CV	Public-federal	Public Services Admin & Planning	218,921			218,921	218,921	Funds will be used to prevent, prepare for, and respond to the coronavirus (COVID-19).

Table 50 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City recognizes the importance of leveraging resources. It is estimated that over the course of the 5 Year Plan, these community development projects will bring \$1.75 in private resources spent in the local economy for each grant dollar invested. Matching requirements will be met by in-kind donations of labor &/or materials. The programs listed above do not require matching funds. When matching funds are required, the City usually provides in-kind matching through labor & supplies or provides cash matches from the City's general funds.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Publicly owned land or property located within the jurisdiction includes housing lots owned by the city, city parks, & scattered properties may be used to promote economic development, provide support for homeless programs and/or affordable housing in Texarkana. Additionally, publicly owned land may also be used to support public health activities, infrastructure & public services.

Discussion

Texarkana anticipates receiving federal funding over the next five years from the Community Development Block Grant program (CDBG). These funds will be used to fund projects which advance the goals identified in this five-year strategic plan. Projects carried out using these federal funds over the next five years will leverage additional funds from state and local government as well as private funding sources.

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
City of Texarkana, Texas	Government	Economic Development Non-homeless special needs Ownership Planning neighborhood improvements public facilities public services	Jurisdiction
Housing Authority of Texarkana, Texas	PHA	Public Housing	Jurisdiction
RANDY SAMS' OUTREACH SHELTER, INC.	Non-profit organizations	Homelessness	Region
Texarkana Homeless Coalition	Non-profit organizations	Homelessness	Jurisdiction

Table 51 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Texarkana, TX has 30 years of experience administering CDBG entitlement programs. The City was one of the first entitlement jurisdictions to complete a Consolidated Plan in 2013. The City has undertaken diverse projects aimed at addressing housing and community development goals including housing, economic development, Section 108 loan program, funding for public services, parks and infrastructure projects. Numerous organizations offer services to address specific housing and development needs in Texarkana and the City has fostered strong collaborative relationships with many of them. The City has maintained focus on the most essential elements of its development strategy without losing sight of complexity and interconnectedness of the needs in the jurisdiction.

The need to collaborate and coordinate services was a recurring theme in stakeholder interviews conducted for this Consolidated Plan. Representatives of organizations providing services for certain special needs populations raised concerns about fragmentation and duplication of efforts. Organizations and departments concerned with economic development activities, workforce housing projects, and transportation development each acknowledged the need to work more closely to ensure that workforce housing, new jobs, and services are integrated with an effective transportation network. Such

collaboration will address the perceived disconnect expressed by some residents between job opportunities and the people who need them.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	X
Legal Assistance	X	X	X
Mortgage Assistance	X		
Rental Assistance	X	X	X
Utilities Assistance	X	X	X
Street Outreach Services			
Law Enforcement			
Mobile Clinics			
Other Street Outreach Services	X	X	X
Supportive Services			
Alcohol & Drug Abuse	X	X	X
Child Care	X	X	X
Education	X	X	X
Employment and Employment Training	X	X	X
Healthcare	X	X	X
HIV/AIDS	X	X	X
Life Skills	X	X	X
Mental Health Counseling	X	X	X
Transportation	X		
Other			

Table 52 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

The City of Texarkana provides funding for a number of programs and services which provide shelter for homeless and at-risk populations. Discussions are underway to provide additional housing, emergency shelter, repaid re-housing housing, and other services. The City is a partner in the Texarkana Homeless Coalition.

Numerous public, private, non-profit and faith-based organizations offer services directed towards assisting the homeless, various homeless sub-populations, and homelessness prevention. Many of these are members of the homeless coalition. Membership in the coalition allows for coordination and collaboration to ensure the diverse needs of the homeless population including chronically homeless, families with children, veterans, and unaccompanied youth are addressed.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

Strengths of the service delivery system - Many organizations in Texarkana are working to meet the needs of individuals experiencing homelessness or who are at risk of experiencing homelessness. These organizations coordinate their services through membership in the Texarkana Homeless Coalition and the Coordinated Entry system. The City has long a history of involvement and collaboration with many partner organizations.

Gaps in the service delivery system - By far, the most significant gap in services recognized at this time is the lack of a family shelter and permanent supportive housing. Available resources are insufficient to address the needs of all homeless sub-populations. In particular, services for homeless families and chronically homeless individuals and families fall short of the need as well as outreach services to unsheltered homeless.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

While available funds are insufficient to provide for the needs of all populations, Texarkana is committed to supporting partner organizations in their efforts to meet the needs of individuals experiencing homelessness and other special needs populations. City staff work closely with many such organizations through their participation in a wide range of committees and community-based efforts. In collaboration with its partners, the City is pursuing multiple strategies to close the affordable housing gap facing low to moderate-income residents. This is an essential piece of the strategy to end chronic homelessness and to address the needs of many other special needs populations. These strategies include: building new affordable housing units, financial assistance for homeowners to cover moderate rehabilitation costs, and down-payment and closing cost subsidies.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Owner-Occupied Housing Rehabilitation	2018	2022	Affordable Housing	City-Wide	Owner-Occupied Housing Rehabilitation	CDBG: \$500,000	Homeowner Housing Rehabilitated: 20 Household Housing Unit
2	Home Ownership Assistance	2018	2022	Affordable Housing	City-Wide	Homeownership Assistance	CDBG: \$20,000	Direct Financial Assistance to Homebuyers: 8 Households Assisted
3	Lead-Based Paint Awareness	2018	2022	Affordable Housing	City-Wide	Lead-Based Paint Awareness	CDBG: \$5,000	Other: 50 Other
4	Section 108 Loan-Affordable Housing	2018	2022	Affordable Housing	Downtown Area	Section 108 Loan - Affordable Housing	Section 108: \$920,000	Rental units constructed: 20 Household Housing Unit
5	Public Facilities Improvements	2018	2022	Non-Housing Community Development	City-Wide	Public Facilities Improvements	CDBG: \$290,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
6	Public Improvements and Infrastructure	2018	2022	Non-Housing Community Development	Downtown Area Beverly Community Revitalization City-Wide	Public Improvements & Infrastructure	CDBG: \$500,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1000 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
7	Public Services	2018	2022	Homeless Non-Homeless Special Needs Non-Housing Community Development	City-Wide	Public Services	CDBG: \$240,000 CDBG-CV: \$195,000	Public service activities other than Low/Moderate Income Housing Benefit: 250 Persons Assisted
8	Revolving Loan Fund	2018	2022	Non-Housing Community Development	Downtown Area	Revolving Loan Fund	CDBG: \$250,000	Businesses assisted: 1 Businesses Assisted
9	Section 108 Loan - Repayment	2018	2022	Affordable Housing	Downtown Area	Section 108 Loan - Repayment	CDBG: \$920,000	Other: 1 Other
10	Program Administration & Fair Housing Activities	2018	2022	Administration	City-Wide	Program Administration	CDBG: \$325,330 CDBG-CV: \$23,921	Other: 1 Other

Table 53 – Goals Summary

Goal Descriptions

1	Goal Name	Owner-Occupied Housing Rehabilitation
	Goal Description	Rehabilitation of single family homes for income eligible homeowners. Home must be their primary residence.
2	Goal Name	Home Ownership Assistance
	Goal Description	The City will fund up to 50% of the required downpayment and all of the closing costs for low-moderate income first-time homebuyers.
3	Goal Name	Lead-Based Paint Awareness
	Goal Description	The City will disseminate information on the dangers of lead-based paint to homeowners, renters, residents and prospective homebuyers.
4	Goal Name	Section 108 Loan-Affordable Housing
	Goal Description	Using a Section 108 loan, this project includes restoration and redevelopment of the historic Hotel Grim built in 1925 originally as an eight-story hotel. The building contains 103,200 square feet and when restoration is complete will produce 20 new units of affordable housing in the downtown area.
5	Goal Name	Public Facilities Improvements
	Goal Description	Improvements to public facilities, parks, trails, public buildings and public spaces in low-moderate income areas of the City.
6	Goal Name	Public Improvements and Infrastructure
	Goal Description	Public improvements in low-moderate areas of the city. Improvements could include but are not limited to, sidewalks, accessibility improvements, bike facilities/lanes and beautification projects.

7	Goal Name	Public Services
	Goal Description	CDBG funding is provided to agencies that provide services and/or housing to low-moderate income residents.
8	Goal Name	Revolving Loan Fund
	Goal Description	The City maintains a Revolving Loan fund to provide economic development funds for start-up businesses in target areas to increase job creation and labor market participation rates.
9	Goal Name	Section 108 Loan - Repayment
	Goal Description	The City obtained a Section 108 loan in order to provide funding for the Grim Hotel project. CDBG funds are used to repay the 108 Loans. The Grim Hotel project will create 20 new units of affordable housing.
10	Goal Name	Program Administration & Fair Housing Activities
	Goal Description	Successful management and oversight of the CDBG program. Fair Housing activities to be conducted during Fair Housing month.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

It is estimated that the City will provide housing assistance to 20 homeowners, 8 homebuyers and 20 new units of affordable housing at the Grim Hotel.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

The Housing Authority of Texarkana Texas is in compliance with all regulations and is not subject to a Section 504 Voluntary Compliance Agreement.

Activities to Increase Resident Involvements

HATT actively promotes resident involvement through Resident Councils, targeted outreach via website, flyers, emails, mailing lists, and community notice boards at all community centers on Housing Authority properties. During the public participation process for this report, the City held a focus groups at housing authority properties to determine the specific needs of public housing residents. Twenty-eight residents attended these events, sharing that their greatest needs include access to public transportation and safe environments.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the ‘troubled’ designation

Not Applicable

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

Although policies and ordinances can affect the cost of housing, the City's Analysis of Impediments indicates that there are no significant institutional barriers to affordable housing in Texarkana, Texas. Housing costs in Texarkana are considerably lower than the state as a whole, with the city of Texarkana, Texas averaging \$79 per square foot, the Texarkana metropolitan area averaging \$77 per square foot, and Texas averaging \$124 per square foot. The City is committed to maintaining and enhancing its policies that increase equal opportunity to housing for the lower-income and protected classes.

To maintain the City's commitment to prevent barriers to affordable housing the City will:

- Maintain flexibility in zoning & building requirements when appropriate to allow for infill housing development;
- Conduct outreach efforts to for-profit & non-profit builders & developers through funding & technical assistance to increase the supply of decent, affordable housing within low to moderate income neighborhoods as well as creation of affordable housing on a city-wide basis;
- Maintain an Affirmative Marketing Plan to directly market newly-developed City-assisted housing units to minority groups least likely to apply to homeownership programs;
- Meet with local lenders & home builders to encourage the use of non-traditional client loan qualifying & loan products to better serve the needs of homebuyer households with challenges that preclude conventional qualification;
- Support local Continuum of Care efforts for homeless populations & provides ongoing support & technical assistance to the Texarkana Homeless Coalition;
- Work with local agencies that provide financial case management & credit counseling;
- Review and, when applicable, revise the Fair Housing ordinance which ensures that fair housing options are available to its citizens;
- Monitor city-sponsored projects for equal access & compliance of the Fair Housing Act;
- Monitor code compliance to HQS and Fair Housing standards;
- Hold periodic Public Hearings providing information & requesting public comment on affordable and fair housing issues;
- Work with local housing service providers to conduct homebuyer & homeowner education;
- Conduct public outreach regarding availability of housing & housing assistance including translation of housing application materials into Spanish & maintains bi-lingual staff to assist applicants & clients who are not English-proficient.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Coordinated Entry is a consistent, streamlined process for people experiencing homelessness to access resources including housing. Through coordinated entry, the highest need, most vulnerable households in the community are prioritized for housing and services. The core elements of Coordinated Entry provide for one location for people in a housing crisis to apply for assistance and an assessment to determine vulnerability, needs, and check program eligibility. Through prioritization the people with the greatest need and vulnerability receive assistance.

While most homeless providers have some outreach services, there is not an agency that exclusively provides outreach services. Mission Texarkana provides limited outreach to unsheltered homeless through Church under the Bridge.

Addressing the emergency and transitional housing needs of homeless persons

Emergency shelter in Texarkana is provided by Randy Sams Outreach Shelter. Randy Sams is a low-barrier homeless shelter and an ID is not required to stay at the shelter. There are 112 emergency beds available for up to 90 days at a time. The shelter also provides showers, food, transportation and case services

Rapid Re-Housing (formerly transitional housing) is provided by Randy Sams with 22 households receiving assistance and by Doorways providing 10 households with housing vouchers. Households in the Rapid Re-Housing programs pay subsidized rent and receive assistance with case management and life skill classes and job training.

The development of a family shelter is crucial to meeting the needs of homeless families. In order to make homelessness short-lived and non-recurring, there is a need for additional Rapid Re-Housing vouchers and services.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

There are no permanent supportive housing programs in Texarkana and the need for such housing is great. The Texarkana Homeless Coalition and the City will continue to identify agencies that have the capacity to expand their programs to provide permanent supportive housing. In order for chronically

homeless individuals to maintain permanent housing, supportive services must be a part of their housing plan. Many chronically homeless and special needs populations will require long-term rental assistance since many are on disability incomes which do not cover the cost of housing plus living expenses. The average income for a person receiving Supplemental Security Income (SSI) is \$750 per month.

Coordinated Entry has facilitated the access of housing and services for many people experiencing homelessness, but the availability of affordable and decent housing does not meet the need.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

Individuals with severe mental health challenges often require transitional or permanent supportive housing including ongoing treatment, social services and housing assistance to recover and live independently. Homelessness prevention services are needed for ex-offenders and persons being discharged from mental health facilities for reentry into their communities. Currently in Texarkana, there are programs targeted to assist these individuals. Randy Sams is a low barrier shelter that provides emergency housing but only for a period of 90 days. The Coalition is discussing how to provide services and permanent housing solutions for these populations as well as unaccompanied youth. Lack of funding and lack of capacity of local agencies are the challenges to providing this type of housings.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

The City of Texarkana will continue to focus on educating the public about the hazards of lead-based paint. The City will increase the availability of information concerning lead-based paint for the general public through partnering with the Texarkana Bowie County Family Health Center by using brochures, posters, etc. and through social media and the City website. The information will cover the importance of being informed on sources of lead exposure, including lead paint hazards and where to get assistance.

How are the actions listed above related to the extent of lead poisoning and hazards?

Removing all lead-based paint from every house within the City of Texarkana is not an economically feasible or realistic goal. However, the City will address this issue through disseminating printed information concerning lead-based paint hazards to all residents in our housing rehabilitation program as well as to the general public. The City also ensures compliance with lead hazard reduction requirements when CDBG funding is used to acquire and/or renovate existing buildings for housing.

How are the actions listed above integrated into housing policies and procedures?

The City's housing policies and procedures reflect the information compliance with lead-based paint regulations.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The City is the responsible entity for the anti-poverty strategy. The goals, priorities, programs, and policies described in this strategic plan are aimed at reducing the number of families living at or below the poverty level in Texarkana. The components of the anti-poverty strategy fall into three broad categories: housing affordability, economic growth, and direct services. Texarkana collaborates with a diverse coalition of public agencies, private, and non-profit organizations in order to advance anti-poverty goals relating to these areas. Actions planned for Program Year 2018 include funding for homeowner rehabilitation, down payment and closing costs assistance, construction of 20 new affordable rental units using Section 108 funds for the Grim Hotel project and grants to agencies that provide services and housing to low-income and homeless residents.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

The City works to promote collaboration and coordination between agencies and organizations tasked with various elements of the anti-poverty strategy. The City's planning for the goals in the Consolidated Plan and Annual Action Plan are directed toward affordable housing, health and social services, and job opportunities, and that education and job training offered in the city meets the work force needs of existing and emerging industry.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City is responsible for establishing the eligibility and monitoring all other projects and activities that are funded by CDBG. At the beginning of each program year, the City develops an Annual Monitoring Plan/Schedule for all projects and activities.

This plan is derived by conducting a risk assessment analysis on all projects and activities included in the Action Plan and takes into consideration HUD's requirements for post-completion monitoring such as minimum-use period, affordability, income eligibility, and housing quality standards requirements. The objective of the risk assessment is to allocate a larger share of monitoring resources to those program functions posing the highest risk. The risk factors considered include program/project complexity; level of funding; subrecipient capacity; quality of existing reporting documentation; and whether there is a history of compliance issues.

All projects undergo annual desk reviews as well as periodic reviews when reimbursement is requested. When these activities involve housing rehabilitation, staff members perform a physical inspection of the work that has been completed and reviews the Davis Bacon documentation prior to any payment, if applicable. The City of Texarkana understands the importance of performing a periodic self-evaluation with respect the goals and objectives outlined in the Consolidated Plan as well as the activities included in each Action Plans. The purpose of this review is to ensure long-term compliance with program and comprehensive planning requirements.

The City ensures that all CDBG-funded City projects and subrecipient projects are non-discriminatory, and strive to reduce any disparate, unintended discrimination. Additionally, the City has a Fair Housing Ordinance and a Fair Housing Officer to enforce the ordinance, maintain records of all inquiries and complaints, and to assist the complainant in filing necessary documentation to the City and/or HUD for resolution. The Fair Housing Officer also maintains a record annually of how the City has addressed the impediments listed in the Fair Housing Plan and the progress made to achieve the plans and goals set forth in the plan. The core component of the City's structure for program monitoring is the Integrated Disbursement and Information System (IDIS). In this system, all CDBG funded projects can be reviewed in report format to track the timely expenditure of funds as well as overall program performance. The City must ensure that all program funds are expended in a timely manner.

The primary means of assessing program performance is through the development of the Consolidated Annual Performance and Evaluation Report (CAPER) at the end of each program year. The information that is provided in this report allows the City and HUD to review the overall program performance. The

performance measurement system clearly demonstrates whether the City has met the annual goals and objectives and whether the City is on target to meet the five-year goals and objectives.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Texarkana will receive a CDBG allocation of \$325,033 for PY 2018; \$230,000 from Section 108 loan; \$2,500 Program Income with the reallocated funds from previous years \$300,000 for a total of \$627,533 to be used for eligible CDBG activities and \$230,000 for loan repayment. The City of Texarkana, TX has received a special allocation of Community Development Block Grant Coronavirus (CDBG-CV) funds in the amount of \$218,921 to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	325,033	2,500	300,000	627,533	1,309,967	Expected Amount Available based on yearly allocation plus program income times 5 years

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Section 108	public - federal	Housing	230,000	0	0	230,000	920,000	City will make four annual payments of \$230,000 to pay off Section 108 loan
CDBG-CV	public - federal	Public Services Admin & Planning	218,921			218,921	218,921	Funds will be used to prevent, prepare for, and respond to the coronavirus (COVID-19).

Table 54 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City recognizes the importance of leveraging resources. It is estimated that over the course of the 5 Year Plan, these community development projects will bring \$1.75 in private resources spent in the local economy for each grant dollar invested. Matching requirements will be met by in-kind donations of labor &/or materials. The programs listed above do not require matching funds. When matching funds are required, the City usually provides in-kind matching through labor & supplies or provides cash matches from the City's general funds.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Publicly owned land or property located within the jurisdiction includes housing lots owned by the city, city parks, & scattered properties may be used to promote economic development, provide support for homeless programs and/or affordable housing in Texarkana. Additionally, publicly owned land may also be used to support public health activities, infrastructure & public services.

Discussion

Texarkana anticipates receiving federal funding over the next five years from the community Development Block Grant program (CDBG). These funds will be used to fund projects which advance the goals identified in this five-year strategic plan. Projects carried out using these federal funds over the next five years will leverage additional funds from state and local government as well as private funding sources.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Owner-Occupied Housing Rehabilitation	2018	2022	Affordable Housing	City-Wide	Owner-Occupied Housing Rehabilitation	CDBG: \$100,000	Homeowner Housing Rehabilitated: 4 Household Housing Unit
2	Home Ownership Assistance	2018	2022	Affordable Housing	City-Wide	Homeownership Assistance	CDBG: \$10,000	Direct Financial Assistance to Homebuyers: 2 Households Assisted
3	Public Improvements and Infrastructure	2018	2022	Non-Housing Community Development	Downtown Area Beverly Community Revitalization	Public Improvements & Infrastructure	CDBG: \$158,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Person Assisted
4	Public Services	2018	2022	Homeless Non-Homeless Special Needs Non-Housing Community Development	City-Wide	Public Services	CDBG: \$42,899 CDBG-CV: \$195,000	Public service activities other than Low/Moderate Income Housing Benefit: 100 Person Assisted
5	Section 108 Loan - Repayment	2018	2022	Affordable Housing	Downtown Area	Section 108 Loan - Repayment	CDBG: \$230,000	Rental units constructed: 20 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Program Administration & Fair Housing Activities	2018	2022	Administration	City-Wide		CDBG: \$65,006 CDBG-CV: \$23,921	Other: 1 Other
7	Revolving Loan Fund	2018	2022	Non-Housing Community Development	Downtown Area	Revolving Loan Fund	CDBG: \$100,000	Businesses assisted: 2 Businesses Assisted
8	Public Facilities Improvements	2018	2022	Non-Housing Community Development	City-Wide		CDBG: \$150,850	

Table 55 – Goals Summary

Goal Descriptions

1	Goal Name	Owner-Occupied Housing Rehabilitation
	Goal Description	Repairs and accessibility improvements for low-moderate income homeowners
2	Goal Name	Home Ownership Assistance
	Goal Description	Funding for 50% of the downpayment and all the closing costs for low-moderate first-time homebuyers.
3	Goal Name	Public Improvements and Infrastructure
	Goal Description	Repair and/or installation of sidewalks in the Beverly and downtown neighborhoods.
4	Goal Name	Public Services
	Goal Description	Assistance will be provided to public services agencies that provides services to low-income people and those experiencing homelessness. CDBG-CV funding assistance will be provided to but not limited to: Mission Texarkana, Randy Sams Outreach Shelter, Salvation Army, Texarkana Homeless Coalition & Texarkana COVID-19 Emergency Operations Center to prevent, prepare for & respond to this health crisis.
5	Goal Name	Section 108 Loan - Repayment
	Goal Description	Completion of Grim project and repayment of Section 108 loan.
6	Goal Name	Program Administration & Fair Housing Activities
	Goal Description	Management and oversight of the CDBG program. Fair Housing activities to be conducted during Fair Housing month, April 2019.
7	Goal Name	Revolving Loan Fund
	Goal Description	The Revolving Loan Fund will be used to provide loans for economic development in the Downtown area.

8	Goal Name	Public Facilities Improvements
	Goal Description	CDBG funds will be used for park improvements in low-moderate income areas.

Projects

AP-35 Projects – 91.220(d)

Introduction

The City of Texarkana will undertake activities that meet the needs and objectives established by its Consolidated Plan and approved by City Council. As shown below, the City will owner-occupied rehabilitation, down payment and closing costs assistance, sidewalk and tree planting; improvements to parks in low-moderate areas, Section 108 loan repayment and public services. The City is responding to the needs of the Texarkana area during this health crisis. To improve the quality of life of all citizens in Texarkana, the city will work with service providers to address needs related to COVID-19. The city's focus will be on food, supplies, personal protection equipment, testing & supplies as well as homeless shelter assistance & assistance with the displacement of homeless individuals due to COVID-19.

Projects

#	Project Name
1	Owner-Occupied Housing Rehabilitation
2	Homeownership Assistance
3	Public Improvements and Infrastructure
4	Public Services
5	Section 108 Loan Repayment
6	Revolving Loan Fund
7	Administration
8	Public Facilities and Parks

Table 56 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of Texarkana responds to the needs expressed in public hearings and stakeholder meetings. Affordable housing (rental and homeownership) and public improvements were listed as high priorities. To improve the quality of life of all citizens in Texarkana, the City will work with service and housing providers to address both the need for additional affordable housing and supportive service needs. The geographic areas of Beverly and Downtown were chosen because they have the greatest potential and greatest need.

The lack of additional funding is the major obstacle faced by the City when meeting underserved needs. The City will continue to investigate funding opportunities as they are identified.

AP-38 Project Summary

Project Summary Information

1	Project Name	Owner-Occupied Housing Rehabilitation
	Target Area	City-Wide
	Goals Supported	Owner-Occupied Housing Rehabilitation
	Needs Addressed	Owner-Occupied Housing Rehabilitation
	Funding	CDBG: \$100,000
	Description	Repairs and accessibility improvements for low-moderate income homeowners.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	Four households will be assisted during the program year.
	Location Description	Program will be offered to income eligible homeowners city-wide.
	Planned Activities	Rehabilitation and accessibility improvements for low-moderate income homeowners.
2	Project Name	Homeownership Assistance
	Target Area	City-Wide
	Goals Supported	Home Ownership Assistance
	Needs Addressed	Homeownership Assistance
	Funding	CDBG: \$10,000
	Description	Down payment and closing costs assistance to low-moderate first-time homebuyers.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	Two first-time homebuyers will be assisted with 50% of the down payment and all of the closing costs.
	Location Description	The program will be offered city-wide to income-eligible first-time homebuyers.

	Planned Activities	Two homebuyers will be assisted with down payment and closing costs during the program year.
3	Project Name	Public Improvements and Infrastructure
	Target Area	Downtown Area Beverly Community Revitalization
	Goals Supported	Public Improvements and Infrastructure
	Needs Addressed	Public Improvements & Infrastructure
	Funding	CDBG: \$158,000
	Description	Improvements including replacement of deteriorating sidewalks, installation of new ADA compliant sidewalks and tree planting in the Beverly neighborhood and the downtown area.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that approximately 500 residents who reside in the targeted neighborhoods will benefit from these activities.
	Location Description	Beverly Neighborhood and Downtown area.
4	Planned Activities	Improvements including replacement of deteriorating sidewalks, installation of new ADA compliant sidewalks and tree planting in the Beverly neighborhood and the downtown area.
	Project Name	Public Services
	Target Area	City-Wide
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$48,750 CDBG-CV: \$195,000
	Description	Funding to non-profit agencies that provide services to low-moderate income individuals and families.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that 100 individuals will benefit from the services offered by local non-profit agencies.
	Location Description	The programs are offered city-wide to income eligible clients.

	Planned Activities	Supportive services including but not limited to persons experiencing homelessness, youth and low-moderate income individuals and families. CDBG-CV services including but not limited to food, supplies, personal protection equipment, testing & supplies as well as homeless shelter assistance & assistance with the displacement of homeless individuals due to COVID-19.
5	Project Name	Section 108 Loan Repayment
	Target Area	Downtown Area
	Goals Supported	Section 108 Loan - Repayment
	Needs Addressed	Section 108 Loan - Affordable Housing
	Funding	CDBG: \$230,000
	Description	Repayment of Section 108 loan for the Grim Hotel project.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that 20 households will be provided with new affordable rental units.
	Location Description	The Grim Hotel is located in downtown Texarkana but income-eligible tenants can come from other areas of the City.
	Planned Activities	Upon completion, the project will provide 20 new units of affordable housing.
6	Project Name	Revolving Loan Fund
	Target Area	Downtown Area
	Goals Supported	Section 108 Loan - Repayment
	Needs Addressed	Revolving Loan Fund
	Funding	CDBG: \$125,000
	Description	Revolving loan fund provides financial assistance for economic development of businesses in the downtown area.
	Target Date	9/30/2019

Estimate the number and type of families that will benefit from the proposed activities	It is estimated that two businesses will receive assistance through this program.
Location Description	In order to facilitate the revitalization of the downtown area, eligible applicants must have projects that are located in the downtown area.
Planned Activities	Business loans to qualified applicants.

7	Project Name	Administration
	Target Area	City-Wide
	Goals Supported	Program Administration & Fair Housing Activities
	Needs Addressed	Program Administration
	Funding	CDBG: \$65,006 CDBG-CV \$23,921
	Description	Management and oversight of the CDBG and Section 108 Loan Programs
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	City-wide
	Planned Activities	Management and oversight of the CDBG and Section 108 loan programs.
8	Project Name	Public Facilities and Parks
	Target Area	City-Wide
	Goals Supported	Public Facilities Improvements
	Needs Addressed	Public Facilities Improvements
	Funding	CDBG: \$120,000
	Description	Improvements to parks located in low-moderate income areas.
	Target Date	9/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	Two parks in low-moderate income areas will be improved during the program year.
	Location Description	Parks are located in low-moderate income areas of the city.
	Planned Activities	Renovations and improvements to two parks including but not limited to basketball court improvements or installation, installation of playground shades and repair/replacement of park equipment.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

CDBG funds area allocated city-wide to projects and activities that benefit low-moderate income persons and households or provide services to residents in a low-moderate income area. The Beverly neighborhood and the Downtown area are the target areas that are selected for projects during PY18. The City has also elected to provide Owner-Occupied Housing Rehabilitation and Homeownership assistance city-wide for income eligible applicants.

Geographic Distribution

Target Area	Percentage of Funds
Downtown Area	
Beverly Community Revitalization	
City-Wide	100

Table 57 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City of Texarkana responds to the needs expressed in public hearings, focus groups, surveys and stakeholder meetings. The Downtown area and the Beverly neighborhood have been identified as areas where CDBG funds can be used for revitalization activities. The City will work with service and housing providers to address both the need for additional affordable housing and supportive service needs. The City will use CDBG funds to provide down payment and closing cost assistance to low-moderate income homebuyers, rehabilitation to low-income homeowners, funding for public facilities and infrastructure projects in low-mod areas and continue to supportive services programs.

Discussion

The lack of additional funding is the major obstacle faced by the City when meeting underserved needs. The City will continue to investigate funding opportunities as they are identified and to expand programs when financially feasible.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Affordable housing remains a high priority. Rising costs of construction, the availability of financing and the demand for a limited amount of land have combined to constrain affordable housing production. The result is significantly higher costs for housing when incomes are not be rising at the same pace.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	24
Special-Needs	0
Total	24

Table 58 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	20
Rehab of Existing Units	4
Acquisition of Existing Units	0
Total	24

Table 59 - One Year Goals for Affordable Housing by Support Type

Discussion

The City will provide CDBG funding in Program Year 2018 for four owner-occupied rehabilitation projects. Twenty new units of affordable housing are being developed through the Grim Hotel project. Although it is not reflected in the above chart, the City will provide down payment and closing costs assistance to two homebuyers.

AP-60 Public Housing – 91.220(h)

Introduction

HATT has systematically replaced or revitalized aging inventory through the HOPE VI grant and currently through the Rental Assistance Demonstration program. Robison Terrace is the last property to be renovated through RAD. During the RAD conversion all residents were relocated to other HATT properties and relocation expenses were provided by HATT.

Actions planned during the next year to address the needs to public housing

HATT will continue the conversion to RAD and project-based vouchers to meet the housing needs of its residents. HATT will continue to improve the living environment of its residents by:

- Expanding public housing security efforts and continuing to work with the City's Police Department
- Developing educational, cultural, and supportive service programs to further foster social and economic independence for its residents
- Implementing programs that promote a healthy lifestyle
- Increasing youth programs for public housing residents by fostering partnerships in the community
- Increasing resident participation in the Resident's Executive Council.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

HATT actively promotes resident involvement through Resident Councils, targeted outreach via website, flyers, emails, mailing lists, and community notice boards at all community centers on Housing Authority properties. HATT has a homeownership program and provides homebuyer education classes for public housing residents. Residents are encouraged to attend public hearing and meetings during the City's public participation process.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The Housing Authority of Texarkana is not designated as a troubled public housing authority.

Discussion

Not Applicable

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The Texarkana Homeless Coalition meets monthly to discuss issues and challenges in meeting the needs of those experiencing homelessness or at-risk of homelessness. Members of the Coalition represent service and housing providers, public housing staff, emergency services and city staff.

The Texarkana Homeless Coalition is part of the Texas Balance of State Continuum of Care and that is managed by the Texas Homeless Network (THN), a statewide nonprofit agency. The Texas Balance of State CoC is made up of all service providers, advocates, local government officials, and citizens who work to eliminate homelessness in over 216 counties in Texas outside of most major metropolitan cities. THN assists local homeless coalitions with community-based planning to develop plans to end homelessness and new projects to fill gaps in housing and services.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City supports the Texarkana Homeless Coalition in its outreach and assessment efforts for homeless persons in the community by participating in Texarkana Homeless Coalition. The City will continue to organize stakeholder meetings to discuss and plan for more intensive outreach to those experiencing homelessness. There are no agencies in Texarkana that provide only outreach activities. Many agencies provide outreach to the specific population that they serve. The City uses CDBG funds to support these agencies in their efforts.

Addressing the emergency shelter and transitional housing needs of homeless persons

Emergency shelter in Texarkana is provided by Randy Sams Outreach Shelter. Randy Sams is a low-barrier homeless shelter and an ID is not required to stay at the shelter. There are 112 emergency beds available for up to 90 days at a time. The shelter also provides showers, food, transportation and case services.

Rapid Re-Housing (formerly transitional housing) is provided by Randy Sams with 22 households receiving assistance and by Doorways Home providing 10 households with housing vouchers. Households in the Rapid Re-Housing programs pay subsidized rent and receive assistance with case management and life skill classes and job training.

The development of a family shelter is crucial to meeting the needs of homeless families. In order to make homelessness short-lived and non-recurring, there is a need for additional Rapid Re-Housing vouchers and services.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

There are no permanent supportive housing programs in Texarkana and the need for such housing is great. The Texarkana Homeless Coalition and the City will continue to identify agencies that have the capacity to expand their programs to provide permanent supportive housing. In order for chronically homeless individuals to maintain permanent housing, supportive services must be a part of their housing plan. Many chronically homeless and special needs populations will require long-term rental assistance since many are on disability incomes which do not cover the cost of housing plus living expenses. The average income for a person receiving Supplemental Security Income (SSI) is \$750 per month.

Coordinated Entry has facilitated the access of housing and services for many people experiencing homelessness but the availability of affordable and decent housing does not meet the need.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Individuals with severe mental health challenges often require transitional or permanent supportive housing including ongoing treatment, social services and housing assistance to recover and live independently. Homelessness prevention services are needed for ex-offenders and persons being discharged from mental health facilities for reentry into their communities. Currently in Texarkana, there are no programs targeted to assist these individuals. Randy Sams is a low barrier shelter that provides emergency housing but only for a period of 90 days. The Coalition is discussing how to provide services and permanent housing solutions for these populations as well as unaccompanied youth. Youth aging out of foster care need transitional housing and supportive services. Lack of funding and lack of capacity of local agencies are the challenges to providing this type of housings.

The City will continue to use CDBG funds to support programs that address housing and service issues of those with special needs and/or at risk of becoming homeless. The largest obstacle is a lack of transitional and permanent supportive housing. The City will work with local service providers and provide funding when available and appropriate for programs that serve special needs populations.

Discussion

In PY 2018, the City is assisting low-income and/or homeless persons by providing CDBG funding to agencies that provide supportive services to those experiencing homelessness. The challenges for providing an adequate supply of a variety of housing options are lack of funding and lack of capacity of the agencies to expand or create new programs. Efforts will be made during the year to identify ways to provide permanent supportive housing and a family shelter.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Many public and private sector policies and factors can create barriers to affordable housing for low- to moderate-income households. In general, the City's policies do not create undue barriers to affordable housing. The City has a fair housing ordinance which indirectly reduces the barriers to affordable housing by ensuring that all protected classes, many of whom are low- to moderate-income have equitable advantages to housing of choice. The City's development and building standards have been established to protect the citizenry and the general welfare of the community, which can result in higher costs for new and rehabilitated structures. The City uses all of the current international and national codes related to residential construction and rehabilitation as a means to protect the residents and the community as a whole. Development impact fees have been established to ensure that the developer carries the cost of development instead of the taxpayers. However, the impact fees and building standards can drive up the cost of new dwellings.

The adherence to building codes and impact fees are necessary and city-wide to protect the safety and wallets of the community as a whole. With the exception of zoning that prohibits development in or around unsafe areas, zoning ordinances are more flexible than building codes and development fees, and each zoning district does not provide a city-wide benefit. The zoning ordinance prohibits manufactured home parks and mobile homes and manufactured homes as fixed dwellings in all zoning districts. Manufactured home parks may be allowed with a specific use permit in districts zoned as agricultural; and, HUD code manufactured homes as a fixed dwelling may be allowed in both agricultural and single family 3 zones, also with a specific use permit. Boarding and rooming houses may only be located within townhome and multi-family residential, commercial and planned development districts. This can be a barrier to group homes for special populations to be located single-family districts.

Private sector barriers include:

- Developers who are reluctant to construct affordable housing or unable to secure Low Income Housing Tax Credit approval;
- Insufficient number of multi-family units;
- High number of vacant housing that is abandoned or uninhabitable, preventing new development on the lots;
- Sellers requiring higher down payments than LMI buyers can afford; and
- Credit and employment histories of many LMI buyers result in mortgage denial

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Although policies and ordinances can affect the cost of housing, the City's Analysis of Impediments indicates that there is no significant institutional barriers to affordable housing in Texarkana, Texas. Housing costs in Texarkana are considerably lower than the state as a whole, with the city of Texarkana, Texas averaging \$79 per square foot, the Texarkana metropolitan area averaging \$77 per square foot, and Texas averaging \$124 per square foot. The City is committed to maintaining and enhancing its policies that increase equal opportunity to housing for the lower-income and protected classes.

To maintain the City's commitment to prevent barriers to affordable housing the City will:

- Maintain flexibility in zoning & building requirements when appropriate to allow for infill housing development;
- Complete the 20 units of affordable loft housing as part of the Grim Hotel project;
- Conduct outreach efforts to for-profit & non-profit builders & developers through funding & technical assistance to increase the supply of decent, affordable housing within low to moderate income neighborhoods as well as creation of affordable housing on a city-wide basis;
- Maintain an Affirmative Marketing Plan to directly market newly-developed City-assisted housing units to minority groups least likely to apply to homeownership programs;
- Meet with local lenders & home builders to encourage the use of non-traditional client loan qualifying & loan products to better serve the needs of homebuyer households with challenges that preclude conventional qualification;
- Support local Continuum of Care efforts for homeless populations & provides ongoing support & technical assistance to the Texarkana Homeless Coalition;
- Work with local agencies that provide financial case management & credit counseling;
- Review and, when applicable, revise the Fair Housing ordinance which ensures that fair housing options are available to its citizens;
- Monitor city-sponsored projects for equal access & compliance of the Fair Housing Act;
- Monitor code compliance to HQS and Fair Housing standards;
- Hold periodic Public Hearings providing information & requesting public comment on affordable and fair housing issues;

- Work with local housing service providers to conduct homebuyer & homeowner education;
- Conduct public outreach regarding availability of housing & housing assistance including translation of housing application materials into Spanish, & maintains bi-lingual staff to assist applicants & clients who are not English-proficient.

Discussion:

The City is concerned with the shortage of affordable housing units that meet housing quality standards. Many of the units have been lost through abandonment of older properties. One way that the City is directly impacting the problem is the renovation and repurposing of the Grim Hotel. They will be constructing 20 affordable units in the hotel. The project has been delayed but will begin in PY 2018. The other efforts with greatest effect are those where the City collaborates with the private non-profit and for-profit community as they provide affordable housing solutions.

AP-85 Other Actions – 91.220(k)

Introduction:

The following actions will be undertaken to address obstacles to meeting underserved needs, foster and maintain affordable housing, reduce lead based paint hazards, reduce the number of poverty level families, and develop institutional structure.

Actions planned to address obstacles to meeting underserved needs

Requests for funding far exceed the available entitlement dollars received by the City of Texarkana. The City will continue to partner with non-profit agencies to leverage its CDBG allocation so that the maximum benefit is achieved. The City will facilitate a stakeholders meetings and participate in the Texarkana Homeless Coalition to identify unmet needs and to strategize on how to meet those needs.

Actions planned to foster and maintain affordable housing

The City will continue to support development of affordable housing by providing flexibility in its development standards that encourages the industry to seek community partners. The City will fund owner-occupied rehabilitation and improvements geared toward maintaining the house in a decent condition. The City will support Low Income Housing Tax Credit applications when the project is compatible with the City's goals and objectives.

Actions planned to reduce lead-based paint hazards

Lead-based paint hazard identification and reduction strategies include education, outreach, and conformance with 24 CFR Part 35 regulations. The City distributes and maintains documentation of required information for homes built before 1978, including the EPA Lead-based Pamphlet, Notification of Lead Hazard Evaluation, and Notification of Lead Hazard Reduction. Lead-based paint information is included in the application package for housing rehabilitation.

Actions planned to reduce the number of poverty-level families

Texarkana addresses the problem of poverty through its strategic goals. Through a holistic approach that combines safe, decent affordable housing for low to moderate income households with social services, education, access to health and employment. The City, as lead agency in the implementation of the Consolidated Plan, will coordinate with local organizations to ensure that goals are met and will continue to provide assistance to agencies that provide services to poverty-level individuals and families.

Actions planned to develop institutional structure

The City will continue to make entitlement funds available to the community through issuance of subrecipient agreements. The City provides subrecipient training during the application phase, prior

to the execution of subrecipient agreements and is available for technical assistance, if needed. The City distributes updated information on CDBG funded programs to subrecipients when appropriate. The City will maintain its webpage with up-to-date information as a resource for other city departments, general public and service/housing providers. The City is committed to meeting regularly with interested citizens and stakeholders to discuss community development issues.

The City recognizes the need to provide increased outreach to minority and non-English speaking residents. In an effort to reach these populations, the City will hold public hearings and community meetings with translation services to the Hispanic population at facilities located in low-moderate income areas. Public notices will be in English and Spanish and the City will advertise public hearings in the local newspaper and on their website.

Actions planned to enhance coordination between public and private housing and social service agencies

City staff will continue work with service providers, the local public housing authority, private housing resources and the Continuum of Care to ensure that there is awareness of the available resources and provide a conduit for communication and collaboration.

Discussion:

Since CDBG funding basically remains level, relationships are key to the success of housing, economic and community development efforts within the City of Texarkana. The City will continue to partner with service and housing providers to leverage CDBG funding in assisting the low to moderate residents of Texarkana.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

It is the City of Texarkana's policy that 100% of the CDBG funds will be used to benefit low-moderate income people residing within the city limits. The City sets aside 15% of the allocation to fund public services and 20% to be used for administration of the program.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

The City anticipates using 70% of CDBG funds for projects involving low-moderate income people or low-moderate areas. (benefit will be calculated based on a period of three years)

Attachments

Attachment: 2020-038 ATTH 04 2018-2022 Amended Con Plan (Apr2020) jeopt draft (2251 : 2020-038 RES adopting updated CDBG

Citizen Participation Comments

CITIZEN PARTICIPATION – COMMENTS

STAKEHOLDERS MEETINGS

HandsOn Texarkana – United Community Resource Council

- City needs more affordable housing that is in decent and safe neighborhoods with good schools
- A need for more rental assistance
- There is a lack of 3-4 bedroom units that are affordable
- Landlords should have to register with the City and have yearly inspections. There are a lot of slum lords that will not repair their properties because they know the tenants can't afford to move or pay a higher rent
- There needs to be programs for youth and children in the Beverly and Rose Hill neighborhoods
- A need for job training and vocational training
- A need for financial classes, budgeting and credit recovery
- The bus routes need to be expanded into the outer areas and needs to increase the hours of operation and also operate on Sundays
- It is difficult for people to find information on available services and how to access them
- There is a need for affordable and accessible health care – both medical and mental health
- A need for free in-patient substance abuse treatment programs and outpatient programs; now you must have insurance or be able to private pay.
- More veterans services located in Texarkana; many do not have transportation to go to Shreveport, LA
- When asked for the three top priorities – response was affordable housing; rental assistance and transportation

Housing Authority of Texarkana, TX – Staff

- The waiting lists for public housing and Section 8 are closed
- Discussion of RAD (Rental Assistance Demonstration program). HA is converting all public housing properties into a project based voucher system
- Revitalization of HA properties which will be accomplished by RAD
- There are a lack of development opportunities for constructing affordable housing
- For the Section 8 program – there is a need for more 2 and 3 bedroom units
- Staff felt that tenant issues were: transportation – increased hours and more bus stops; no major grocery stores in the area; distance to service providers and medical facilities.

Youth Services

- The top needs are job training, transitional housing, transportation
- There are not a lot of foster families in Texarkana so children are placed outside the area which makes it difficult for parents to have visitation and for children to return to Texarkana when they age out
- They have difficulty renting apartments because they have no credit history and usually not enough income to meet the income requirements at apartment complexes. Being able to afford the deposits is also a barrier
- They do not have the knowledge to access services or to know what is available

Homeless Housing and Service Providers

- Coordinated Access is working but there is not enough affordable housing
- There is no family shelter on the Texas side; The Salvation Army has limited family rooms at their shelter but it does not meet the need
- There needs to be more local services for homeless vets
- There is no Permanent Supportive Housing in Texarkana and there is a huge need

Citizen Comments

2018-2022 Consolidated Plan Texarkana, TX

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- A housing programs for people with mental illness is needed
- Substance abuse treatment is needed

HOUSING

Texarkana Habitat for Humanity & BanCorp South

- Need more homeowner education classes
- More outreach so people are aware of the programs since many low-moderate income people do not think that homeownership is an option for them
- Need developers that are willing to construct affordable housing
- Downpayment and closing costs can be an obstacle (City has a program for these costs)
- Finding acceptable lots can be an issue
- Many of the lots available are not in a desirous neighborhood and home buyers do not want to live in these neighborhoods
- Non-English speaking home buyers are hampered by the language barrier.

PUBLIC HEARINGS & MEETINGS

Texarkana, TX Housing Authority – Residents

- We need curb cuts and sidewalk so people using wheelchairs do not have to be on the road
- There is a need for more healthcare facilities and easier access to healthcare
- The disabled are not able to get the equipment that they need to be independent
- Transportation to medical appointments is not an issue but there are transportation issues about the times and routes
- Would like to see some benches or bus shelters in the area. Elderly and disabled people can't stand that long and need a place to sit. There is a lot of drug dealing that goes on in the areas around the properties
- Security is an issue. They would like to be able to come outside after dark but it's not safe
- Emergency response time is slow
- Would like to see a major grocery store in walking distance

Citizen Comments

- I am writing to inquire about the sidewalk that spans from the corner of Cowhorn Creek to the Creek which then turns and goes to the backside of the hotel along the creek. My question is what can be done to extend the sidewalk along Kennedy Lane all the way to the school for the children to use to get to and from school. The city does very little to maintain the area behind the fence to the street. As a matter of fact I am the one that mows that stretch all the way to the area passed Nichols on our side of the street to keep the weeds down so the kids don't have to walk in the deep grass
- Concerned about the condition of the houses that are bringing down the neighborhood; some are owned by slum lords and some are owner-occupied but the owners do not have the financial means to provide upkeep
- There needs to be more Code Enforcement in the Beverly neighborhood
- Homeowners cannot receive permits from the City to do electrical or plumbing work unless the contractor or homeowner is licensed. This person expressed his frustration about that because permits are expensive and homeowners should be allowed to work on their own properties.
- There is a need for a youth center and also an elderly center
- There is not enough affordable housing either for buying or renting
- Beverly neighborhood needs a police substation to help deal with drugs and crime

Citizen Comments

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- How do you apply to the City for housing rehabilitation and/or downpayment and closing costs assistance
- How is the CDBG money going to be spent next year
- What are public services and how do I apply to receive those funds

Amigo News/Latino Community – Residents

- How do we request help from the City – would like to see some outreach to the Latino community because people don't know about the City programs or how to apply for help
- Needs to be street improvements including better lighting
- Needs sidewalk repair or new sidewalks in areas where there aren't any. It's a safety issue especially for children and seniors
- Too many vacant houses in the area that are being used for drug activities
- Would like to see help for start-up businesses
- More police presence especially in parks because gangs are hanging out there and it's not safe for other people
- There are a lot of alleys between block that are in very bad shape
- Would like to see the applications and information in Spanish

SURVEY RESULTS

	High Priority
OWNER-OCCUPIED HOUSING	
Minor Repair	69.23%
Moderate or Major Rehab or Repair	84.62%
Demolition of Dilapidated housing	92.31%
Reconstruction of Demolished Housing	69.23%
Construction of New Affordable Housing for LMI	53.85%
Energy Efficient Improvements	53.85%
Long Term Maintenance assistance for LMI	53.85%
Exterior ADA Improvements	61.54%
Interior ADA Improvement	61.54%
Homebuyer Assistance for LMI	61.54%
Housing Credit Counseling	84.62%
RENTAL PROPERTIES	
Minor Repair	66.67%
Moderate or Major Rehab or Repair	83.83%
Demolition of Dilapidated housing	84.62%
Reconstruction of Demolished Housing	79.92%
Construction of New Affordable Housing for LMI	69.23%
Assisted Facilities for Frail Elderly	61.54%
Assisted Facilities for Disabled	61.54%
Apartments for Elderly	61.54%
Handicapped-Accessible Units	61.54%

Citizen Comments

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Landlords Who Accept Disabled with Assistance Animals	61.54%
Permanent Supportive Housing for Chronically Homeless	79.62%
Rental Units for mentally ill and intellectually Disabled	53.85%
Group Homes for Physically, Mentally & Intellectually Disabled	53.85%
Group Homes for Prison Releases or Recovering Addicts	46.15%
Rental Units for LMI - Large Families	79.92%
Additional Housing Choice Vouchers	61.54%
Additional Public Housing Units	46.15%
NON-HOUSING COMMUNITY DEVELOPMENT	
Additional General Population Community Activity Centers	83.33%
Additional Recreational and/or Youth Facilities	91.67%
Expand/Repair/Replace Existing Community Activity Centers	75.00%
Expand/Repair/Replace Existing Youth Activity Centers	75.00%
New Public Parks	50.00%
Expand/Repair/Replace Existing Public Neighborhood Parks	50.00%
Additional Lighting in Parks	66.67%
New or Expanded Senior Centers	41.67%
New or Expanded Centers for the Disabled	45.45%
New or Expanded Free or Low-Cost Health Clinics	66.67%
New or Expanded Homeless and/or Domestic Violence Shelters	33.33%
Improved Flood Control/Drainage	56.00%
Improved Water/Sanitary Sewer Lines	75.00%
Improved Existing Sidewalks	58.33%
New Sidewalks	83.33%
Improved Streets	83.33%
Improved Existing Streets/Sidewalk Lighting	66.67%
New Street/Sidewalk Lighting	75.00%
Additional Fire Stations	16.67%
Additional Police Substations	58.33%
Residential/Neighborhood Clean Up	83.33%
Commercial/Industrial Code Enforcement	41.67%
Commercial/Industrial Area Clean-Ups	41.67%
PUBLIC AND SOCIAL SERVICE NEEDS	
Services for Abused and Neglected Children	50.00%
Services for Victims of Domestic Violence & Sexual Assault	50.00%
Services for the Homeless	75.00%
Services for Veterans	83.33%
Low Cost or Free Legal Services	66.67%
Child Care Services	58.33%
Youth Services	83.33%
Senior Services	45.45%

Citizen Comments

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Services for Disabled	50.00%
ESL/Literacy /Adult Education	54.55%
Mental Health and Substance Abuse Services	50.00%
Emergency Interim Assistance (Rent, Utilities; Prescriptions)	66.67%
Food Through Food Pantries	58.33%
Employment training/Job Placement	91.67%
Economic or Micro-Business Programs	66.67%
Health Services	75.00%
Crime Prevention/Awareness	91.67%
Transportation Services	33.33%

Citizen Comments

2018 -2022 Consolidated Plan Texarkana, TX

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City of Texarkana, Texas Citizen Participation Plan



Texarkana, Texas

Citizen Participation Plan (July 2018)

CITY OF TEXARKANA, TEXAS
CITIZEN PARTICIPATION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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Texarkana, Texas

Citizen Participation Plan (July 2018)

Community Development Block Grant Program - CDBG

The CDBG program is a flexible program that provides communities with resources to address a wide range of unique community development needs. The CDBG program provides annual grants on a formula basis to units of local government and states.

The CDBG program works to ensure decent, affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the nation.

The annual CDBG appropriation is allocated between States and local jurisdictions called "non-entitlement" and "entitlement" communities respectively. Entitlement communities are comprised of central cities of Metropolitan Statistical Areas (MSAs); metropolitan cities with populations of at least 50,000; and qualified urban counties with a population of 200,000 or more (excluding the populations of entitlement cities). States distribute CDBG funds to non-entitlement localities not qualified as entitlement communities.

HUD determines the amount of each grant by using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.

Citizen Participation

A grantee must develop and follow a detailed plan that provides for and encourages citizen participation. This integral process emphasizes participation by persons of low or moderate income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must provide citizens with the following: reasonable and timely access to local meetings; an opportunity to review proposed activities and program performance; provide for timely written answers to written complaints and grievances; and identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

Eligible Activities

Over a 1, 2, or 3-year period, as selected by the grantee, not less than 70 percent of CDBG funds must be used for activities that benefit low- and moderate-income persons. In addition, each activity must meet one of the following national objectives for the program: benefit low- and moderate-income persons, prevention or elimination of slums or blight, or address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

**CITY OF TEXARKANA, TEXAS
CITIZEN PARTICIPATION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
EXECUTIVE SUMMARY**

The City of Texarkana Texas desires that citizens and citizen groups play an active advisory role in the planning, implementation, and assessment of the US Department of Housing and Urban Development programs. In order for citizens to better understand this advisory role, and participate in the process, the following clarifications are provided:

Advisory Role in Planning: During the information gathering process for the five-year Consolidated Plan, the Annual Action Plan, other program activities, all public comment periods, and City Council public hearings, citizens are encouraged to submit views, project proposals, and priorities in an effort to advise the Department and the City Council so that the City can plan activities for the upcoming program year(s). Citizens may submit their views and priorities throughout the year by calling or visiting the: Planning and Community Development Department, 220 Texas Boulevard, Texarkana, Texas, 75501, 903-798-3900, or writing the Department at P.O. Box 1967, Texarkana, Texas, 75504-1967, or on the internet at <http://www.ci.texarkana.tx.us/>

Advisory Role in Implementing the Projects: Citizens are encouraged to visit project sites and locations and to submit their views, either positive or negative, as to how well the projects are being carried out. Citizens with suggestions as to how projects might better be implemented are encouraged to call, visit, or submit a written letter to the Department at any time during the year.

Citizens may have access to all CDBG information for five years. The Citizens' Participation Plan, Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance and Evaluation Reports are the most important documents pertaining to the CDBG program. Records and documents relevant to the CDBG programs will be made available at the Planning and Community Development Department, 220 Texas Boulevard, Texarkana, Texas, 75501, between the hours of 8-12 and 1-5, Monday-Friday, for citizen review upon request. Copies of requested documents are available at a cost of \$.25 per sheet. Plans are also available for viewing and downloading on the City's website <http://www.ci.texarkana.tx.us/>.

The following documents are made available to the public for review: (1) all mailings and promotional material; (2) records of public hearings; (3) key program documents; (4) program applications; (5) funding applications; (6) letters of approval; (7) grant agreements; (8) Citizens' Participation Plan; (9) Consolidated Annual Performance and Evaluation Reports; (10) five-year Consolidated Plan; (11) Annual Action Plan; (12) monitoring reports; (13) other reports required by HUD; (14) copies of the regulations and bulletins governing the program; (15) documents pertaining to: a) contracting procedures, b) environmental policies, c) fair housing and equal opportunity requirements, and d) relocation provisions.

The City may publish in the Texarkana daily newspaper, on the City's website and post in public places a public notice prior to public hearings indicating dates, times, places, and procedures of each meeting or public hearings and topics to be discussed. All public hearing sites are accessible to individuals with disabilities. Individuals with disabilities who may need assistance to participate, observe, or comment are encouraged to contact the Department of Planning and Community Development at (903) 798-3900 for assistance at least 24 hours prior to the meeting date.

All aspects of the CDBG program are conducted in an open manner with freedom of access for all interested persons. Citizens with questions, comments, proposals, or complaints concerning the program, are encouraged to contact the Department of Planning and Community Development at (903) 798-3900. Written comments should be mailed to the Department of Planning and Community Development, City of Texarkana, Texas, P.O. Box 1967, Texarkana, Texas 75504-1967. Comments may also be provided on the City's website at <http://www.ci.texarkana.tx.us/>.

SECTION 1. INTRODUCTION

The City of Texarkana, Texas has designed this community-wide Citizens' Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) program. This Plan is an essential element of the City's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the Department of Housing and Urban Development (HUD). This Plan supersedes all other Citizen Participation Plans, which may have been adopted by the City of Texarkana, Texas.

The primary goal of this Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the City's CDBG program(s). The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized. Additionally, emphasis shall be placed on obtaining participation from public housing authorities, residents of public housing, non-English speaking persons, minorities, and persons with disabilities.

Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the City of Texarkana, Texas City Council.

1.1 Citizen Comment on Citizens' Participation Plan and Amendments

Public comment on the development or amendment to the Citizens' Participation Plan is provided in the following manner:

- a) The Citizens' Participation Plan draft will be made available for citizen comment for thirty days prior to the adoption of revisions or amendments;
- b) The thirty-day comment period will be published prior to the opening of the period;
- c) A public hearing for comments on Citizens' Participation Plan will be held a minimum of fourteen (14) days prior to City Council consideration of the adoption of revisions or amendments;
- d) The City will make the Citizens' Participation Plan available to persons with disabilities or non-English speaking in an accessible format upon request; and
- e) The Citizens' Participation Plan will be published on the City's website.

SECTION 2. SCOPE OF PARTICIPATION

The City will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG program(s) undertaken by the City. Local officials will make every effort to involve citizens in all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. identification and assessment of housing and community development needs;
- b. determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- c. changes and/or amendments to approved CDBG projects; and,
- d. assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of Texarkana, Texas are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

SECTION 3. CITIZEN PARTICIPATION

The Department of Planning and Community Development (Department) is responsible for the development, publication, and implementation of citizen participation in the CDBG program.

The Department will disseminate information concerning proposed projects and the status of current project activities; coordinate various groups participating in the community development process; receive written comments; serve as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitor the citizen participation process and proposing such amendments to the Citizens' Participation Plan as may be necessary.

The Department staff may be contacted at Texarkana, Texas City Hall 220 Texas Blvd Texarkana, Texas 75501, or 903-798-3900 during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Planning and Community Development Department. The Department may also be contacted on the internet at <http://www.ci.texarkana.tx.us/>.

SECTION 4. TECHNICAL ASSISTANCE

City staff will provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision-making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance will be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements; providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of

views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the Department.

SECTION 5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low and moderate-income persons and residents of areas where CDBG activities are proposed or ongoing.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

5.1 Public Hearing Times and Locations

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the City. Public hearings may be held at any site which, in the opinion of the City, provides adequate access for citizen participation.

Hearings will normally be held at the Texarkana, Texas City Hall located at 220 Texas Boulevard. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the City, be held at an alternate location to be specified in the public hearing notice(s).

5.2 Annual Action Plan Public Hearing

At least one public hearing shall be held during any CDBG program fiscal year prior to the submission of an Annual Action Plan to the U.S. Department of HUD for CDBG assistance. The primary purpose of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and also, to present for public comment and review the program activities, which have been selected by the City to resolve the identified needs.

These public hearings will be held during the initial stage of program development to discuss items regarding community development and housing needs, the CDBG program, and the application process. The objective of citizen participation at this stage is to provide meaningful,

community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the City during any fiscal year. Substantial changes in community development or housing needs in the community as determined by local officials may necessitate another hearing to fulfill the role of the first public hearing prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the schedule of meetings and hearings; activities previously funded in the City through the CDBG program; and, an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary.

5.3 Amendment Public Hearings

The City will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the City. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities as defined in Section 6.1 Amendments to the Consolidated Plan and Annual Action Plans.

To ensure adequate opportunity for citizen participation during CDBG programs, the City shall hold a public hearing on all substantial amendments which require HUD approval.

5.4 Assessment of Performance Public Hearings

Citizens of the City will be provided with the opportunity to comment on the performance of local officials, the City staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the City in resolving identified community development and housing needs, and in achieving its community development goals and objectives. Ongoing community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

The City will prepare a Consolidated Annual Performance and Evaluation Report (CAPER) after the end of each program year indicating the City's progress toward carrying out the Strategic Plan of the five-year Consolidated Plan and the Annual Action Plan for that program year, as amended if applicable, and as approved by Council and submitted to HUD. The CAPER shall include an assessment of goals and objectives and a description of the resources available, the

investment of available resources, the geographic distribution and location of investments, the families and persons assisted, actions taken to affirmatively further fair housing, and other actions relevant to the program year. The report will also include the City's progress made in meeting its specific objective of providing affordable housing.

The Department will provide public notice and comment opportunity on all CAPERs. Public notice of the availability of the CAPER and the date and location of the public hearing will be published in the newspaper and posted in public places. A 15-day comment period will be provided. After the public hearing and City Council approval of the CAPER, the City will submit the CAPER to HUD for review and approval. All public comments received will be summarized and be attached to the CAPER when submitted to HUD.

5.5 Additional Hearings

Other public hearings may be held as deemed necessary by the Texarkana City Council in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.

5.6 Non-English-Speaking Residents

According to the latest U.S. Census of Population, there is a small population of non-English speaking residents in the City of Texarkana, Texas. However, should a significant number of non-English speaking citizens desire to participate in public hearings, local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter for non-English speaking persons and/or the provision of information regarding the CDBG program in a format that such persons can comprehend.

5.7 Public Hearing Notice

Notice of public hearings will be published in a local newspaper at least three (3) days prior to the hearing date. The City may waive hearing notice requirements in cases where unusual circumstances justify alternative means of notifying the general public. In such situations, shorter notice may be given, and public notices posted in public places may be used in place of a notice published in the newspaper. Each notice of a hearing shall include the time, date, place, topics and procedures to be discussed. Notices for public hearings may be run or posted, separately or together, as may be deemed necessary by the Mayor of the City of Texarkana, Texas.

5.8 Accessibility to Low and Moderate-Income Persons

The public hearing procedures outlined herein are designed to promote participation by low and moderate-income citizens, as well as residents of blighted neighborhoods and CDBG project areas in any public hearing(s). Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded, or should additional action be deemed

necessary. Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low and moderate income persons and holding public hearings in low and moderate-income neighborhoods or areas of existing or proposed CDBG project activities.

5.9 Accessibility to Persons with Disabilities

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. Also, the City shall provide a sign language interpreter whenever the Department is notified in advance that one or more hearing impaired persons will be in attendance.

SECTION 6. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the City shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the City will keep all documents related to a CDBG program on file in Department of Planning and Community Development. Information from the project files shall be made available for examination on request during regular business hours. CDBG program information and materials concerning specific CDBG projects will be available to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizens' Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the City; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the City disclose any information concerning the financial status of any program participant(s), which may be required to document program eligibility or benefit.

6.1 Amendments to the Consolidated Plan and Annual Action Plans

Reallocations of more than \$50,000 in CDBG funds will be submitted to the Council for approval by resolution. Any change of more than \$50,000 in the CDBG budget allocations for a particular grant year will constitute a "substantial amendment" to the CDBG Program. Changes less than \$50,000 constitute a "local amendment" and will not require HUD approval or a City Council resolution. Pursuant to these definitions, a substantial amendment will be submitted to the City Council for approval and an amended application to HUD in the following situations:

- a) When it proposes to use more than \$50,000 of the entitlement amount to undertake one or more new activities;
- b) When the City proposes to alter the stated purpose or class of beneficiaries of previously proposed activities whose cost exceeds \$50,000 of the entitlement amount approved for the affected program year;

All substantial amendments will be presented to the City Council for public hearing and approval by resolution. Public notice summarizing the substantial amendment, inviting public comment, and stating the date and location of the public hearing shall be published in the local newspaper and posted in public places a minimum of three (3) days before the hearing. A 30-day comment period will follow the public notice of the substantial amendment. Bilingual assistance will be provided at the meeting if requested in advance.

Following the public hearing, comment period, and approval by City Council, the substantial amendment will be submitted to HUD. When the City proposes to undertake activities, which are not consistent with the statement of objectives included in the Consolidated Plan, it will submit an amended summary to HUD at the same time the proposed amendment is submitted.

SECTION 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizens' Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the City.

Any citizen or citizen's group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the Mayor of the City of Texarkana, Texas. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Mayor, then the aggrieved may appeal his/her case to the City Council.

Local officials shall make every effort to provide written responses to citizen proposals or complaints within twenty (20) working days of the receipt of such comments or complaints where practicable. Should the City Council be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the U.S. Department of HUD.

Citizens may, at any time, contact HUD directly to register comments, objections or complaints concerning the City's CDBG application(s) and/or program(s). Citizens are encouraged, however, to attempt to resolve any complaints at the local level as outlined above prior to contacting HUD.

All comments or complaints submitted to HUD shall be addressed in writing to:

US Department of Housing and Urban Development
 Ft. Worth Regional Office, Region VI
 Office of Community Planning and Development
 801 Cherry Street, Unit 45, Suite 2500
 Fort Worth, Texas 76113-2905

Records of all comments, objections and/or complaints by citizens concerning the City's CDBG program and subsequent action taken in response to those comments shall be maintained on file at Department of Planning and Community Development, Texarkana, Texas City Hall 220 Texas Boulevard and shall be made available for public inspection upon request.

SECTION 8. CITIZENS' PARTICIPATION PLAN AMENDMENTS

The City may, from time to time, modify the provisions outlined herein through amendment to this Plan. It shall be the policy of the City to periodically review and discuss the effectiveness of this Plan in allowing citizen participation in the community development process, and in helping to meet the community development needs and goals identified by the citizens of the City. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

Amendments to the Plan will be made as necessary and approved by resolution of the Texarkana City Council and shall be incorporated into this Plan.

SECTION 9. AUTHORITY

No portion of the Citizen's Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the City in the development, implementation, and execution of any Community Development Block Grant program or activity.

Grantee Unique Appendices



CITY OF TEXARKANA
CITY COUNCIL
AGENDA • JUNE 11, 2018

PAGE 1

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
 TEXARKANA, TX 75501

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Betty Williams

Ward 5

Bill Harp

Ward 2

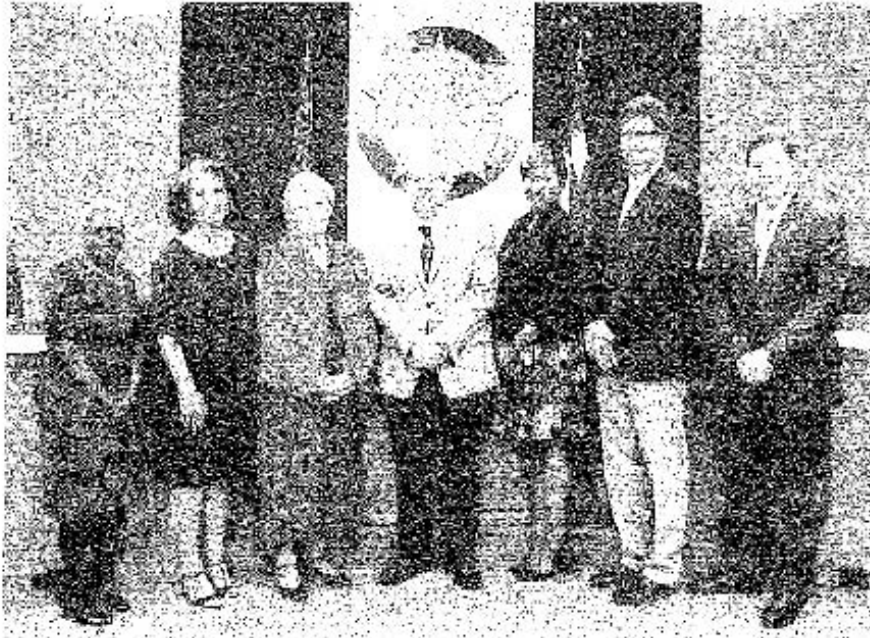
Mary Hart

Ward 4

Christie Alcorn

Ward 6

Josh Davis



Agenda**City Council****June 11, 2018**

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

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

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

- I. **CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM**
- II. **INVOCATION AND PLEDGE BY COUNCIL MEMBER JEAN MATLOCK**
- III. **MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST**

Upcoming City Council Meetings:

Monday, July 9, 2018 at 6:00 p.m.
 Monday, August 13, 2018 at 6:00 p.m.
 Monday, August 27, 2018 at 6:00 p.m.

Parks & Recreation Events:

June 14 th	Movies in the Park: "Paddington 2"	Spring Lake Park
June 16 th - 17 th	Softball Showcase Tournament	Karrh/Wallace Parks
June 18 th	Summer Camp Begins	Southwest Center
June 22 nd - 24 th	Softball Showcase Tournament	Karrh/Wallace Parks
July 7 th	Softball Tournament	Karrh Park
July 7 th - 10 th	Dixie State AAA North (9-10)	Spring Lake Park
July 7 th - 10 th	Dixie State Ozona North (11-12)	Spring Lake Park

**Movies in the Park will start at dusk.

All Parks & Recreation information can be found on the city website www.ci.texarkana.tx.us or by calling (903) 798-3978.

Farmer's Market Hours: 7:00 a.m. - Until sold out

Farmer's Market Events: 9:00 - 11:00 a.m.

June 16th - Kid's Day & Sidewalk Chalk Contest
 June 23rd - Summer Celebration & 6th Green Tomato Day sponsored by BWI
 June 30th - Cycle Day sponsored by Berridge Bikes

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Agenda **City Council** **June 11, 2018**

July 7th - Yoga at the Market

Proclamation Presentation

Men's Health Month - June 2018

Appointments to Boards & Commissions

IV. ITEMS FOR CONSIDERATION

Consent Items

1. Consider approval of the minutes of the Regular Meeting of the City Council held on May 29, 2018 at 6:00 PM.
2. Ordinance No. 2018-065 amending the Code of Ordinances by adding Section 28-13, "Prohibited Conduct on Public Transportation", and repealing and deleting Article VI, "Public Transit Offenses", and Section 28-181, "Prohibitions; Public Transit Offenses".

Public Hearing:
Council Vote: June 11, 2018

3. Resolution No. 2018-074 authorizing the City Manager to enter into a contract with Total Highway Maintenance, LLC for the major road maintenance striping project in an amount not to exceed \$81,200.56.

Public Hearing:
Council Vote: June 11, 2018

Action Item

4. Resolution No. 2018-075 approving a settlement agreement benefitting the City in the Liquid Aluminum Sulfate Antitrust Litigation and delegating authority to the City Manager or designee to approve the agreement on behalf of the City.

Public Hearing:
Council Vote: June 11, 2018

Page 3

Agenda**City Council**

June 11, 2018

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".

Closed Session

The City Council will convene into closed session pursuant to Texas Government Code Section 551.074 (Personnel Matters) to discuss or deliberate reappointment of Sherry L. Jackson, J.D., as City Judge of the City's Municipal Court of Record and amending Judge Jackson's Compensation Agreement.

Reconvene Into Open Session***Action Item***

1. Resolution No. 2018-073 for the reappointment of the Municipal Judge and the approval of a two-year employment agreement.

Public Hearing:
Council Vote: June 11, 2018

V. FIRST BRIEFINGS

1. Ordinance No. 2018-069 granting a Specific Use Permit to allow the application of permanent cosmetics/microblading on Lot 1, Richmond Park Subdivision, located at 3321 Richmond Road. Jason Cree, applicant. Tiffany Pham, agent.

Public Hearing: July 9, 2018
Council Vote: July 9, 2018

2. Ordinance No. 2018-070 granting a Specific Use Permit to allow an in-home day care on Lot 5, Block 1, Hauckek's Addition, located at 2405 Garber Street. Ruby Scott, applicant. Robin Tackor, agent.

Public Hearing: July 9, 2018
Council Vote: July 9, 2018

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Agenda**City Council****June 11, 2018**

3. Ordinance No. 2018-071 amending P-05-5(O) for site plan approval on Lot 1, Texas Bank & Trust Subdivision, located at 4646 Cowhorn Creek Road. Matt and Cindy Young, applicants. Kayla Wood, MTG Engineering and Surveying, agent.

Public Hearing: July 9, 2018
 Council Vote: July 9, 2018

4. Resolution No. 2018-072 adopting the Community Development Block Grant (CDBG) Consolidated Plan, Citizen Participation Plan and Annual Action Plan.

Public Hearing: July 9, 2018
 Council Vote: July 9, 2018

VI. PUBLIC HEARINGS

1. Resolution No. 2018-064 authorizing the City Manager to negotiate and sign an economic development agreement with Gregg Orr for a term not to exceed ten (10) years to include a business incentive of a rebate of a portion of taxes paid by Gregg Orr and collected by the City derived from new business facilities to be constructed on an extension of Kenwood Road not to exceed Six Hundred Twelve Thousand Dollars (\$612,000).

Public Hearing: June 11, 2018
 Council Vote: June 11, 2018

VII. ITEMS FOR DISCUSSION

Staff Updates - Annexation Service Plans
 Annexation Supporting Documents

VIII. ADMINISTRATIVE COMMENTS

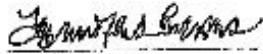
1. City Council
2. City Staff

IX. ADJOURNMENT*Page 5*

Agenda

City Council

June 11, 2018



Jennifer Evans
City Secretary

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

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

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

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

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

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CITY OF TEXARKANA

CITY COUNCIL

MINUTES • JUNE 11, 2018

PAGE 1

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Ford	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Alcorn	Ward 4	Present	
Bill Harp	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Jennifer Evans, Kyle Douley, Kristin Peoples, Sherry Jackson Hawkins, Dusty Henslee, Robby Robertson, Lisa Thompson, Betsy Freeman, David Orr, Kurey Parker, Rea Donna Jones, and J.D. Phillips.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE BY COUNCIL MEMBER JEAN MATLOCK

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, July 9, 2018 at 6:00 p.m.
Monday, August 13, 2018 at 6:00 p.m.
Monday, August 27, 2018 at 6:00 p.m.

Parks & Recreation Events:

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June 18 th	Summer Camp Begins	Southwest Center
June 22 nd - 24 th	Softball Showcase Tournament	Karrh/Wallace Parks
July 7 th	Softball Tournament	Karrh Park
July 7 th - 10 th	Dixie State AAA North (9-10)	Spring Lake Park

Minutes **City Council** **June 11, 2018**

July 7th - 10th Dixie State Ozone North (11-12) Spring Lake Park

* Movies in the Park will start at dusk.

All Parks & Recreation information can be found on the city website
www.ci.texarkana.tx.us or by calling (903) 798-1978.

Farmer's Market Hours: 7:00 a.m. - Until sold out

Farmer's Market Events: 9:00 - 11:00 a.m.

June 16th - Kid's Day & Sidewalk Chalk Contest
June 23rd - Summer Celebration & 6th Green Tomato Day sponsored by BWI
June 30th - Cycle Day sponsored by Berridge Bikes
July 7th - Yoga at the Market

Mayor Bruggeman said the summer season in Texarkana is busy with many activities as he recently umpired a Texarkana Twins game at Spring Lake Park.

The Mayor reminded citizens of an article in last week's newspaper of the need to cooperate with the instructions for placing the appropriate items in the recycling cart to avoid jeopardizing the recycling program hosted by Waste Management.

Greg Bischoff, a reporter for the Texarkana Gazette, was congratulated for his upcoming recognition to receive a chaplain award on June 14th.

Citizens were encouraged to fly a flag on Thursday June 14th - National Flag Day.

Proclamation Presentation

Men's Health Month - June 2018

Mayor Bruggeman read the proclamation.

Appointments to Boards & Commissions

Council Member Davis recommended the reappointments of Fred Meisenheimer and Denis Washington to the Housing Finance Corporation.

Council Member Harp recommended the reappointments of Patton Tidwell and Steve Mayo to the Industrial Development Corporation.

1. Motion to make reappointments to various boards or commissions.
(6:20 p.m.)

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Minutes City Council June 11, 2018

RESULT: ADOPTED (UNANIMOUS)
 MOVER: Denny Williams, Ward 3
 SECONDER: Jenn H. Matlock, Ward 1
 AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
 EXCUSED: Bruggeman

IV. ITEMS FOR CONSIDERATION

Consent Items

(6:22 p.m.)

RESULT: ADOPTED (UNANIMOUS)
 MOVER: Mary Hart, Ward 2
 SECONDER: Christie Alcorn, Ward 4
 AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
 EXCUSED: Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on May 29, 2018 at 6:00 PM.
2. Ordinance No. 2018-065 amending the Code of Ordinances by adding Section 28-13, "Prohibited Conduct on Public Transportation", and repealing and deleting Article VI, "Public Transit Offenses", and Section 28-181, "Prohibitions; Public Transit Offenses".

Public Hearing:
 Council Vote: June 11, 2018

3. Resolution No. 2018-074 authorizing the City Manager to enter into a contract with Total Highway Maintenance, LLC for the major road maintenance striping project in an amount not to exceed \$81,200.58.

Public Hearing:
 Council Vote: June 11, 2018

Action Item

4. Resolution No. 2018-075 approving a settlement agreement benefitting the City in the Liquid Aluminum Sulfate Antitrust Litigation and delegating authority to the City Manager or designee to approve the agreement on behalf of the City.

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Minutes

City Council

June 11, 2018

Public Hearing:
Council Vote: June 11, 2018

Matt Keil, of Keil & Goodson, P.A., is the local counsel representing both Texarkana cities. Mr. Keil briefed this agenda item and provided background information pertaining to this case.
(6:29 p.m.)

RESULT: ADOPTED (UNANIMOUS)
MOVER: Josh Davis, Ward 6
SECONDER: Bill Harp, Ward 5
AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED: Bruggeman

Open Forum: Comments from the public (3 limit 5 minutes each)

There were no public comments made at Open Forum.

Closed Session

The City Council convened into closed session pursuant to Texas Government Code Section 551.074 (Personnel Matters) to discuss or deliberate reappointment of Sherry L. Jackson, J.D., as City Judge of the City's Municipal Court of Record and amending Judge Jackson's Compensation Agreement.

Reconvened Into Open Session

Action Item

1. Resolution No. 2018-073 for the reappointment of the Municipal Judge and the approval of a two-year employment agreement.

Public Hearing:
Council Vote: June 11, 2018

Mayor Bruggeman thanked Judge Sherry Jackson Hawkins for her continued service to the city.
(6:58 p.m.)

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Minutes

City Council

June 11, 2018

RESULT: ADOPTED (UNANIMOUS)
MOVER: Jean H. Matlock, Ward 1
SECONDER: Mary Hart, Ward 2
AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED: Duggeman

V. FIRST BRIEFINGS

1. Ordinance No. 2018-069 granting a Specific Use Permit to allow the application of permanent cosmetics/microblading on Lot 1, Richmond Park Subdivision, located at 3321 Richmond Road. Jason Cree, applicant. Tiffany Pham, agent.

Public Hearing: July 9, 2018
 Council Vote: July 9, 2018

David Orr briefed this agenda item.

RESULT: MOVED FORWARD Next: 7/9/2018 6:00 PM

2. Ordinance No. 2018-070 granting a Specific Use Permit to allow an in-home day care on Lot 5, Block 1, Hancock's Addition, located at 2405 Garber Street. Ruby Scott, applicant. Robin Tucker, agent.

Public Hearing: July 9, 2018
 Council Vote: July 9, 2018

David Orr briefed this agenda item.

RESULT: MOVED FORWARD Next: 7/9/2018 6:00 PM

3. Ordinance No. 2018-071 amending P-05-5(O) for site plan approval on Lot 1, Texas Bank & Trust Subdivision, located at 4646 Cowhorn Creek Road. Matt and Cindy Young, applicants. Kayla Wood, MTG Engineering and Surveying, agent.

Public Hearing: July 9, 2018
 Council Vote: July 9, 2018

David Orr briefed this agenda item.

RESULT: MOVED FORWARD Next: 7/9/2018 6:00 PM

4. Resolution No. 2018-072 adopting the Community Development Block Grant (CDBG) Consolidated Plan, Citizen Participation Plan and Annual Action Plan.

 Page 5

Minutes **City Council** **June 11, 2018**

Public Hearing: July 9, 2018
Council Vote: July 9, 2018

David Orr introduced Community Development Block Grant Consultant Paula Harper to brief this agenda item.

RESULT: MOVED FORWARD

Next: 7/9/2018 6:00 PM

VI. PUBLIC HEARINGS

1. Resolution No. 2018-064 authorizing the City Manager to negotiate and sign an economic development agreement with Gregg Orr for a term not to exceed ten (10) years to include a business incentive of a rebate of a portion of taxes paid by Gregg Orr and collected by the City derived from new business facilities to be constructed on an extension of Keavon Road not to exceed Six Hundred Twelve Thousand Dollars (\$612,000).

Public Hearing: June 11, 2018
Council Vote: June 11, 2018

There were no public comments made at this hearing.

RESULT: ADOPTED (UNANIMOUS)
MOVER: Jean H. Matlock, Ward 1
SECONDER: Betty Williams, Ward 3
AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED: Bruggeman

VII. ITEMS FOR DISCUSSION

Staff Updates - Annexation Service Plans

David Orr provided an update to council on the service plans for future annexation in various parts of the city.

Annexation Supporting Documents

VIII. ADMINISTRATIVE COMMENTS

1. City Council
Council had no administrative comments for staff.
2. City Staff
Staff had no administrative comments for council.

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Minutes

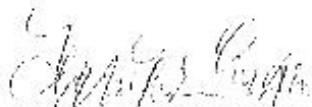
City Council

June 11, 2018

IX. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:17 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christie Alecom, Ward 4
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Alecom, Herp, Davis
EXCUSED:	Bruggeman


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:20 p.m.

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CITY OF TEXARKANA
CITY COUNCIL
AGENDA • JULY 9, 2018

PAGE 1

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Betty Williams

Ward 5

Bill Harp

Ward 2

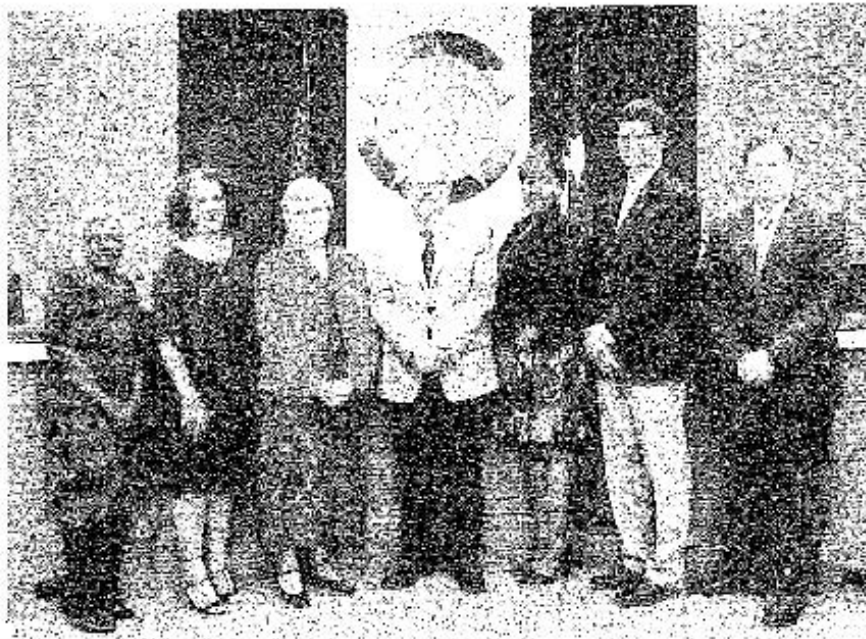
Mary Hart

Ward 4

Christie Alcorn

Ward 6

Josh Davis



Agenda**City Council****July 9, 2018**

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

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

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

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM**II. INVOCATION AND PLEDGE BY COUNCIL MEMBER JOSH DAVIS****III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST**Upcoming City Council Meetings:

Monday, August 13, 2018 at 6:00 p.m.

Monday, August 27, 2018 at 6:00 p.m.

Upcoming Special Joint City Council Meeting:

The City Council will meet with the respective Boards of Directors of the Sulphur River Basin Authority and the Riverbend Water Resources District on Tuesday, July 17, 2018 at 1:00 p.m. The meeting will be held at the Texarkana Convention Center in Meeting Room #1, located at 4610 Cowhorn Creek Road, Texarkana, Texas. The discussion will include updates regarding projects in the Sulphur River Basin. The meeting will be open to the public.

Upcoming Special City Council Meeting:

The City Council will hold a second public hearing regarding Annexation Service Plans on Wednesday, July 18, 2018 at 6:00 p.m. The meeting will be held at the PGISD Central Services Office, located at 8500 No. Kings Highway, Texarkana, Texas. The meeting will be open to the public.

Parks & Recreation Events:

None scheduled at this time.

All Parks & Recreation information can be found on the city website <http://www.ci.texarkana.tx.us> or by calling (903) 798-3978.

Farmer's Market Hours: Saturdays 7:00 a.m. - Until Sold Out

Page 2

Agenda**City Council****July 9, 2018****Farmer's Market Events:** Saturdays 9:00 - 11:00 a.m.July 14th - Healthy Living SeriesJuly 21st - 8th Annual Biggest Tomato Contest sponsored by MidSouth Bank & Kid's Day
sponsored by TMS Texarkana Discovery PlaceJuly 28th - 9th Annual Best Salsa in the Ark-La-Tex contest sponsored by Farmer's Bank &
Trust**Farmer's Market Night Market:**July 14th - 5:00 p.m. - 8:00 p.m.***Special Presentation***

"Texarkana Recycling Program" - Doug Sims, Waste Management

Appointments to Boards & Commissions**IV. ITEMS FOR CONSIDERATION*****Consent Items***

1. Consider approval of the minutes of the Regular Meeting of the City Council held on June 11, 2018 at 6:00 PM.
2. Ordinance No. 2018-063 calling for a General Election to be held on Tuesday, November 6, 2018 for the purpose of electing a Mayor, a Council Member for Ward 1, a Council Member for Ward 4, and a Council Member for Ward 6.

Public Hearing:

Council Vote: July 9, 2018

3. Resolution No. 2018-078 authorizing the City Manager to execute a lease purchase agreement with Dell Financial Services LLC for replacement computers and equipment for City of Texarkana, Texas departments.

Public Hearing:

Council Vote: July 9, 2018

Page 3

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".

Action Items

4. Resolution No. 2018-083 reaffirming support of the Hotel Grinn redevelopment project, authorizing use of committed funds to any person or entity allying with Sari and Company for the project, and authorizing the City Manager to execute any and all loan documents or other documents necessary for the project.

Public Hearing:

Council Vote: July 9, 2018

5. Resolution No. 2018-084 authorizing a Texas Department of Housing and Community Affairs (TDHCA) housing tax credit development application for the Hotel Grinn redevelopment project.

Public Hearing: July 9, 2018

Council Vote: July 9, 2018

V. FIRST BRIEFINGS

1. Ordinance No. 2018-076 amending the budget estimate of the revenues and expenditures for the fiscal year ending September 30, 2018 and adopting the budget and appropriating resources for the fiscal year beginning October 1, 2018 and ending September 30, 2019.

Public Hearing: August 13, 2018

Council Vote: September 10, 2018

2. Resolution No. 2018-077 adopting the FY19 Master Fee List.

Public Hearing: August 13, 2018

Council Vote: August 13, 2018

Agenda**City Council****July 9, 2018**

3. Ordinance No. 2018-079 granting a Specific Use Permit to allow the application of permanent cosmetics/microblading on an approximate 1.757 acre tract of land in the George Brintlee HRS, A-18, located in a tenant space at 4140 McKnight Road. Bill King, applicant. Shelly Brown, agent.

Public Hearing: August 13, 2018
 Council Vote: August 13, 2018

4. Ordinance No. 2018-080 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 10-12, Block 7, Grandview Addition, located at 3102 Alexander Avenue. D'Neisha Butce, applicant.

Public Hearing: August 13, 2018
 Council Vote: August 13, 2018

5. Ordinance No. 2018-081 rezoning Lots 16 & 17B, Bob Phillips 2nd Addition, located at 2405 Phillips Lane. Single Family-1 to Single Family-3. Anderson Riser, applicant.

Public Hearing: August 13, 2018
 Council Vote: August 13, 2018

6. Ordinance No. 2018-082 granting a Specific Use Permit to allow the location of a triple wide HUD code manufactured home on Lots 16 & 17B, Bob Phillips 2nd Addition, located at 2405 Phillips Lane. Anderson Riser, applicant.

Public Hearing: August 13, 2018
 Council Vote: August 13, 2018

VI. PUBLIC HEARINGS

1. Ordinance No. 2018-069 granting a Specific Use Permit to allow the application of permanent cosmetics/microblading on Lot 1, Richmond Park Subdivision, located at 3321 Richmond Road. Jason Cicc, applicant. Tiffany Pham, agent.

Public Hearing: July 9, 2018
 Council Vote: July 9, 2018

Page 5

AgendaCity CouncilJuly 9, 2018

2. Ordinance No. 2018-070 granting a Specific Use Permit to allow an in-home day care on Lot 5, Block 1, Hancock's Addition, located at 2405 Garber Street. Ruby Scott, applicant. Robin Tucker, agent.

Public Hearing: July 9, 2018

Council Vote: July 9, 2018

3. Ordinance No. 2018-071 amending P-05-5(O) for site plan approval on Lot 1, Texas Bank & Trust Subdivision, located at 4646 Cowhorn Creek Road. Matt and Cindy Young, applicants. Kayla Wood, MTG Engineering and Surveying, agent.

Public Hearing: July 9, 2018

Council Vote: July 9, 2018

4. Resolution No. 2018-072 adopting the Community Development Block Grant (CDBG) Consolidated Plan, Citizen Participation Plan and Annual Action Plan.

Public Hearing: July 9, 2018

Council Vote: July 9, 2018

5. Proposed annexation of Study Area 1 being north of McKnight Road and southwest of Richmond Road; and being bounded on the north, east and south by existing Texarkana, Texas city limits.
6. Proposed annexation of Study Area 2 being west of Kings Highway and south of Hughes Road and south of Arnold Drive and east of Old Red Lick Road, being bounded on the east side by existing Texarkana, Texas city limits and being east and south of Red Lick city limits.
7. Proposed annexation of Study Area 3 being bounded on the south by Findley Street, west of S. Bishop Road and north of U.S. Hwy 59.
8. Proposed annexation of Study Area 4 being bounded on the east by the Union Pacific Railroad and on the west by the existing Texarkana, Texas city limits and on the south by Barlow Road.
9. Proposed annexation of Study Area 5 being bounded on the south by North Kings Highway and on the north, east and southeast by the Texarkana, Texas city limits.
10. Proposed annexation of Study Area 6 located on both sides of Richmond Road, south of Stonevale Addition and surrounded by the existing Texarkana, Texas city limits with the portion east of Richmond Road being the Herbert Buyer property (Protest Petition Received).

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Agenda **City Council** **July 9, 2018**

11. Proposed annexation of Study Area 7 being all the properties along Loggott Drive and Pine Ridge Circle, and all property known as the Texarkana Golf Ranch LLP and city property northwest of Bringle Lake (Protest Petition Received).

VII. ITEMS FOR DISCUSSION

Staff Updates - Annexation Service Plans: Emergency Services Districts

Council discussion on proposed annexation areas. REMINDER - the second public hearing is scheduled as follows:

Wednesday, July 18, 2018

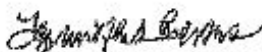
PGISD Central Services Office
8500 No. Kings Highway
Texarkana, Texas 75503

Meeting begins at 6:00 p.m. and is open to the public

VIII. ADMINISTRATIVE COMMENTS

1. City Council
2. City Staff

IX. ADJOURNMENT



Jennifer Evans
City Secretary

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

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

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

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Agenda**City Council****July 9, 2018**

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

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

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CITY OF TEXARKANA
CITY COUNCIL
MINUTES • JULY 9, 2018

PAGE 1

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
Rob Bruggeman	Mayor	Present	
Jenn U. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Alcorn	Ward 4	Present	
Bill Hays	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager Shirley Juster, Jennifer Evans, Kristin Peeples, Kyle Dooley, Eric Schlotter, Kasey Parker, David Orr, Mashell Daniel, Daphnea Ryan, Lisa Thompson, Rea Donna Jones, J.D. Phillips, Sherry Jackson Hawkins, Kevin Davenport, and Jerry Sparks.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE BY COUNCIL MEMBER JOSH DAVIS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, August 13, 2018 at 6:00 p.m.

Monday, August 27, 2018 at 6:00 p.m.

Upcoming Special Joint City Council Meeting:

The City Council will meet with the respective Boards of Directors of the Sulphur River Basin Authority (SRBA) and the Riverbend Water Resources District on Tuesday, July 17, 2018 at 1:00 p.m. The meeting will be held at the Texarkana Convention Center in Meeting Room #1, located at 4610 Cowhorn Creek Road, Texarkana, Texas. The discussion will include updates regarding projects in the Sulphur River Basin. The meeting will be open to the public.

Upcoming Special City Council Meeting:

The City Council will hold second public hearings regarding each study area proposed for annexation on Wednesday, July 18, 2018 at 6:00 p.m. The meeting will be held at the PGISD Central Services Office, located at 8500 No. Kings Highway, Texarkana, Texas. The meeting will be open to the public.

Parks & Recreation Events:

None scheduled at this time.

All Parks & Recreation information can be found on the city website <http://www.ci.texarkana.tx.us/> or by calling (903) 798-3978.

Farmer's Market Hours: Saturdays 7:00 a.m. - Until Sold Out

Farmer's Market Events: Saturdays 9:00 - 11:00 a.m.

July 14th - Healthy Living Series

July 21st - 8th Annual Biggest Tomato Contest sponsored by MidSouth Bank & Kid's Day sponsored by TMS Texarkana Discovery Place

July 28th - 9th Annual Best Salsa in the Ark-La-Tex contest sponsored by Farmer's Bank & Trust

Farmer's Market Night Market:

July 14th - 5:00 p.m. - 8:00 p.m.

The Texarkana South All-Stars baseball team, age group of 10 and under, just recently won the Division I Triple A tournament championship which is the North Region state title. Congratulations!

Special Presentation

"Texarkana Recycling Program" - Doug Sims, Waste Management

Mr. Sims stressed the importance of diligent recycling efforts by all citizens. Some of the biggest contamination issues are plastic bags, food waste, and soiled paper products. It's also important to empty all liquids from containers before they are placed in the recycle bin. Citizens were encouraged to use the "Recycle Often. Recycle Right" website (corr.com) for more helpful tips.

Appointments to Boards & Commissions

Mayor Bruggeman recommended the appointment of David Baumgardner to the Airport Authority Board.

1. Motion to confirm the Mayoral appointment of David Baumgardner to the Airport Authority Board.

(6:19 p.m.)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bill Harp, Ward 5
SECONDER: Betty Williams, Ward 5
AYES: Mallock, Hart, Williams, Aleem, Harp, Davis
EXCUSED: Bruggeman

IV. ITEMS FOR CONSIDERATION

Consent Items

(6:20 p.m.)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bill Harp, Ward 5
SECONDER: Jean H. Matlock, Ward 1
AYES: Mallock, Hart, Williams, Aleem, Harp, Davis
EXCUSED: Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on June 11, 2018 at 6:00 PM.
2. Ordinance No. 2018-063 calling for a General Election to be held on Tuesday, November 6, 2018 for the purpose of electing a Mayor, a Council Member for Ward 1, a Council Member for Ward 4, and a Council Member for Ward 6.

Public Hearing:
 Council Vote: July 9, 2018

3. Resolution No. 2018-078 authorizing the City Manager to execute a lease purchase agreement with Dell Financial Services LLC for replacement computers and equipment for City of Texarkana, Texas departments.

Public Hearing:
 Council Vote: July 9, 2018

Open Forum: Comments from the public (Limit 5 minutes each)

There were no public comments made at Open Forum.

Action Items

4. Resolution No. 2018-083 reaffirming support of the Hotel Grim redevelopment project, authorizing use of committed funds to any person or entity allying with Sari and Company for the project, and authorizing the City Manager to execute any and all loan documents or other documents necessary for the project.

Public Hearing:
Council Vote: July 9, 2018

David Orr introduced Jim Sari, Project Developer, and Cohen Esrey representatives, Tom Anderson, and Jay Johnson to brief this agenda item. Cohen Esrey will serve as the predevelopment and design coordination authority for the Grim redevelopment project.
(6:39 p.m.)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Hart, Ward 2
SECONDER: Betty Williams, Ward 3
AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED: Bruggeman

5. Resolution No. 2018-084 authorizing a Texas Department of Housing and Community Affairs (TDHCA) housing tax credit development application for the Hotel Grim redevelopment project.

Public Hearing: July 9, 2018
Council Vote: July 9, 2018

There were no public comments made at this hearing.
(6:40 p.m.)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Josh Davis, Ward 6
SECONDER: Mary Hart, Ward 2
AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED: Bruggeman

V. FIRST BRIEFINGS

Minutes City Council July 9, 2018

1. Ordinance No. 2018-076 amending the budget estimate of the revenues and expenditures for the fiscal year ending September 30, 2018 and adopting the budget and appropriating resources for the fiscal year beginning October 1, 2018 and ending September 30, 2019.

Public Hearing: August 13, 2018
Council Vote: September 10, 2018

Kristin Peeples briefed this agenda item. City Manager Jaster made additional comments.

RESULT: MOVED FORWARD Next: 8/13/2018 6:00 PM

2. Resolution No. 2018-077 adopting the FY19 Master Fee List.

Public Hearing: August 13, 2018
Council Vote: August 13, 2018

City Manager Jaster briefed this agenda item.

RESULT: MOVED FORWARD Next: 8/13/2018 6:00 PM

3. Ordinance No. 2018-079 granting a Specific Use Permit to allow the application of permanent cosmetics/microblading on an approximate 1.757 acre tract of land in the George Brinlee ERS, A-18, located in a tenant space at 4140 McKnight Road. Bill King, applicant. Shelly Brown, agent.

Public Hearing: August 13, 2018
Council Vote: August 13, 2018

David Orr briefed this agenda item.

RESULT: MOVED FORWARD Next: 8/13/2018 6:00 PM

4. Ordinance No. 2018-080 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 10-12, Block 7, Grandview Addition, located at 3102 Alexander Avenue. O'Neish's Bruce, applicant.

Public Hearing: August 13, 2018
Council Vote: August 13, 2018

David Orr briefed this agenda item.

RESULT: MOVED FORWARD Next: 8/13/2018 6:00 PM

5. Ordinance No. 2018-081 rezoning Lots 16 & 17B, Bob Phillips 2nd Addition, located at 2405 Phillips Lane. Single Family-1 to Single Family-3. Anderson Riser, applicant.

Page 5

Minutes **City Council** **July 9, 2018**

Public Hearing: August 13, 2018
Council Vote: August 13, 2018

David Orr briefed this agenda item.

RESULT: **MOVED FORWARD** **Next: 8/13/2018 6:00 PM**

6. Ordinance No. 2018-082 granting a Specific Use Permit to allow the location of a triple wide HUD code manufactured home on Lots 16 & 17B, Bob Phillips 2nd Addition, located at 2405 Phillips Lane. Anderson Riser, applicant.

Public Hearing: August 13, 2018
Council Vote: August 13, 2018

David Orr briefed this agenda item.

RESULT: **MOVED FORWARD** **Next: 8/13/2018 6:00 PM**

VI. PUBLIC HEARINGS

1. Ordinance No. 2018-069 granting a Specific Use Permit to allow the application of permanent cosmetics/microblading on Lot 1, Richmond Park Subdivision, located at 3321 Richmond Road. Jason Cree, applicant. Tiffany Pham, agent.

Public Hearing: July 9, 2018
Council Vote: July 9, 2018

There were no public comments made at this hearing.
(7:13 p.m.)

RESULT: **ADOPTED (UNANIMOUS)**
MOVER: Bill Harp, Ward 5
SECONDER: Jean H. Matlock, Ward 1
AYES: Matlock, Harp, Williams, Alcorn, Harp, Davis
EXCUSED: Bruggeman

2. Ordinance No. 2018-070 granting a Specific Use Permit to allow an in-home day care on Lot 5, Block 1, Hancock's Addition, located at 2405 Garber Street. Ruby Scott, applicant. Robin Tucker, agent.

Public Hearing: July 9, 2018
Council Vote: July 9, 2018

There were no public comments made at this hearing.
(9:15 p.m.)

Page 6

MinutesCity CouncilJuly 9, 2018

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christie Alcorn, Ward 4
SECONDER: Jean H. Matlock, Ward 1
AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED: Bruggeman

3. Ordinance No. 2018-071 amending P-05-5(O) for site plan approval on Lot 1, Texas Bank & Trust Subdivision, located at 4646 Cowhorn Creek Road. Matt and Cindy Young, applicants. Kayla Wood, MTC Engineering and Surveying, agent.

Public Hearing: July 9, 2018
 Council Vote: July 9, 2018

There were no public comments made at this hearing.
 (7:17 a.m.)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mary Hart, Ward 2
SECONDER: Blal Harp, Ward 5
AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED: Bruggeman

4. Resolution No. 2018-072 adopting the Community Development Block Grant (CDBG) Consolidated Plan, Citizen Participation Plan and Annual Action Plan.

Public Hearing: July 9, 2018
 Council Vote: July 9, 2018

There were no public comments made at this hearing.
 (7:17 p.m.)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christie Alcorn, Ward 4
SECONDER: Betty Williams, Ward 3
AYES: Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED: Bruggeman

5. Proposed annexation of Study Area 1 being north of McKnight Road and southwest of Richmond Road; and being bounded on the north, east and south by existing Texarkana, Texas city limits.

Citizens who spoke in opposition to Proposed Annexation Study Area 1:

Charles Moulton

No citizen spoke in favor.

 Page 7

Minutes

City Council

July 9, 2018

RESULT: MOVED FORWARD

Next: 7/18/2018 6:00 PM

6. Proposed annexation of Study Area 2 being west of Kings Highway and south of Hughes Road and south of Arnold Drive and east of Old Red Lick Road, being bounded on the east side by existing Texarkana, Texas city limits and being east and south of Red Lick city limits. (Protest Petition Received)

Citizens who spoke in opposition to Proposed Annexation Study Area 2:

Mark Burgess & Amy Friedman - in behalf of Ms. Estill
 Dan Proctor
 Mitch Akin
 Jim Estill

No citizen spoke in favor.

RESULT: MOVED FORWARD

Next: 7/18/2018 6:00 PM

7. Proposed annexation of Study Area 3 being bounded on the south by Hindley Street, west of S. Bishop Road and north of U.S. Hwy 59.

Citizens who spoke in opposition to Proposed Annexation Study Area 3:

Khoa Nguyen

No citizen spoke in favor.

RESULT: MOVED FORWARD

Next: 7/18/2018 6:00 PM

8. Proposed annexation of Study Area 4 being bounded on the east by the Union Pacific Railroad and on the west by the existing Texarkana, Texas city limits and on the south by Barind Road.

Citizens who spoke in favor or in opposition to Proposed Annexation Study Area 4:

None

RESULT: MOVED FORWARD

Next: 7/18/2018 6:00 PM

9. Proposed annexation of Study Area 5 being bounded on the south by North Kings Highway and on the north, east and southeast by the Texarkana, Texas city limits (Protest Petition Received)

Citizens who spoke in opposition to Proposed Annexation Study Area 5:

Charles Ratcliffe
 Deborah Ratcliffe

No citizen spoke in favor.

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Minutes

City Council

July 9, 2018

RESULT: MOVED FORWARD

Next: 7/18/2018 6:00 PM

10. Proposed annexation of Study Area 6 located on both sides of Richmond Road, south of Stonevale Addition and surrounded by the existing Texarkana, Texas city limits with the portion east of Richmond Road being the Herbert Boyer property (Protest Petition Received).

Citizens who spoke in opposition to Proposed Annexation Study Area 6:

Lonnie M. Hawkins
 Julie Akin
 Lonnie Hawkins
 Herbert Boyer

No citizen spoke in favor.

RESULT: MOVED FORWARD

Next: 7/18/2018 6:00 PM

11. Proposed annexation of Study Area 7 being all the properties along Leggett Drive and Pine Ridge Circle, and all property known as the Texarkana Golf Ranch LLP and city property northwest of Dringle Lake (Protest Petition Received).

Citizens who spoke in opposition to Proposed Annexation Study Area 7:

Glen Wile
 Lynn Kuznoff
 Phyllis Howard
 Angela Finton
 David Finton
 Carlton Robarney

No citizen spoke in favor.

RESULT: MOVED FORWARD

Next: 7/18/2018 6:00 PM

VII. ITEMS FOR DISCUSSION

Staff Updates - Annexation Service Plans: Emergency Services Districts

David Orr stated that the city received the estimated portion of bond debt for the Pleasant Grove Volunteer Fire Department (PGVFD) and it is a little over \$24,000.

The city would be responsible for this bond debt if the proposed annexation occurs in that jurisdiction. The areas impacted by the (PGVFD) are areas 1, 5, 6, and 7. Staff also received a protest petition for Area 5 prior to the council meeting.

The Mayor reminded everyone that the second public hearing is scheduled as follows:

Page 9

Minutes

City Council

July 9, 2018

Wednesday, July 18, 2018

PGISD Central Services Office
 8500 N. Kings Highway
 Texarkana, Texas 75503

The meeting will begin at 6:00 p.m. and is open to the public.

VIII. ADMINISTRATIVE COMMENTS**1. City Council**

Mayor Bruggeman thanked all of the citizens who came before the council and expressed their strong feelings and concerns about the proposed annexation study areas. Comments were made in a dignified and respectful manner and was appreciated by the council.

Council Member Harp thanked Kristin Peeples and staff for their hard work and efforts in preparing the 2019 fiscal year budget.

Council Member Hart commended staff for moving forward with good plans for the city's future and for taking into consideration the feelings of all citizens of Texarkana, Texas.

2. City Staff

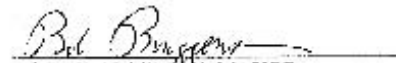
Staff had no administrative comments for council.

IX. ADJOURNMENT**1.**

A motion was made to adjourn the meeting.
 (8:25 p.m.)

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Bill Harp, Ward 5
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman


 JENNIFER EVANS, CITY SECRETARY


 BOB BRUGGEMAN, MAYOR

6:14 p.m.

Page 10

TEXARKANA, TEXAS, JUNE 27, 2018

**Notice of 30 Day Comment Period
Analysis of Impediments to Fair Housing
Choice**

Notice is hereby given by the City of Texarkana, Texas that the draft of the updated analysis of Impediments to Fair Housing Choice is available for public review and comments. The public comment period will be from June 28, 2018 to July 28, 2018. A Public Hearing on the plan will be on 6 pm on July 9, 2018 at City Hall. The U.S. Department of Housing and Urban Development requires governmental jurisdictions receiving Federal Community Development Block Grant (CDBG) funds to complete an analysis of impediments to Fair Housing Choice (AIFHC). This document coincides with the development of the City of Texarkana's Five Year Consolidated Plan. The AIFHC has potential impediments to fair housing choice. The AIFHC reviews public and private policies, practices and procedures affecting housing choice and recommends actions to address any identified potential impediments. Copies of this document may be reviewed at Texarkana, TX City Hall at 228 Texas Boulevard, Texarkana, TX or from the website: www.ci.texarkana.tx.us - Planning and Community Development Department. Persons interested in providing comments may do so by sending them to the City of Texarkana, TX, P. O. Box 1967, Texarkana, TX 75564, Attn: Deby Freeman or email at Deby.Freeman@texarkana.org by 5:00 PM on July 28, 2018.

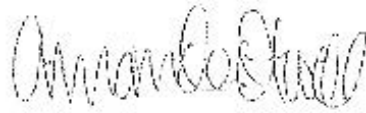
Bowie

Texarkana Gazette
101 East Broad St.
Texarkana, AR 71854
903-330-7550

**COUNTY OF BOWIE
STATE OF TEXAS**

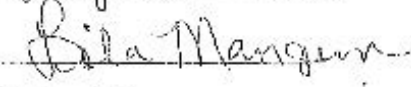
I, Amanda Otwell, do solemnly swear that I am the Legal Clerk of the Texarkana Gazette, a newspaper published in Bowie County and having a bona fide circulation therein; that said newspaper is authorized by law to publish legal advertisements; and that the advertisement annexed hereto was published in said newspaper on the following dates:

06/27/18



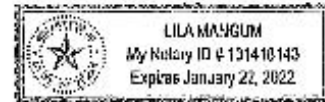
Amanda Otwell
Legal Clerk

Subscribed and sworn to before me, this 11 day of July, 2018.



Notary Public

Bowie County, Texas



My Commission expires: 1/22/22

[illegible]

Texarkana Gazette
101 East Broad St.
Texarkana, AR 71854
903-330-7550

COUNTY OF BOWIE
STATE OF TEXAS

I, Amanda Otwell, do solemnly swear that I am the Legal Clerk of the Texarkana Gazette, a newspaper published in Bowie County and having a bona fide circulation therein; that said newspaper is authorized by law to publish legal advertisements; and that the advertisement annexed hereto was published in said newspaper on the following dates:

05/20/18

Amanda Otwell

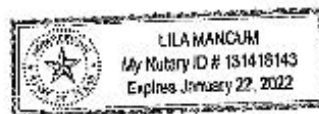
Amanda Otwell
Legal Clerk

Subscribed and sworn to before me, this 6 day of
June 2018.

Lila Mancum

Notary Public

Bowie County, Texas



My Commission expires: 1/22/20

Taliban announces cease-fire for holiday

By RAMIN FARIZ
The Associated Press
KABUL, Afghanistan—The Afghan Taliban announced a three-day cease-fire over the Eid-al-Fitr holiday at the end of the holy month of Ramadan, a first for the group, following an earlier cease-fire announcement by the government.

A statement released Saturday by the Taliban said that they would defend themselves in case of any attack. They say foreign forces are excluded from the cease-fire and Taliban operations would continue against them.

The statement added that the leadership of the Taliban may also consider releasing prisoners of war, if they promise not to return to the battlefield.

Muhammad Haroon Chahkhamuri, spokesman for the Afghan president, welcomed the cease-fire announcement during a news conference in Kabul.

"We hope that (the Taliban) will be committed to implementing their announcement of the cease-fire," he said. "The Afghan government will take all steps needed to make sure that there is no bloodshed in Afghanistan."

Afghan President Asadul Ghani on Thursday announced a worldwide cease-fire with the Taliban to coincide with the holiday.

A statement sent from the president's office on Thursday...

It is expected to be a quiet day, with the Taliban and the government both observing the holiday. The Taliban has been fighting the government since 2001, and the government has been fighting the Taliban since 2001.

REQUEST FOR
BIDDING
The City of Texarkana is seeking proposals for the construction of a new city hall. The project is located at the intersection of Main Street and 1st Street. The estimated cost of the project is \$10 million. The deadline for proposals is June 15, 2010.

THE TEXAS ALSO
NOLIN REVENUE
The Texas Nolin Revenue is a tax on the production of nolin. It is levied on the gross value of the nolin produced in the state. The rate of the tax is 1 percent. The revenue is used for the construction and maintenance of the state highway system.

APPLICATION HAS
SEEN MADE WITH
THE TEXAS ALSO
NOLIN REVENUE
The Texas Nolin Revenue is a tax on the production of nolin. It is levied on the gross value of the nolin produced in the state. The rate of the tax is 1 percent. The revenue is used for the construction and maintenance of the state highway system.

Consolidated Plan
OMB Control No: 2506-0117 (exp. 06/30/2018)
Amended Apr2020
The City of Texarkana is seeking proposals for the construction of a new city hall. The project is located at the intersection of Main Street and 1st Street. The estimated cost of the project is \$10 million. The deadline for proposals is June 15, 2010.

Consolidated Plan
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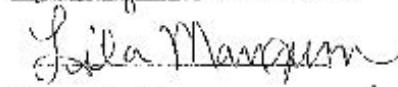
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06/10/18


Amanda Otwell
Legal Clerk

Subscribed and sworn to before me, this 11 day of July 2018.



Notary Public

Bowie County, Texas



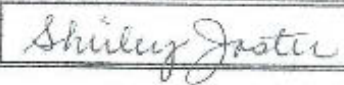
My Commission expires: 1/22/22

Grantee SF-424's and Certification(s)

OMB Number: 4040-0004
Expiration Date: 12/31/2019

Application for Federal Assistance SF-424		
* 1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application	* 2. Type of Application: ☐ New ☒ Continuation ☐ Revision	* If Revision, select appropriate letter(s): * Other (Specify):
* 3. Date Received: 	4. Applicant Identifier: 	
5a. Federal Entity Identifier: 	5b. Federal Award Identifier: 15-18-PC-40-1000	
State Use Only:		
6. Date Received by State: 	7. State Application Identifier: 	
8. APPLICANT INFORMATION:		
* a. Legal Name: City of Texarkana, Texas		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 15-6006009	* c. Organizational DUNS: 05232910-9000	
d. Address:		
* Street1: 220 Texas Blvd		
* Street2:		
* City: Texarkana		
* County/Parish:		
* State: TX; Texas		
* Province:		
* Country: USA; UNITED STATES		
* Zip / Postal Code: 75501-5015		
e. Organizational Unit:		
Department Name: Planning & Community Development		Division Name:
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mr. * First Name: David		
Middle Name:		
* Last Name: Orr		
Suffix:		
Title: Director of Planning & Community Development		
Organizational Affiliation:		
* Telephone Number: 903-798-3900		Fax Number: 903-798-3913
* Email: david.orr@texarkana.org		

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: City or Township Government	
Type of Applicant 2: Select Applicant Type: 	
Type of Applicant 3: Select Applicant Type: 	
* Other (specify): 	
* 10. Name of Federal Agency: Housing & Urban Development, Office of Community Planning	
11. Catalog of Federal Domestic Assistance Number: 14-210	
CFDA Title: Housing & Urban Development Community Development Block Grant (CDBG)	
* 12. Funding Opportunity Number: 14-210	
* Title: Community Development Block Grant Program for Independent Communities	
13. Competition Identification Number: 	
Title: 	
14. Areas Affected by Project (Cities, Counties, States, etc.): Add Attachment Delete Attachment View Attachment	
* 15. Descriptive Title of Applicant's Project: Continuation of Texarkana's Community Development Block Grant Program	
Attach supporting documents as specified in agency instructions. Add Attachments Delete Attachments View Attachments	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: 2	* b. Program/Project: 1
Attach an additional list of Program/Project Congressional Districts if needed:	
Add Attachment Delete Attachment View Attachment	
17. Proposed Project:	
* a. Start Date: 10/01/2018	* b. End Date: 09/30/2019
18. Estimated Funding (\$):	
* a. Federal:	325,033.00
* b. Applicant:	
* c. State:	
* d. Local:	
* e. Other:	
* f. Program Income:	2,500.00
* g. TOTAL:	327,533.00
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
☐ a. This application was made available to the State under the Executive Order 12372 Process for review on:	
☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review	
☒ c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
☐ Yes ☒ No	
If "Yes", provide explanation and attach:	
Add Attachment Delete Attachment View Attachment	
21. "By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 216, Section 1001)	
☒ ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix: Mrs	* First Name: Shirley
Middle Name:	
* Last Name: Jaster	
Suffix:	
* Title: City Manager	
* Telephone Number: 903-798-1300	Fax Number:
* Email: jaster@txkwa.org	
* Signature of Authorized Representative: 	* Date Signed: 7/9/2018

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0008
Expiration Date: 01/31/2019

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

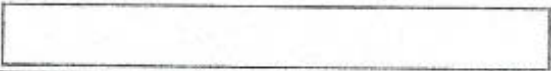
- Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
- Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will comply with the intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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Standard Form 424D (Rev. 7-97)
Prescribed by OMB Circular A-102

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE
		City Manager
APPLICANT ORGANIZATION		DATE SUBMITTED
City of Texarkana Texas		7/9/2018

SF-4240 (Rev. 7-87) Back

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2018 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Shirley Jaska
Signature of Authorized Official

8/8/18
Date

City Manager
Title

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Shirley Jaster
Signature of Authorized Official

8/8/18
Date

City Manager
Title

Appendix - Alternate/Local Data Sources

1	Data Source Name Agency Survey Data Set
	List the name of the organization or individual who originated the data set. City of Texarkana, Texas
	Provide a brief summary of the data set. The City of Texarkana, Texas distributed a survey through the Homeless Coalition to all participating housing and homeless service providers. Notices of the survey were sent via email, explained at the Homeless Coalition Meeting June 2013, emailed to participants, posted on the City's website, and advertised in the local newspaper, the Texarkana Gazette. Agencies were asked to identify community needs and priorities and to provide narrative comments.
	What was the purpose for developing this data set? The City of Texarkana, Texas sought to gather agency perspective on the needs and priorities related to housing, economic development, and homeless services in revising its existing housing and community development plan. Agency representatives were advised that the 5 Year Consolidated Plan guides the expenditure of the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) in existing low- and moderate-income communities. In order to better understand what the needs are, we invited agencies to participate in this important process by completing the survey.
	Provide the year (and optionally month, or month and day) for when the data was collected. June and July 2013
	Briefly describe the methodology for the data collection. Notices of the survey were sent via email, explained at the Homeless Coalition Meeting June 2013, emailed to participants, posted on the City's website, and advertised in the local newspaper, the Texarkana Gazette. Agencies were asked to identify community needs and priorities and to provide narrative comments. Questions were developed using certified questions in the SurveyMonkey question database and modified to reflect the specific issues and concerns expressed by Homeless Coalition members using non-prejudicial language. Responses were collected via the SurveyMonkey interface allowing for Web or phone access.
	Describe the total population from which the sample was taken. All applicable agencies were asked to participate in the survey and identify needs and priorities of their agencies, the community, and the people served by their agencies.

	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. Approximately twenty local agencies were asked to participate in the survey. Five respondents representing their agencies submitted responses.
2	Data Source Name Citizen Participation Survey
	List the name of the organization or individual who originated the data set. City of Texarkana, Texas
	Provide a brief summary of the data set. Citizens were asked to help the City construct a new five year strategy for the future of Texarkana, Texas. They were advised that The Consolidated Plan is required of all communities that wish to receive funds from the U.S. Department of Housing and Urban Development, including the Community Development Block Grant program and would help the City to assess the needs and priorities of the people of Texarkana.
	What was the purpose for developing this data set? The City of Texarkana, Texas sought to gather citizen perspective on the needs and priorities related to housing, economic development, and homeless services in revising its existing housing and community development plan. Citizens were advised that the 5 Year Consolidated Plan guides the expenditure of the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) in existing low- and moderate-income communities. In order to better understand what the needs are, we invited citizens to participate in this important process by completing the survey.
	Provide the year (and optionally month, or month and day) for when the data was collected. June/July 2013
	Briefly describe the methodology for the data collection. Notices of the survey posted on the City's website, advertised in the local newspaper, the Texarkana Gazette, announced at City Council meetings, placed on the Council agenda, posted at City Hall, advertised at 5 community meetings and distributed to email lists of homeless, housing and service providers. Agencies were asked to identify community needs and priorities and to provide narrative comments. Questions were developed using certified questions in the SurveyMonkey question database and modified to reflect the specific issues and concerns expressed by Homeless Coalition members using non-prejudicial language. Responses were collected via the SurveyMonkey interface allowing for Web or phone access. Hard copies of the survey were also made available at City Hall, through the City's website, and at community meetings.
	Describe the total population from which the sample was taken. Texarkana has a population of 36,197. with 14,200 households and a median income of \$38,037 with 2,823 household at or below HAMFI.

	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. With 14,200 households and a median income of \$38,037, Texarkana has 2,823 household at or below HAMFI. Respondents represented several key neighborhoods in the City, including downtown, RoseHill and historic districts. Most of the respondent identified as over age fifty-five.
3	Data Source Name Texarkana Point-In-Time Homeless Count List the name of the organization or individual who originated the data set. Texas Homeless Network and the Texarkana Continuum of Care/Homeless Coalition Provide a brief summary of the data set. This data set is from the yearly Point-In-Time Homeless Count/Survey required by HUD for all communities participating in relevant programs. What was the purpose for developing this data set? Every year HUD requires all Continua to collect data on homelessness at a single point-in-time during the last week in January. The Texas Homeless Network annually assists communities with their Point-in-Time homeless survey preparation and data analysis. This information is used by local communities in the development of short and long-term strategies to alleviate homelessness. Provide the year (and optionally month, or month and day) for when the data was collected. The report is a compilation of data collected on the day of January 24, 2013, by members of the Texarkana Homeless Coalition. Briefly describe the methodology for the data collection. The "known location" methodology was used by volunteers who surveyed persons found at sites identified by the community to be where those suffering from homelessness are known to congregate. The resulting survey sample is represented by people in homeless situations and persons who are at risk of becoming homeless.

4	Describe the total population from which the sample was taken. §11302. General definition of homeless individual: (a) In general For purposes of this chapter, the term "homeless" or "homeless individual or homeless person" includes: 1. an individual who lacks a fixed, regular, and adequate nighttime residence; and 2. an individual who has a primary nighttime residence that is – A. a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); B. an institution that provides a temporary residence for individuals intended to be institutionalized; or C. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The number of survey responses does not represent the total population suffering from homelessness, so estimates are provided in the report.
	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. Two hundred and seven persons were counted in the survey, 40 of whom were children and 167 adults. Just under 24% were chronically homeless. The average age of respondents was 44.88 with 50.6% Black/African American and 45.15 White.
	Data Source Name Beverly Heights Target Area Report
	List the name of the organization or individual who originated the data set. The City of Texarkana, Texas Offices of Economic Development and Community Redevelopment and Grants collaborated to develop the data set.
	Provide a brief summary of the data set. The data set is a comprehensive examination of the Beverly Heights Community. Data was gathered through ESRI Community Analyst software.
	What was the purpose for developing this data set? The purpose of the development of this report was to examine the need for formation of the Beverly Heights Community Target Area as requested by community stakeholders and decision makers.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? Community Analyst is a Web-based system that allows researchers to view and analyze demographic, public, and third-party sources of data to better understand the overall community in question and make better policy decisions. With Community Analyst, researchers can understand and compare communities more deeply and on a factual level. By using the thousands of variables available in Community Analyst, researchers can analyze specific locations, geographic areas, or custom regions researchers create on the map, then relay critical information and analyses to others via maps and reports. Each demographic is documented as to the source used. For example, if the American Community Survey is used, the report specifically documents this source for the reports.

	What time period (provide the year, and optionally month, or month and day) is covered by this data set? The data is from 1990 to the present and also includes some trend projections.
	What is the status of the data set (complete, in progress, or planned)? The is a comprehensive look at the community as a whole as compared to city, state, and national statistics. Further analysis at block levels will benefit decision makers.
5	Data Source Name Texarkana MPO TUTS 2035 Plan
	List the name of the organization or individual who originated the data set. The Texarkana Metropolitan Planning Organization prepared this data set. A metropolitan planning organization is a transportation policy-making organization made up of representatives from local government and transportation authorities. The Federal Surface Transportation Assistance Act of 1973 required any urbanized area with a population greater than 50,000 persons to have a designated Metropolitan Planning Organization (MPO). The Policy Committee (PC) of the Texarkana Urban Transportation Study (TUTS) is designated by the governors of Arkansas and Texas as the MPO for the Texarkana Urbanized Area and is known as the Texarkana MPO. The fourteen (14) members of the PC represent cities, counties, and transportation agencies, from both Arkansas and Texas, serving the Texarkana, USA region. The PC is supported by a twenty-three (23) member Technical Committee (TC) and the MPO staff. The PC relies on its TC and the MPO staff for analysis and recommendations regarding transportation policy options.
	Provide a brief summary of the data set. The TUTS 2035 PLAN was adopted by the MPO Policy Committee on September 15, 2009.

	What was the purpose for developing this data set? This document is the 25 year transportation plan for the Texarkana Region. The Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), signed on August 10, 2005 and its predecessors, the 1998 Transportation Equity Act for the 21 st Century (TEA-21) and the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, require each MPO to develop a MTP in order to be eligible to receive transportation program funding. Federal legislation requires the MPO to develop a Metropolitan Transportation Plan that encourages and promotes the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of the people and freight and foster economic growth and development within and through out the urbanized areas, while minimizing transportation-related fuel consumption and air pollution. The Texarkana Urban Transportation Study (TUTS) 2035 PLAN is the Texarkana region’s MTP. The TUTS 2035 PLAN is a strategic planning document designed to identify and address the transportation needs of the region through the year 2035. The primary use for the TUTS 2035 PLAN is as a regional long-range plan for federally funded transportation projects. The MTP serves as the framework for project development and guides public entities in selecting projects for implementation. It is a multimodal plan that describes needed improvements for all modes of transportation. It also considers a number of transportation issues, including connectivity, land use, and systems management. As such, the MTP forms the basis for transportation planning activities within the region and determines the nature of the future transportation system.
	Provide the year (and optionally month, or month and day) for when the data was collected. Data for the plan was collected in 2008 and 2009. Census data from the 2000 Census was used for the report.
	Briefly describe the methodology for the data collection. The Texarkana MPO utilized standard TUTS planning processes to collect and analyze the data. This includes processes intended to ensure inclusion of federal, state, and local agencies, stateholders, and decision makers.

	Describe the total population from which the sample was taken. The MPO reports that one of the most important factors affecting the need for transportation improvements is the change in its population over a period of time. For this reason, it was beneficial to analyze the population trends in the Texarkana metropolitan area with special emphasis placed on information contained in the 1980, 1990 and 2000 U.S. Censuses. Between 1980 and 2000, the population of the United States increased by 24%, Texas' population increased by 46% (nearly double the national rate) and Arkansas experienced a slower growth rate of almost 17%. Collectively, the cities of Texarkana, Arkansas, Texarkana, Texas, Nash and Wake Village, increased 16.9% from a 1980 population of 58,617 to 68,528 in 2000. The 20-year increase of the four cities (9,911 persons) equates to an average increase of 495 persons per year. During the 20-year period from 1980 to 2000, Bowie County's population increase of 18% was below the national average and less than half the increase of Texas. Miller County's increase of 7% was about half the rate of increase of Arkansas and about one-third the national average. Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. The Texarkana MPO study area is comprised of nearly 200 square miles in northeast Texas and southwest Arkansas. Jurisdictions involved in the MPO include the cities of Texarkana, Arkansas; Nash, Texas; Wake Village, Texas; and Texarkana, Texas; as well as Miller County, Arkansas and Bowie County, Texas.
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City of Texarkana, Texas Citizen Participation Plan



CITY OF TEXARKANA, TEXAS
CITIZEN PARTICIPATION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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Community Development Block Grant Program - CDBG

The CDBG program is a flexible program that provides communities with resources to address a wide range of unique community development needs. The CDBG program provides annual grants on a formula basis to units of local government and states.

The CDBG program works to ensure decent, affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses. CDBG is an important tool for helping local governments tackle serious challenges facing their communities. The CDBG program has made a difference in the lives of millions of people and their communities across the nation.

The annual CDBG appropriation is allocated between States and local jurisdictions called "non-entitlement" and "entitlement" communities, respectively. Entitlement communities are comprised of central cities of Metropolitan Statistical Areas (MSAs); metropolitan cities with populations of at least 50,000; and qualified urban counties with a population of 200,000 or more (excluding the populations of entitlement cities). States distribute CDBG funds to non-entitlement localities not qualified as entitlement communities.

HUD determines the amount of each grant by using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.

Citizen Participation

A grantee must develop and follow a detailed plan that provides for and encourages citizen participation. This integral process emphasizes participation by persons of low or moderate income, particularly residents of predominantly low- and moderate-income neighborhoods, slum or blighted areas, and areas in which the grantee proposes to use CDBG funds. The plan must provide citizens with the following: reasonable and timely access to local meetings; an opportunity to review proposed activities and program performance; provide for timely written answers to written complaints and grievances; and identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

Eligible Activities

Over a 1, 2, or 3-year period, as selected by the grantee, not less than 70 percent of CDBG funds must be used for activities that benefit low- and moderate-income persons. In addition, each activity must meet one of the following national objectives for the program: benefit low- and moderate-income persons, prevention or elimination of slums or blight, or address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

**CITY OF TEXARKANA, TEXAS
CITIZEN PARTICIPATION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
EXECUTIVE SUMMARY**

The City of Texarkana Texas desires that citizens and citizen groups play an active advisory role in the planning, implementation, and assessment of the US Department of Housing and Urban Development programs. In order for citizens to better understand this advisory role, and participate in the process, the following clarifications are provided:

Advisory Role in Planning: During the information gathering process for the five-year Consolidated Plan, the Annual Action Plan, other program activities, all public comment periods, and City Council public hearings, citizens are encouraged to submit views, project proposals, and priorities in an effort to advise the Department and the City Council so that the City can plan activities for the upcoming program year(s). Citizens may submit their views and priorities throughout the year by calling or visiting the: Planning and Community Development Department, 220 Texas Boulevard, Texarkana, Texas, 75501, 903-798-3900, or writing the Department at P.O. Box 1967, Texarkana, Texas, 75504-1967, or on the internet at <http://www.ci.texarkana.tx.us/>

Advisory Role in Implementing the Projects: Citizens are encouraged to visit project sites and locations and to submit their views, either positive or negative, as to how well the projects are being carried out. Citizens with suggestions as to how projects might better be implemented are encouraged to call, visit, or submit a written letter to the Department at any time during the year.

Citizens may have access to all CDBG information for five years. The Citizens' Participation Plan, Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance and Evaluation Reports are the most important documents pertaining to the CDBG program. Records and documents relevant to the CDBG programs will be made available at the Planning and Community Development Department, 220 Texas Boulevard, Texarkana, Texas, 75501, between the hours of 8-12 and 1-5, Monday-Friday, for citizen review upon request. Copies of requested documents are available at a cost of \$.25 per sheet. Plans are also available for viewing and downloading on the City's website <http://www.ci.texarkana.tx.us/>.

The following documents are made available to the public for review: (1) all mailings and promotional material; (2) records of public hearings; (3) key program documents; (4) program applications; (5) funding applications; (6) letters of approval; (7) grant agreements; (8) Citizens' Participation Plan; (9) Consolidated Annual Performance and Evaluation Reports; (10) five-year Consolidated Plan; (11) Annual Action Plan; (12) monitoring reports; (13) other reports required by HUD; (14) copies of the regulations and bulletins governing the program; (15) documents pertaining to: a) contracting procedures, b) environmental policies, c) fair housing and equal opportunity requirements, and d) relocation provisions.

The City may publish in the Texarkana daily newspaper, on the City's website and post in public places a public notice prior to public hearings indicating dates, times, places, and procedures of each meeting or public hearings and topics to be discussed. All public hearing sites are accessible to individuals with disabilities. Individuals with disabilities who may need assistance to participate, observe, or comment are encouraged to contact the Department of Planning and Community Development at (903) 798-3900 for assistance at least 24 hours prior to the meeting date.

All aspects of the CDBG program are conducted in an open manner with freedom of access for all interested persons. Citizens with questions, comments, proposals, or complaints concerning the program, are encouraged to contact the Department of Planning and Community Development at (903) 798-3900. Written comments should be mailed to the Department of Planning and Community Development, City of Texarkana, Texas, P.O. Box 1967, Texarkana, Texas 75504-1967. Comments may also be provided on the City's website at <http://www.ci.texarkana.tx.us/>.

SECTION 1. INTRODUCTION

The City of Texarkana, Texas has designed this community-wide Citizens' Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) program. This Plan is an essential element of the City's present and future community development process and has been developed to comply with the regulations and requirements of the CDBG program as administered by the Department of Housing and Urban Development (HUD). This Plan supersedes all other Citizen Participation Plans, which may have been adopted by the City of Texarkana, Texas.

The primary goal of this Plan is to provide all citizens of the community with adequate opportunity to participate in an advisory role in the planning, implementation, and assessment of the City's CDBG program(s). The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen participation in the community development process. Special emphasis has been placed on encouraging participation by persons of low and moderate incomes, residents of blighted neighborhoods, and residents of areas where community development funds are utilized. Additionally, emphasis shall be placed on obtaining participation from public housing authorities, residents of public housing, non-English speaking persons, minorities, and persons with disabilities.

Citizens are encouraged to participate in all phases of the CDBG program(s) and will be provided full access to program information. However, final responsibility and authority for the development and implementation of CDBG program(s) will lie with the City of Texarkana, Texas City Council.

1.1 Citizen Comment on Citizens' Participation Plan and Amendments

Public comment on the development or amendment to the Citizens' Participation Plan is provided in the following manner:

- a) The Citizens' Participation Plan draft will be made available for citizen comment for thirty days prior to the adoption of revisions or amendments;
- b) The thirty-day comment period will be published prior to the opening of the period;
- c) A public hearing for comments on Citizens' Participation Plan will be held a minimum of fourteen (14) days prior to City Council consideration of the adoption of revisions or amendments;
- d) The City will make the Citizens' Participation Plan available to persons with disabilities or non-English speaking in an accessible format upon request; and
- e) The Citizens' Participation Plan will be published on the City's website.

The 30-day comment period may be reduced to no less than 5 days in the event of an emergency or health crisis such as COVID-19 as deemed by state or local governing agencies.

SECTION 2. SCOPE OF PARTICIPATION

The City will make reasonable efforts to provide for citizen participation during the community development process and throughout the planning, implementation and assessment of all CDBG program(s) undertaken by the City. Local officials will make every effort to involve citizens in

all phases of the development, implementation and assessment of community development programs including, but not limited to, the following phases:

- a. identification and assessment of housing and community development needs;
- b. determination of CDBG project(s) and documentation; and the development of CDBG application(s);
- c. changes and/or amendments to approved CDBG projects; and,
- d. assessment of CDBG program performance.

All phases of the community development process will be conducted by local officials in an open manner. Citizens of Texarkana, Texas are encouraged to participate at all levels and will be given access to program information during each phase of any CDBG program as outlined herein.

SECTION 3. CITIZEN PARTICIPATION

The Department of Planning and Community Development (Department) is responsible for the development, publication, and implementation of citizen participation in the CDBG program.

The Department will disseminate information concerning proposed projects and the status of current project activities; coordinate various groups participating in the community development process; receive written comments; serve as a vehicle by which ideas, comments, and proposals from local residents may be transmitted to local officials and/or program staff; and, monitor the citizen participation process and proposing such amendments to the Citizens' Participation Plan as may be necessary.

The Department staff may be contacted at Texarkana, Texas City Hall 220 Texas Blvd Texarkana, Texas 75501, or 903-798-3900 during regular business hours. All questions concerning citizen participation in the community development process should be addressed to the Planning and Community Development Department. The Department may also be contacted on the internet at <http://www.ci.texarkana.tx.us/>.

SECTION 4. TECHNICAL ASSISTANCE

City staff will provide technical assistance to individual citizens and citizen groups, especially those groups representative of persons of low or moderate income, as may be required to adequately provide for citizen participation in the planning, implementation and assessment of CDBG program(s).

Such technical assistance is intended to increase citizen participation in the community development decision-making process and to ensure that such participation is meaningful. Technical assistance shall also be utilized to foster public understanding of CDBG program requirements.

Technical assistance will be provided on request and may include, but not necessarily be limited to: interpreting the CDBG program and its rules, regulations, procedures and/or requirements;

providing information and/or materials concerning the CDBG program; and, assisting low and moderate income citizens, and residents of blighted neighborhoods to develop statements of views, identify their needs, and to develop activities and proposals for projects which, when implemented, will resolve those needs.

Technical assistance may be obtained by contacting the Department.

SECTION 5. PUBLIC HEARINGS

Citizen participation in the community development process will be conducted on a community-wide basis and will actively involve the views and proposals of all citizens, especially low and moderate-income persons and residents of areas where CDBG activities are proposed or ongoing.

Public hearings will be held during all phases of the community development process, as outlined herein, to allow citizens to voice opinions and offer proposals concerning the development and performance of CDBG programs. Local officials will respond to questions and proposals from citizens at each public hearing. Any questions that citizens may have concerning a program will be answered and their comments, suggestions, and/or proposals will be received. Citizens may also express comments and views concerning the community development process or any specific CDBG project to the governing body at any regularly scheduled meeting.

5.1 Public Hearing Times and Locations

All public hearings will be held at times and locations which will be accessible to all citizens, especially persons of low and moderate incomes, and residents of blighted neighborhoods and CDBG project areas.

Public hearings will be scheduled for convenient times as determined by the City. Public hearings may be held at any site which, in the opinion of the City, provides adequate access for citizen participation.

Hearings will normally be held at the Texarkana, Texas City Hall located at 220 Texas Boulevard. This site is centrally located and generally accessible to all citizens. This building is also accessible to persons with disabilities. Hearings may, however, at the option of the City, be held at an alternate location to be specified in the public hearing notice(s).

5.2 Annual Action Plan Public Hearing

At least one public hearing shall be held during any CDBG program fiscal year prior to the submission of an Annual Action Plan to the U.S. Department of HUD for CDBG assistance. The primary purpose of the public hearing shall be to assess community needs and problems in an effort to determine the most critical needs to be addressed by the CDBG program; and also, to present for public comment and review the program activities, which have been selected by the City to resolve the identified needs.

These public hearings will be held during the initial stage of program development to discuss items regarding community development and housing needs, the CDBG program, and the application process. The objective of citizen participation at this stage is to provide meaningful, community-wide citizen input into the decision-making process during the assessment of community needs and the consideration of priorities and options associated with the development and submission of a CDBG application. Local officials will also entertain proposals and comments from citizens concerning community development activities at this hearing.

This hearing will normally serve to discuss and review the information appropriate for all applications submitted by the City during any fiscal year. Substantial changes in community development or housing needs in the community as determined by local officials may necessitate another hearing to fulfill the role of the first public hearing prior to the submission of other CDBG applications late in the fiscal year.

Citizens will be provided with information concerning the CDBG program at this public hearing. Such information shall include, but not necessarily be limited to: the goals and objectives of the CDBG program; the total amount of CDBG funds available; the role of citizens in program planning, implementation, and assessment; the range of activities which may be undertaken; the schedule of meetings and hearings; activities previously funded in the City through the CDBG program; and, an identification of projects which could result in the relocation of area residences or businesses; and the actions that would be undertaken if such relocation were necessary.

5.3 Amendment Public Hearings

The City will assure the opportunity for citizen participation during the implementation of any CDBG program(s) when changes to the project are under consideration by the City. Citizen participation shall be obtained and considered in any amendments to a CDBG program which involves changes in program beneficiaries, changes in the location of approved activities, addition to or deletion of project activities, and major budget shifts between approved activities as defined in Section 6.1 Amendments to the Consolidated Plan and Annual Action Plans.

To ensure adequate opportunity for citizen participation during CDBG programs, the City shall hold a public hearing on all substantial amendments which require HUD approval.

5.4 Assessment of Performance Public Hearings

Citizens of the City will be provided with the opportunity to comment on the performance of local officials, the City staff, consultants, engineers, and contractors, and the actual use of CDBG funds during the implementation of a CDBG program. Citizens will also be requested to assess the performance of the City in resolving identified community development and housing needs, and in achieving its community development goals and objectives. Ongoing community assessment of the effectiveness of the community development process is considered essential to the success of the CDBG program.

The City will prepare a Consolidated Annual Performance and Evaluation Report (CAPER) after the end of each program year indicating the City's progress toward carrying out the Strategic

Plan of the five-year Consolidated Plan and the Annual Action Plan for that program year, as amended if applicable, and as approved by Council and submitted to HUD. The CAPER shall include an assessment of goals and objectives and a description of the resources available, the investment of available resources, the geographic distribution and location of investments, the families and persons assisted, actions taken to affirmatively further fair housing, and other actions relevant to the program year. The report will also include the City's progress made in meeting its specific objective of providing affordable housing.

The Department will provide public notice and comment opportunity on all CAPERs. Public notice of the availability of the CAPER and the date and location of the public hearing will be published in the newspaper and posted in public places. A 15-day comment period will be provided. After the public hearing and City Council approval of the CAPER, the City will submit the CAPER to HUD for review and approval. All public comments received will be summarized and be attached to the CAPER when submitted to HUD.

5.5 Additional Hearings

Other public hearings may be held as deemed necessary by the Texarkana City Council in order to inform citizens of community development project(s) and activities, and to solicit citizen opinions and comments. All additional hearings shall comply with the requirements set forth in this Plan.

5.6 Non-English-Speaking Residents

According to the latest U.S. Census of Population, there is a small population of non-English speaking residents in the City of Texarkana, Texas. However, should a significant number of non-English speaking citizens desire to participate in public hearings, local officials will undertake all reasonable actions necessary to allow such persons to participate in the community development process. Such actions may include the provision of an interpreter for non-English speaking persons and/or the provision of information regarding the CDBG program in a format that such persons can comprehend.

5.7 Public Hearing Notice

Notice of public hearings may be published in a local newspaper at least three (3) days prior to the hearing date. The City may waive hearing notice requirements in cases where unusual circumstances justify alternative means of notifying the general public. In such situations, shorter notice may be given, and public notices posted in public places may be used in place of a notice published in the newspaper. Each notice of a hearing shall include the time, date, place, topics and procedures to be discussed. Notices for public hearings may be run or posted, separately or together, as may be deemed necessary by the Mayor of the City of Texarkana, Texas.

5.8 Accessibility to Low and Moderate-Income Persons

The public hearing procedures outlined herein are designed to promote participation by low and moderate-income citizens, as well as residents of blighted neighborhoods and CDBG project

areas in any public hearing(s). Local officials may take additional steps to further promote participation by such groups, or to target program information to these persons should officials feel that such persons may otherwise be excluded, or should additional action be deemed necessary. Activities to promote additional participation may include: posting of notices in blighted neighborhoods and in places frequented by low and moderate income persons and holding public hearings in low and moderate-income neighborhoods or areas of existing or proposed CDBG project activities.

5.9 Accessibility to Persons with Disabilities

The locations of all public hearings as described herein shall be made accessible to persons with disabilities. Also, the City shall provide a sign language interpreter whenever the Department is notified in advance that one or more hearing impaired persons will be in attendance.

SECTION 6. PROGRAM INFORMATION

Citizens will be provided full access to CDBG program information during all phases of a CDBG project. Local officials of the City shall make reasonable effort to assure that CDBG program information is available to all citizens, especially those of low and moderate incomes and those residing in blighted neighborhoods and/or CDBG project areas.

To facilitate citizen access to CDBG program information, the City will keep all documents related to a CDBG program on file in Department of Planning and Community Development. Information from the project files shall be made available for examination on request during regular business hours. CDBG program information and materials concerning specific CDBG projects will be available to the public at the regularly scheduled public hearings as outlined in this Plan. Furthermore, information concerning any CDBG project will be available at regularly scheduled council meetings where the program is discussed.

Materials to be made available shall include, but are not necessarily limited to: the Citizens' Participation Plan; records of public hearing; mailings and promotional materials; prior CDBG program applications; letters of approval; grant agreements; the environmental review record; financial and procurement records; project design and construction specifications; labor standards materials; performance and evaluation reports; other reports required by HUD; proposed and approved CDBG program application(s) for the current year or project; written comments or complaints received concerning the community development program, and written responses from the City; and, copies of the applicable Federal and State rules, regulations, policies, requirements and procedures governing the CDBG program.

In no case shall the City disclose any information concerning the financial status of any program participant(s), which may be required to document program eligibility or benefit.

6.1 Amendments to the Consolidated Plan and Annual Action Plans

Reallocations of more than \$50,000 in CDBG funds will be submitted to the Council for approval by resolution. Any change of more than \$50,000 in the CDBG budget allocations for a particular grant year will constitute a "substantial amendment" to the CDBG Program. Changes

less than \$50,000 constitute a “local amendment” and will not require HUD approval or a City Council resolution. Pursuant to these definitions, a substantial amendment will be submitted to the City Council for approval and an amended application to HUD in the following situations:

- a) When it proposes to use more than \$50,000 of the entitlement amount to undertake one or more new activities;
- b) When the City proposes to alter the stated purpose or class of beneficiaries of previously proposed activities whose cost exceeds \$50,000 of the entitlement amount approved for the affected program year;

All substantial amendments will be presented to the City Council for public hearing and approval by resolution. Public notice summarizing the substantial amendment, inviting public comment, and stating the date and location of the public hearing shall be published in the local newspaper and posted in public places a minimum of three (3) days before the hearing. A 30-day comment period will follow the public notice of the substantial amendment. Bilingual assistance will be provided at the meeting if requested in advance. The 30-day comment period may be reduced to no less than 5 days in the event of an emergency or health crisis such as COVID-19 as deemed by state or local governing agencies.

Following the public hearing, comment period, and approval by City Council, the substantial amendment will be submitted to HUD. When the City proposes to undertake activities, which are not consistent with the statement of objectives included in the Consolidated Plan, it will submit an amended summary to HUD at the same time the proposed amendment is submitted.

SECTION 7. PROCEDURES FOR COMMENTS, OBJECTIONS AND COMPLAINTS

The public hearings scheduled, as described in this Citizens’ Participation Plan, are designed to facilitate public participation in all phases of the community development process. Citizens are encouraged to submit their views and proposals on all aspects of a community development program at the public hearings. However, to ensure that citizens are given the opportunity to assess and comment on all aspects of the community development program on a continuous basis, citizens may, at any time, submit written comments or complaints to the City.

Any citizen or citizen’s group desiring to comment or object to any phase of the planning, development or approval of the application for CDBG funds, or to the implementation of any CDBG program, should submit such comments or objections in writing to the Mayor of the City of Texarkana, Texas. Should, after a reasonable period, a party believe that his/her comment or complaint has not been properly addressed or considered by the Mayor, then the aggrieved may appeal his/her case to the City Council.

Local officials shall make every effort to provide written responses to citizen proposals or complaints within twenty (20) working days of the receipt of such comments or complaints where practicable. Should the City Council be unable to sufficiently resolve an objection or complaint, it may be forwarded by the aggrieved party to the U.S. Department of HUD.

Citizens may, at any time, contact HUD directly to register comments, objections or complaints concerning the City’s CDBG application(s) and/or program(s). Citizens are encouraged,

however, to attempt to resolve any complaints at the local level as outlined above prior to contacting HUD.

All comments or complaints submitted to HUD shall be addressed in writing to:

US Department of Housing and Urban Development
Ft. Worth Regional Office, Region VI
Office of Community Planning and Development
801 Cherry Street, Unit 45, Suite 2500
Fort Worth, Texas 76113-2905

Records of all comments, objections and/or complaints by citizens concerning the City's CDBG program and subsequent action taken in response to those comments shall be maintained on file at Department of Planning and Community Development, Texarkana, Texas City Hall 220 Texas Boulevard and shall be made available for public inspection upon request.

SECTION 8. CITIZENS' PARTICIPATION PLAN AMENDMENTS

The City may, from time to time, modify the provisions outlined herein through amendment to this Plan. It shall be the policy of the City to periodically review and discuss the effectiveness of this Plan in allowing citizen participation in the community development process, and in helping to meet the community development needs and goals identified by the citizens of the City. To this end, the effectiveness of the Plan will be discussed at public hearings held in conjunction with the community development program as discussed herein, and potential amendments to the Plan will be reviewed at this time.

Amendments to the Plan will be made as necessary and approved by resolution of the Texarkana City Council and shall be incorporated into this Plan.

SECTION 9. AUTHORITY

No portion of the Citizen's Participation Plan shall be construed to restrict the responsibility and authority of the elected officials of the City in the development, implementation, and execution of any Community Development Block Grant program or activity.

**NOTICE OF PUBLIC HEARINGS
CITY OF TEXARKANA, TX
CITIZEN PARTICIPATION PLAN REVISION
2018-2022 CONSOLIDATION PLAN REVISION
2019 ANNUAL ACTION PLAN REVISION**

The City of Texarkana, TX is revising the Citizen Participation Plan, Consolidated Plan and Annual Action Plan for the Community Development Block Grant Program (CDBG). The City proposes changes to the Citizen Participation Plan to provide for a shorter public comment period of not less than 5 days in the event of emergency or health crisis as deemed by state or local governing agencies. The City proposes changes to the Consolidated Plan and Annual Action Plan to include CDBG Coronavirus Funds of \$218,921 provided by the Coronavirus Aid, Relief, and Economic Securities Acts (CARES). These funds will be used to prevent, prepare for and respond to the coronavirus (COVID-19).

Public hearing will be held on April 27th at City Council Chambers at City Hall at 6:00 PM. The public is invited to make comments on the draft plans and to provide further input on needs and priorities.

A draft of all plans will be available for public review on April 23, 2020 at City Hall and on the City's website. The public comment period will be from April 23, 2020 to April 27, 2020.

Written comments may be submitted to the City of Texarkana, TX, Planning and Community Development, Attn: Betsy Freeman, P. O. Box 1967, Texarkana, TX 75504.

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:

RESOLUTION NO. 2020-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADOPTING THE AMENDED COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2018-2022 FIVE YEAR CONSOLIDATED PLAN, CITIZEN PARTICIPATION PLAN, AND ONE YEAR ACTION PLAN RELATED TO CARES ACT FUNDING FOR COVID-19 AND AUTHORIZING THE CITY MANAGER TO SUBMIT SAID ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the U. S. Department of Housing and Urban Development has provided the City of Texarkana, Texas, with Community Development Block Grant (CDBG-CV) CARES (Coronavirus Aid, Relief, and Economic Security) Act funds; and

WHEREAS, due to COVID-19, the public review of the amended draft 2018-2022 Consolidated Plan and draft amended Action Plan has been shortened to five days. The proposed amended plan has been published on the city's website and social media platforms. Public comments can be emailed to Betsy Freeman at betsy.freeman@txkusa.org or mailed to City Hall, Attn: Betsy Freeman, 220 Texas Blvd, Texarkana, Texas 75501. A public hearing is scheduled for April 27, 2020, to solicit public comments regarding the amended Consolidated Plan, Citizen Participation and Action Plan; and

WHEREAS, the City Council has determined it to be appropriate to amend the Community Development Block Grant (CDBG) 2018-2022 Consolidated Plan, 5-Year Strategic Plan, Citizen Participation Plan, and Annual Action Plan for the use of Community Development Block Grant (CDBG-CV) CARES Act funds.

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

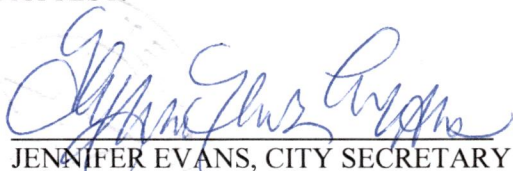
SECTION 1: That the amended Community Development Block Grant (CDBG) 2018-2022 Consolidated Plan, 5-Year Strategic Plan, Citizen Participation Plan, and Annual Action Plan are hereby accepted.

SECTION 2: That the City Manager is hereby authorized to submit said amended Community Development Block Grant (CDBG) 2018-2022 Consolidated Plan, Citizen Participation Plan, and Annual Action Plan to the U. S. Department of Housing and Urban Development and is authorized to act in connection with the submission of the Consolidated Plan and the Action Plan to provide such additional information as may be required.

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, 2020**.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:45 p.m.

Attachment: 2020-038 RES adopt amnd CDBG plan for COVID 19 signed (2251 : 2020-038 RES adopting updated CDBG Consolidated Plan,

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 4/22/2020 11:40 AM

Lead Department: Planning and Community Development **Action Officer:** David Orr, Planning & Community Development Director

Subject: Resolution No. 2020-039 authorizing the City Manager to make emergency amendments to loan payments due to COVID-19.

Briefing: 4/27/2020 **Public Hearing:** **Council Vote:** 4/27/2020

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

On March 18, 2020, Mayor Bob Bruggeman, in his official capacity as Mayor of the City of Texarkana, Texas, and pursuant to lawful authority, declared a local disaster for the City of Texarkana, Texas, resulting from the COVID-19 pandemic, and the City Council continued the declaration by Ordinance No. 2020-035 under the authority of Texas Local Government Code Section 418.108(b).

The extraordinary economic disruptions which have arisen from the COVID-19 pandemic may jeopardize economic development loans extended by the City, and necessitate authorizing the City Manager to negotiate and execute emergency amendments to payment terms of such loans limited to deferral of payments not to exceed a deferral period of six calendar months.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Deferred loan payments. No reduction in interest or principal owed.

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. 2020-039 RES emergency loan amendments v2 (DOCX)
- b. 2020-039 Goals & Perspectives (DOCX)
- c. 2020-039 RES auth loan deferrals for COVID 19 signed (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	
Completed	04/22/2020 10:57 AM		
Finance Department	Kristin Peebles	Finance Review	Completed 04/22/2020
11:08 AM			
City Attorney	Jeffery C. Lewis	Review	Completed 04/22/2020
11:47 AM			
City Manager	Shirley Jaster	City Manager Review	Completed 04/23/2020
2:02 PM			
City Council	Jennifer Evans	Meeting	Completed 04/27/2020
6:00 PM			

Meeting History

RESOLUTION NO. 2020 -039

**A RESOLUTION OF THE CITY OF TEXARKANA, TEXAS,
AUTHORIZING THE CITY MANAGER TO MAKE
EMERGENCY AMENDMENTS TO PAYMENT TERMS OF
ECONOMIC DEVELOPMENT LOANS DUE TO
EXTRAORDINARY ECONOMIC DISRUPTIONS ARISING
FROM THE COVID-19 PANDEMIC; AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, on March 18, 2020, Mayor Bob Bruggeman, in his official capacity as Mayor of the City of Texarkana, Texas, and pursuant to lawful authority, declared a local disaster for the City of Texarkana, Texas, resulting from the COVID-19 pandemic, and the City Council continued the declaration by Ordinance No. 2020-035 under the authority of Texas Local Government Code Section 418.108(b); and

WHEREAS, the extraordinary economic disruptions which have arisen from the COVID-19 pandemic may jeopardize economic development loans extended by the City and necessitate authorizing the City Manager to negotiate and execute emergency amendments to payment terms of such loans limited to deferral of payments not to exceed a deferral period of six calendar months.

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

SECTION 1: The City Council finds and determines that extraordinary economic disruptions arising from the COVID-19 pandemic necessitate emergency amendments to payment terms of economic development loans extended by the City. The City Council authorizes the City Manager to make such amendments limited to deferral of payments not to exceed a deferral period of six calendar months and to execute any necessary documents to implement such amendments. This authorization shall expire on September 30, 2020, unless extended by the City Council.

SECTION 2: The authority extended to the City Manager in this Resolution shall not extend to forgiving or waiving any principal or interest on a loan or releasing a guarantor to a guaranty.

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

PASSED AND APPROVED in Regular Council Session on this the **27th day of April, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2020-039 RES emergency loan amendments v2 (2252 : 2020-039 RES authorizing emergency loan payment deferrals)

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:

RESOLUTION NO. 2020 -039

A RESOLUTION OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO MAKE EMERGENCY AMENDMENTS TO PAYMENT TERMS OF ECONOMIC DEVELOPMENT LOANS DUE TO EXTRAORDINARY ECONOMIC DISRUPTIONS ARISING FROM THE COVID-19 PANDEMIC; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 18, 2020, Mayor Bob Bruggeman, in his official capacity as Mayor of the City of Texarkana, Texas, and pursuant to lawful authority, declared a local disaster for the City of Texarkana, Texas, resulting from the COVID-19 pandemic, and the City Council continued the declaration by Ordinance No. 2020-035 under the authority of Texas Local Government Code Section 418.108(b); and

WHEREAS, the extraordinary economic disruptions which have arisen from the COVID-19 pandemic may jeopardize economic development loans extended by the City and necessitate authorizing the City Manager to negotiate and execute emergency amendments to payment terms of such loans limited to deferral of payments not to exceed a deferral period of six calendar months.

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

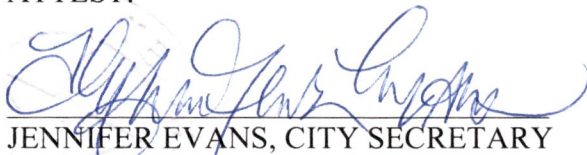
SECTION 1: The City Council finds and determines that extraordinary economic disruptions arising from the COVID-19 pandemic necessitate emergency amendments to payment terms of economic development loans extended by the City. The City Council authorizes the City Manager to make such amendments limited to deferral of payments not to exceed a deferral period of six calendar months and to execute any necessary documents to implement such amendments. This authorization shall expire on September 30, 2020, unless extended by the City Council.

SECTION 2: The authority extended to the City Manager in this Resolution shall not extend to forgiving or waiving any principal or interest on a loan or releasing a guarantor to a guaranty.

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

PASSED AND APPROVED in Regular Council Session on this the **27th day of April, 2020.**

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:46p.m.

Attachment: 2020-039 RES auth loan deferrals for COVID 19 signed (2252 : 2020-039 RES authorizing emergency loan payment deferrals)