



CITY OF TEXARKANA

CITY COUNCIL

AGENDA • MAY 9, 2016

Council Chambers

Regular Meeting

6:00 PM

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

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Tina Veal-Gooch

Ward 5

Christy P. Paddock

Ward 2

Willie Ray

Ward 4

Brian Matthews

Ward 6

Josh Davis



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

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

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

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

II. INVOCATION AND PLEDGE BY MAYOR BOB BRUGGEMAN

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, May 23, 2016 at 6:00 p.m.

Monday, June 13, 2016 at 6:00 p.m.

Monday, June 27, 2016 at 6:00 p.m.

Monday, July 11, 2016 at 6:00 p.m.

Parks & Recreation Events:

May 14 th	Texarkana Soccer Tournament	Wallace Park
May 14 th	Volleyball Tournament	Bringle West Park
May 14 th	Community Yard Sale & Electronics Recycling Day	Spring Lake Park
May 19 th	Movies in the Park - "Goosebumps"	Spring Lake Park
May 21 st	Softball Tournament	Wallace and Karrh Parks

Movie will start at 7:45 p.m.

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

National Peace Officers Memorial:

The National Peace Officers Memorial will take place at 10:00 a.m. on Wednesday, May 11th at the Sullivan Performing Arts Center located at 3941 Summerhill Road.

Upcoming Neighborhood Meetings:

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

Farmer's Market to Open:

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

Appointments to Boards & Commissions**IV. PROCLAMATION PRESENTATION**

Kids to Parks Day Proclamation - May 21, 2016

V. 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".

VI. ITEMS FOR CONSIDERATION***Consent Items***

1. Consider approval of the minutes of the Regular Meeting of the City Council held on April 25, 2016 at 6:00 PM.

Action Items

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

Public Hearing: April 11, 2016

Second Briefing: April 25, 2016

Council Vote: May 9, 2016

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

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

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

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

VII. FIRST BRIEFINGS

1. Resolution No. 2016-055 making a final decision on the application of SWEPCO to the Public Utility Commission of Texas requesting the approval of a Distribution Cost Recovery Factor Rate increase.

Public Hearing:
Second Briefing:
Council Vote: May 9, 2016

VIII. PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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

IX. SECOND BRIEFING WITH UPDATES

X. SECOND BRIEFING WITHOUT UPDATES

XI. ITEMS FOR DISCUSSION

Staff Updates

XII. ADMINISTRATIVE COMMENTS

1. Council
2. Staff

XIII. CLOSED SESSION

The City Council will convene into closed session pursuant to Texas Government Code, Chapter 551 Open Meetings, Section 551.087 - Deliberation Regarding Economic Development Negotiations.

XIV. RECONVENE INTO OPEN SESSION**XV. 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 H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

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

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

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

City of Texarkana, Texas

Lead Department: City Manager

Action Officer: Jennifer Evans, City Secretary

Subject: Kids to Parks Day Proclamation - May 21, 2016

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The National Park Service is turning “100” in 2016. The National Park Trust is inviting families and children to enjoy parks, nature and healthy outdoor play on Saturday, May 21, 2016.

Potential Options:

- NONE
-

Fiscal Implications:

NONE

Staff Recommendation:

Mayor to proclaim Kids to Parks Day for Saturday, May 21, 2016.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. Nat'l Park Trust Info 052116 (PDF)
- b. Kids to Parks Proclamation 052116 (JPG)

KIDS TO PARKS DAY – MAY 21st!



Get Ready for Kids to Parks Day!

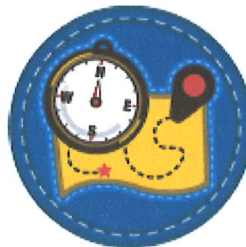


Hooray for the National Park Service turning 100 in 2016! Join us in celebrating our nation's parks by participating in the **6th annual Kids to Parks Day on Saturday, May 21, 2016**. This national movement engages children and

families with parks, nature, and healthy outdoor play. How could YOU get involved? Proclaim Kids to Parks Day by signing and returning the proclamation template TODAY. Also, host or co-brand a kid-friendly event at one of your parks that weekend.



[Proclamation
Template](#)



[Host an Event](#)



[Free Resources](#)

Questions or need more information? Please contact Collin Knauss, Regional Manager of Youth Programs, at Collin@parktrust.org or 301-279-7275. Thank you for your participation. Together we will get hundreds of thousands of children outdoors for a national day of play!

4.a



Copyright © 2016 National Park Trust. All rights reserved
Above photo courtesy of Wilderness Inquiry

Our mailing address is:

401 E. Jefferson Street, Suite 203, Rockville, MD, 20850

Attachment: Nat'l Park Trust Info 052116 (1475 : Kids to Parks Day Proclamation)

A Texarkana, Texas Proclamation

Kids to Parks Day

WHEREAS, May 21, 2016 is the sixth *Kids to Parks Day* organized and launched by the National Park Trust; and

WHEREAS, *Kids to Parks Day* empowers kids and encourages families to outdoors and visit America's parks; and

WHEREAS, it is important to introduce a new generation to our nation's parks because of the decline in Park attendance over the last decades; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

WHEREAS, *Kids to Parks Day* is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, *Kids to Parks Day* will broaden children's appreciation for nature and the outdoors.

NOW THEREFORE, I, Bob Bruggeman, Mayor of Texarkana, Texas, do hereby proclaim to participate in

"Kids to Parks Day"

I urge residents of Texarkana to make time on May 21, 2016 to take the children in their lives to a neighborhood, state, or national park.

Dated this 9th day of May, 2016.

Bob Bruggeman, Mayor

Attest:

Jennifer Evans, City Secretary





CITY OF TEXARKANA

CITY COUNCIL

MINUTES • APRIL 25, 2016

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Member Name	Title	Status	Arrived
Aggeman	Mayor	Present	
Matlock	Ward 1	Present	
May	Ward 2	Present	
Al-Gooch	Ward 3	Present	
Matthews	Ward 4	Present	
P. Paddock	Ward 5	Absent	
vis	Ward 6	Present	

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

Legal Counsel: Jeff Lewis

II. INVOCATION AND PLEDGE BY COUNCIL MEMBER JEAN MATLOCK

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

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

Parks & Recreation Events:

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

Minutes Acceptance: Minutes of Apr 25, 2016 6:00 PM (Consent Items)

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

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

Farmer's Market Opening Soon:

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

Upcoming Neighborhood Meetings:

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

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

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

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

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

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

Appointments to Boards & Commissions

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

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

(6:22 p.m.)

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

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

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

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

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

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

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

V. ITEMS FOR CONSIDERATION

Consent Items

(6:36 p.m.)

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

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

Action Items - None

VI. FIRST BRIEFINGS

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

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

Jerry Sparks briefed this item.

RESULT:	MOVED FORWARD	Next: 5/9/2016 6:00 PM
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2. Resolution No. 2016-050 authorizing the City Manager to accept the bid and enter into a contract with RBIS, LLC for the McKnight Road water and sewer relocations in amount not to exceed NINETY-THREE THOUSAND NINE HUNDRED SIXTY-TWO DOLLARS AND FIFTY CENTS (\$93,962.50).

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

J.D. Phillips briefed this item.

RESULT:	MOVED FORWARD	Next: 5/9/2016 6:00 PM
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3. Resolution No. 2016-051 authorizing the City Manager to write-off uncollectible accounts receivable.

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

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

RESULT:	MOVED FORWARD	Next: 5/9/2016 6:00 PM
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4. Ordinance No. 2016-052 rezoning Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive. Single Family-2 to Planned Development-Office. Alan Schimming, owner.

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

David Orr briefed this item.

RESULT:	MOVED FORWARD	Next: 5/9/2016 6:00 PM
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5. Ordinance No. 2016-053 amending PD-16-2(O) for site plan approval on Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive. Alan Schimming, owner.

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

David Orr briefed this item.

RESULT:	MOVED FORWARD	Next: 5/9/2016 6:00 PM
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6. Resolution No. 2016-054 establishing a General Fund Balance Policy.

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

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

RESULT:	MOVED FORWARD	Next: 5/9/2016 6:00 PM
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VII. PUBLIC HEARINGS

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

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

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

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

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

(7:26 p.m.)

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

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

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

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

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

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

(7:28 p.m.)

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

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

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

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

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

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

(7:29 p.m.)

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

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

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

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

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

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

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

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

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

VIII. SECOND BRIEFING WITH UPDATES - NONE

IX. SECOND BRIEFING WITHOUT UPDATES

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

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

RESULT:	MOVED FORWARD	Next: 5/9/2016 6:00 PM
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2. Ordinance No. 2016-030 amending Chapter 140 entitled "Zoning" of the Code of Ordinances of the City of Texarkana, Texas, by amending regulations for Changeable Electronic Variable Message Signs (CEVMS) pertaining to prohibiting CEVMS along certain corridors.

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

RESULT: MOVED FORWARD

Next: 5/9/2016 6:00 PM

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

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

RESULT: MOVED FORWARD

Next: 5/9/2016 6:00 PM

X. ITEMS FOR DISCUSSION

Staff Updates

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

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

XI. ADMINISTRATIVE COMMENTS

1. City Council

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

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

2. City Staff

Staff had no comments.

XII. ADJOURNMENT

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

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

Minutes Acceptance: Minutes of Apr 25, 2016 6:00 PM (Consent Items)

City of Texarkana, Texas

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2016-029 amending Chapter 140 entitled "Zoning" of the Code
of Ordinances of the City of Texarkana, Texas, by amending regulations for
Changeable Electronic Variable Message Signs (CEVMS) pertaining to sign
Subject: size, nonconforming signs, damaged signs and definitions.

Briefing: 5/9/2016 **Public Hearing:** 4/11/2016 **Second Briefing:** April 25, 2016 **Council Vote:** 5/9/2016

Item Schedule

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

Updates/History of Briefing:

NA

Executive Summary and Background Information:

Through a series of public workshops and public hearings, the Planning and Zoning Commission and City Council have found it in the best interest of the City to amend regulations pertaining to Changeable Electronic Variable Message Signs (CEVMS).

Following are the highlights of the proposed changes for this Ordinance:

This ordinance sets CEVMS guidelines for institutional uses, reduces current CEVMS limits from 50 sq. ft. to **32 sq. ft.** in General Retail zoning and above, establishes nonconforming CEVMS guidelines, established substantially damaged CEVMS guidelines and amends the institutional sign definition. *Please note that the current Specific Use Permit (SUP) for CEVMS is no longer referenced in the proposed ordinance.

CEVMS for Institutional Uses will be allowed in all zoning districts. CEVMS no larger than **24 sq. ft.** in size will be allowed for Institutional uses in the Agriculture, SF-1, SF-2, SF-3, PUR, 2F-1, 2F-2, TH, MF-1, MF-2, Office and Neighborhood Services zoning districts. CEVMS in these zoning districts would be turned off from 10:00 p.m. to 7:00 a.m. Maximum overall sign ~~size~~ **structure** can be no larger than 70 square feet in size and **8 feet in height**. If at any time the institutional use changes, the signage must conform to applicable zoning district regulations.

CEVMS for Institutional Uses will be allowed no larger than **32 square feet** in size for all uses in the General Retail, Limited Commercial, Central Business, Commercial, Industrial-1, Industrial-2 and PD zoning districts. Maximum overall sign ~~size~~ **structure** can be no larger than 70 square feet in size and **8 feet in height**. If at any time the institutional use changes, the signage must conform to applicable zoning district regulations.

City of Texarkana, Texas

CEVMS no larger than 32 square feet in size will be allowed for all uses in the General Retail, Limited Commercial, Central Business, Commercial, Industrial-1, Industrial-2 and PD zoning districts.

All CEVMS shall be measured by the square footage of the sign face and not by the overall sign structure unless otherwise stated in Ordinance.

(7) Nonconforming CEVMS

A nonconforming CEVMS shall be allowed to be continued and maintained at the existing location, when lawfully existing on the effective date of this ordinance, subject to the following conditions:

1. The face of the sign may be changed, but no change or alteration shall be made that would increase the non-conformity.
2. A nonconforming sign shall be removed if any of the following conditions applies:
 - a. The City may require removal of an on premise sign if the business, person, or activity that the sign originally identifies or advertises has ceased to operate on the premises or **no longer has a valid Certificate of Occupancy**. ~~for one (1) year. If the premise containing the sign or sign structure is leased, the sign or sign structure must be removed no later than two (2) years after the date the most recent tenant ceases to operate on the premises.~~ This section shall also apply to any sign structure containing no signage.
 - b. The City may require removal of a sign or sign structure if the Building Official determines it to be substandard under any applicable ordinances of the City of Texarkana, Texas to the extent that the sign becomes a hazard.
 - c. The City may require removal of a sign or sign structure if it becomes substantially damaged as defined by this ordinance. Replacement must conform to zoning regulations.

(8) Substantially Damaged CEVMS

Substantially Damaged CEVMS – any sign where the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location.

Amend Sign, Institutional Definition

Current definition “Sign, institutional, means an accessory sign for the identity of a school, church, hospital or similar public or quasi-public institution.”

Proposed definition “Sign, institutional, to the means an accessory sign for the identity of a school, church, hospital, colleges, universities and civic center.”

City of Texarkana, Texas

Potential Options:

None

Fiscal Implications:

NA

Staff Recommendation:

Staff recommends for approval of this Ordinance.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

March 16, 2016

Attachments

- a. 2016-029 ATTH 01 Minutes from 2-1-16 joint workshop (PDF)
- b. 2016-029 ORD amending Code of Ordinances pertaining to CEVMS size nonconforming etc (jcl rev) (DOCX)
- c. 2016-029 Goals & Perspectives (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	03/21/2016 10:11 AM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	03/21/2016 2:04 PM
Public Information Officer	Lisa Thompson	PIO Review
	03/21/2016 2:13 PM	Completed
City Manager	John Whitson	City Manager Review
9:46 AM		Completed
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		03/28/2016

Meeting History

03/28/16	City Council	MOVED FORWARD	Next: 04/11/16
04/11/16	City Council	MOVED FORWARD	Next: 04/25/16
04/25/16	City Council	MOVED FORWARD	Next: 05/09/16

**MINUTES
JOINT SIGN WORKSHOP MEETING
CITY COUNCIL AND
PLANNING AND ZONING COMMISSION
CONFERENCE ROOM
2ND FLOOR, TEXAS MUNICIPAL BUILDING
220 TEXAS BOULEVARD, TEXARKANA, TEXAS
MONDAY, FEBRUARY 1, 2016
6:30 P.M.**

The City Council and Planning and Zoning Commission of the City of Texarkana, Texas met in a sign workshop session, Monday, February 1, 2016 at 6:30 p.m. in the Conference Room in the Municipal Building, 220 Texas Boulevard, Texarkana, Texas with the following members present:

CITY COUNCIL MEMBERS ATTENDING:

Mayor Bob Bruggeman
Ms. Tina Veal-Gooch
Ms. Christy Paddock
Dr. Brian Matthews

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:

Ms. Diana Patterson Kinsey
Mr. Tom Coleman
Mr. Keith Garrett
Dr. Wanda Northam

ALSO ATTENDING:

Mr. John Whitson, City Manager
Mr. Jeff Lewis, City Attorney
Mr. David Orr, Director of Planning and Community Development
Ms. Jennifer Evans, City Secretary
Ms. Debbie Burk, Zoning Administrator

Ms. Diana Kinsey called the meeting to order at 6:30 p.m. She turned the meeting over to Mr. David Orr.

Mr. Orr stated that staff has provided City Council and Commission members with proposed changes and/or choices that are results of the sign workshop meetings that began in July, 2015. Mr. Orr explained that at the meeting in January, representatives from Whatley Signs were present at the meeting. Mr. David Whatley had stated that the 15 square feet and 25 square feet proposed CEVMS sizes were too small to be readable. He suggested increasing the sizes from 15 to 24 square feet and from 25 to 32 square feet.

Mr. Orr stated that the draft also shows the maximum overall size for CEVMS to be no larger than 70 square feet in size and 8 feet in height. Mr. Orr added that there was discussion at the last meeting about how to measure the square footage. He stated that the following definition has been added: "All CEVMS shall be measured by the square footage of the sign face and not by the overall sign structure unless otherwise states in Ordinance." He added that

the draft still contained wording for nonconforming and damaged CEVMS. He stated that staff had prepared an amendment to the "Institutional" definition, that being "Sign, institutional, means an accessory sign for the identify of a school, church, hospital, college, university and civic center." He added that it was suggested at the last meeting to add Texas Boulevard to the list of prohibited corridors. Those corridors now include: Galleria Oaks Drive, Cowhorn Creek Road north of I-30, Moores Lane, Richmond Road north of Moores Lane, Pleasant Grove Road and Texas Boulevard.

Mayor Bruggeman asked Mr. Mike Adcock with Hi-tech signs who was present at the meeting about the resolution of a 15 or 24 square foot electronic message sign. Mr. Adcock stated that a 15 square foot sign may be too small to read. He stated that resolution is important. Mr. Adcock also voiced concerns about the nonconforming signage. He stated that he is opposed to the fact that a sign for a business that is sold loses its nonconforming status and has to be replaced. He added that the new guidelines are too restrictive.

Dr. Matthews asked about defining public uses.

Ms. Gooch stated that public uses have already been defined in the proposed ordinance.

After more discussion among the members, Dr. Northam stated that a decision needs to be made as to the size of CEVMS. Dr. Northam added that she is happy with the 15 square feet in lower density areas. She added that she has a concern about electronic signs that malfunction. She asked if they could be made to be turned off or go to a black screen.

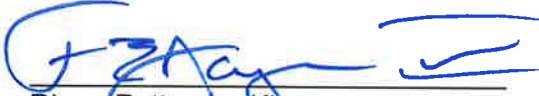
Mr. Orr pointed out that he had spoken to Mr. Gene Joyce, Chairman of the Commission about the proposed sign size. He stated that Mr. Joyce indicated that 15 and 25 square feet signs would force businesses to install monument style signs.

Mr. Whitson made the comment that existing pole sign not being used need to be removed.

After more discussion about sign size, the majority of the members voted to increase the electronic portion of the sign from 15 to 24 square feet and from 25 to 32 square feet.

There being no further business, the meeting was adjourned.


Debbie Burk, Secretary


Diana Patterson Kinsey

FOR Diana Kinsey

ORDINANCE NO. 2016-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING ORDINANCES AND RELATED DEFINITIONS FOR CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS OR CHANGEABLE COPY SIGNS OR DEVICES IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING AN EXPIRATION CLAUSE FOR ORDINANCE NO. 2016-016; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, find and determine that:

Certain signs and sign structures can create a pleasing environment for tourists, shoppers, and the rest of the community;

Certain signs and sign structures overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic; and

The best interest of the public safety, health and general welfare shall be served and advanced by regulating the construction, design, repair, demolition, maintenance, and use of signs in order to accomplish the following goals and objectives: preserve the quality of life for City residents, visitors, and property owners; maintain the public rights-of-way; prevent threats to public safety, including traffic hazards; restrict signs that unduly interfere with scenic views, that are detrimental to property values, or constitute a public nuisance; promote roadway and pedestrian safety; encourage effective communication with the public; uphold the principles of free speech; and improve the appearance of the City and enhancing the community's character while preserving the authentic cultural heritage of the area; and

WHEREAS, through a series of public workshops and public hearings with citizen input, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, have presented proposed changes to Changeable Electronic Variable Message Signs or Changeable Copy Signs or Devices (collectively, "CEVMS"); and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, after giving the requisite notices by publication and otherwise, and after holding public hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, **voted to recommend approval of the changes to Changeable Electronic Variable Message Signs or Changeable Copy Signs or Devices and related definitions; and**

WHEREAS, after consideration of the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that amending the Land Development Code of the City of Texarkana, Texas, for **Changeable Electronic Variable Message Signs or Changeable Copy Signs or Devices** and related definitions is in the best interest of citizens and the City's future growth.

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

SECTION 1: Section 140-239, "Permanent type signs," of Article IX, "Signs" of the Land Development Code of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add the following to its existing provisions:

CEVMS for Institutional Uses will be allowed in all zoning districts.

CEVMS no larger than 24 square feet in size will be allowed for Institutional uses in the Agriculture, SF-1, SF-2, SF-3, PUR, 2F-1, 2F-2, TH, MF-1, MF-2, Office and Neighborhood Services zoning districts. CEVMS in these zoning districts will be turned off from 10:00 p.m. to 7:00 a.m. Maximum overall sign structure can be no larger than 70 square feet in size and 8 feet in height. If at any time the institutional use changes, the signage must conform to applicable zoning district regulations.

CEVMS for Institutional Uses will be allowed no larger than 32 square feet in size for all uses in the General Retail, Limited Commercial, Central Business, Commercial, Industrial-1, Industrial-2 and PD zoning districts. Maximum overall sign structure can be no larger than 70 square feet in size and 8 feet in height. If at any time the institutional use changes, the signage must conform to applicable zoning district regulations.

CEVMS no larger than 32 square feet in size will be allowed for all uses in the General Retail, Limited Commercial, Central Business, Commercial, Industrial-1, Industrial-2 and PD zoning districts.

All CEVMS shall be measured by the square footage of the sign face and not by the overall sign structure unless otherwise stated in the Ordinance.

SECTION 2: The definition of "Changeable electronic variable message sign (CEVMS) or changeable copy sign" contained in Section 140-179, "Special definitions and explanations noted in use regulations," of Article VII, "Supplemental Regulations" of the Land Development Code of the Code of Ordinances of the City of Texarkana, Texas is hereby amended in its entirety as follows:

Changeable electronic variable message sign or changeable copy sign or device (collectively, "CEVMS") means a sign with the capability of displaying words, symbols, figures or images controlled by electronic communications or mechanical processes.

- (1) For off-premises CEVMS, refer to section 140-245 for height, size and setback requirements applicable thereto.
- (2) For off-premises CEVMS, the message or image on the CEVMS must remain static for a minimum of eight seconds or more and a change of message shall be accomplished simultaneously on the entire sign face.

- For on-premises CEVMS, the message or image must remain static for a minimum of four seconds and change of message shall be accomplished within two seconds.
- (3) CEVMS must contain a default mechanism that freezes the sign in either one position or a black screen if a malfunction occurs.
 - (4) No CEVMS shall be erected without a light detector/photocell (dimmer switch) by which the sign's brightness shall be dimmed when ambient conditions darken so that signs are not unreasonably bright for the safety of the motoring public. The maximum brightness shall not exceed 5,000 nits from sunrise to sunset and 1,000 nits from sunset to sunrise.
 - (5) CEVMS shall not:
 - a. Be illuminated by flashing lights, strobe lights, lights resembling emergency vehicles, or moving lights;
 - b. Contain or display moving video or streamed video advertising;
 - c. Consist of a static image projected upon a stationary object;
 - d. Be a mobile sign located on a truck, trailer, or any moving vehicle; or
 - e. Be attached to any wall, window, or any type exterior facade of any building.
 - (6) The owner of CEVMS shall coordinate with local authorities to display public service announcements (PSAs), and when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
 - (7) If otherwise authorized by the Land Development Code, replacement of a nonconforming CEVMS must be accomplished with CEVMS conforming to zoning regulations.
 - (8) If lawfully existing on May 5, 2016, a nonconforming CEVMS shall be allowed to continue at its existing location subject to the following:
 - a. The face of the sign may be changed, provided that no change or alteration shall be made that would increase the nonconformity; and
 - b. Removal of an on-premise, nonconforming sign or any sign structure (whether or not the structure contains signage) shall be required if:
 1. The business, person, or activity that the sign originally identifies or advertises either has ceased to operate on the premises or no longer has a valid Certificate of Occupancy;
 2. The Certificate of Occupancy changes for the business, person, or activity that the sign advertises or identifies;
 3. The sign or sign structure is a hazard or substandard as determined by the Building Official; or
 4. The cost of repairing the sign or sign structure is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location.

SECTION 3: The definition of “Sign, institutional” contained in Section 140-179, “Special definitions and explanations noted in use regulations,” of Article VII, “Supplemental Regulations” of the Land

Publish

Development Code of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety as follows:

Sign, institutional, means an accessory sign for the identity of a school, church, hospital, college, university, or civic center.

SECTION 4: The definitions of “Hospital (acute care)” and “Hospital (chronic care)” contained in Section 140-179, “Special definitions and explanations noted in use regulations,” of Article VII, “Supplemental Regulations” of the Land Development Code of the Code of Ordinances of the City of Texarkana, Texas, are hereby deleted and replaced with the following:

Hospital means an establishment licensed pursuant to the Texas Hospital Licensing Law that: a) offers services, facilities, and beds for use for more than 24 hours for two or more unrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy; and b) regularly maintains, at a minimum, clinical laboratory services, diagnostic X-ray services, treatment facilities including surgery or obstetrical care or both, and other definitive medical or surgical treatment of similar extent. [See Tex. Health & Safety Code § 241.003(5).]

SECTION 5: Except as provided herein, all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict; provided, however, that Ordinance No. 2016-016, which established a 90-day moratorium on CEVMS, shall not be repealed but rather shall expire on the first day this Ordinance is in full force and effect.

SECTION 6: That the City Secretary be and is hereby directed to publish the formal Ordinance title for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 7: That in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 8: That all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 9: That this Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **9th day of May, 2016**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2016-029 ORD amending Code of Ordinances pertaining to CEVMS size nonconforming etc (jcl rev) [Revision 1] (1447 : 2016-029

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

The Planning and Zoning Commission and City Council find it in the best interest of the public safety and general welfare to regulate the construction, design, demolition, maintenance and use of electronic messaging signage (CEVMS) to preserve the quality of life for city residences, visitors, and property owners.

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2016-030 amending Chapter 140 entitled "Zoning" of the Code
of Ordinances of the City of Texarkana, Texas, by amending regulations for
Changeable Electronic Variable Message Signs (CEVMS) pertaining to
Subject: prohibiting CEVMS along certain corridors.

Briefing: 5/9/2016 **Public Hearing:** 4/11/2016 **Second Briefing:** April 25, 2016 **Council Vote:** 5/9/2016

Item Schedule

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

Updates/History of Briefing:

NA

Executive Summary and Background Information:

Through a series of public workshops and public hearings, the Planning and Zoning Commission and City Council have found it in the best interest of the City to amend regulations pertaining to Changeable Electronic Variable Message Signs (CEVMS).

Following are the highlights of the proposed changes for this Ordinance:

(9) This ordinance prohibits CEVMS along the following corridors except for institutional uses:

- a) Galleria Oaks Drive
- b) Cowhorn Creek Road north of I-30
- c) Moores Lane
- d) Richmond Road north of Moores Lane
- e) Pleasant Grove Road
- f) Texas Boulevard

Potential Options:

None

Fiscal Implications:

NA

City of Texarkana, Texas

Staff Recommendation:

Staff recommends for approval of this Ordinance.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

March 15, 2016

Attachments

- a. 2016-030 ORD amending Code of Ordinances (prohibited corridors for CEVMS) (DOCX)
- b. 2016-030 ATTH 01 Minutes from 2-1-16 joint workshop (PDF)
- c. 2016-030 ATTH 02 Prohibited Corridors (PDF)
- d. 2016-030 Goals & Perspectives (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	03/21/2016 10:12 AM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	03/21/2016 2:09 PM
Public Information Officer	Lisa Thompson	PIO Review
	03/21/2016 2:13 PM	Completed
City Manager	Shirley Jaster	City Manager Review
11:17 AM		Completed
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		03/22/2016
		03/28/2016

Meeting History

03/28/16	City Council	MOVED FORWARD	Next: 04/11/16
04/11/16	City Council	MOVED FORWARD	Next: 04/25/16
04/25/16	City Council	MOVED FORWARD	Next: 05/09/16

ORDINANCE NO. 2016-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING SECTION 140-179, "SPECIAL DEFINITIONS AND EXPLANATIONS NOTED IN USE REGULATIONS," OF ARTICLE VII, "SUPPLEMENTAL REGULATIONS", TO ADD PROHIBITED CORRIDORS FOR CHANGEABLE COPY SIGNS OR DEVICES IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana, Texas, upon the recommendation of the Planning and Zoning Commission of the City of Texarkana, Texas, amended the Land Development Code of the City of Texarkana, Texas, with regard to Changeable Electronic Variable Message Signs or Changeable Copy Signs or Devices (collectively, "CEVMS") by enacting Ordinance No. 2016-029; and

WHEREAS, consistent with the findings and determinations set forth in Ordinance No. 2016-029, the Planning and Zoning Commission recommends specific prohibited corridors for CEVMS; and

WHEREAS, the City Council of the City of Texarkana, Texas, finds and determines that amending the Land Development Code of the City of Texarkana, Texas, to prohibit CEVMS along certain specific corridors is in the best interest of citizens and the City's future growth and is consistent with the findings and determinations set forth in Ordinance No. 2016-029, which are incorporated herein by reference for all purposes.

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

SECTION 1: The definition of "Changeable electronic variable message sign (CEVMS) or changeable copy sign" contained in Section 140-179, "Special definitions and explanations noted in use regulations," of Article VII, "Supplemental Regulations" of the Land Development Code of the City of Texarkana, Texas, is hereby amended to add item (9) to read as follows:

- (9) Except for Institutional Uses, CEVMS shall be prohibited along the following corridors (**Exhibit 'A'**):
 - a. Galleria Oaks Drive
 - b. Cowhorn Creek Road north of I-30
 - c. Moores Lane
 - d. Richmond Road north of Moores Lane
 - e. Pleasant Grove Road
 - f. Texas Boulevard

SECTION 2: Except as provided herein, all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict; provided, however, that Ordinance No. 2016-016, which established a 90-day moratorium on CEVMS, shall not be repealed but rather shall expire as provided in Ordinance No. 2016-029.

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

SECTION 4: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 5: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **9th day of May, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

**MINUTES
JOINT SIGN WORKSHOP MEETING
CITY COUNCIL AND
PLANNING AND ZONING COMMISSION
CONFERENCE ROOM
2ND FLOOR, TEXAS MUNICIPAL BUILDING
220 TEXAS BOULEVARD, TEXARKANA, TEXAS
MONDAY, FEBRUARY 1, 2016
6:30 P.M.**

The City Council and Planning and Zoning Commission of the City of Texarkana, Texas met in a sign workshop session, Monday, February 1, 2016 at 6:30 p.m. in the Conference Room in the Municipal Building, 220 Texas Boulevard, Texarkana, Texas with the following members present:

CITY COUNCIL MEMBERS ATTENDING:

Mayor Bob Bruggeman
Ms. Tina Veal-Gooch
Ms. Christy Paddock
Dr. Brian Matthews

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:

Ms. Diana Patterson Kinsey
Mr. Tom Coleman
Mr. Keith Garrett
Dr. Wanda Northam

ALSO ATTENDING:

Mr. John Whitson, City Manager
Mr. Jeff Lewis, City Attorney
Mr. David Orr, Director of Planning and Community Development
Ms. Jennifer Evans, City Secretary
Ms. Debbie Burk, Zoning Administrator

Ms. Diana Kinsey called the meeting to order at 6:30 p.m. She turned the meeting over to Mr. David Orr.

Mr. Orr stated that staff has provided City Council and Commission members with proposed changes and/or choices that are results of the sign workshop meetings that began in July, 2015. Mr. Orr explained that at the meeting in January, representatives from Whatley Signs were present at the meeting. Mr. David Whatley had stated that the 15 square feet and 25 square feet proposed CEVMS sizes were too small to be readable. He suggested increasing the sizes from 15 to 24 square feet and from 25 to 32 square feet.

Mr. Orr stated that the draft also shows the maximum overall size for CEVMS to be no larger than 70 square feet in size and 8 feet in height. Mr. Orr added that there was discussion at the last meeting about how to measure the square footage. He stated that the following definition has been added: "All CEVMS shall be measured by the square footage of the sign face and not by the overall sign structure unless otherwise states in Ordinance." He added that

the draft still contained wording for nonconforming and damaged CEVMS. He stated that staff had prepared an amendment to the "Institutional" definition, that being "Sign, institutional, means an accessory sign for the identify of a school, church, hospital, college, university and civic center." He added that it was suggested at the last meeting to add Texas Boulevard to the list of prohibited corridors. Those corridors now include: Galleria Oaks Drive, Cowhorn Creek Road north of I-30, Moores Lane, Richmond Road north of Moores Lane, Pleasant Grove Road and Texas Boulevard.

Mayor Bruggeman asked Mr. Mike Adcock with Hi-tech signs who was present at the meeting about the resolution of a 15 or 24 square foot electronic message sign. Mr. Adcock stated that a 15 square foot sign may be too small to read. He stated that resolution is important. Mr. Adcock also voiced concerns about the nonconforming signage. He stated that he is opposed to the fact that a sign for a business that is sold loses its nonconforming status and has to be replaced. He added that the new guidelines are too restrictive.

Dr. Matthews asked about defining public uses.

Ms. Gooch stated that public uses have already been defined in the proposed ordinance.

After more discussion among the members, Dr. Northam stated that a decision needs to be made as to the size of CEVMS. Dr. Northam added that she is happy with the 15 square feet in lower density areas. She added that she has a concern about electronic signs that malfunction. She asked if they could be made to be turned off or go to a black screen.

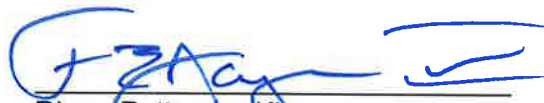
Mr. Orr pointed out that he had spoken to Mr. Gene Joyce, Chairman of the Commission about the proposed sign size. He stated that Mr. Joyce indicated that 15 and 25 square feet signs would force businesses to install monument style signs.

Mr. Whitson made the comment that existing pole sign not being used need to be removed.

After more discussion about sign size, the majority of the members voted to increase the electronic portion of the sign from 15 to 24 square feet and from 25 to 32 square feet.

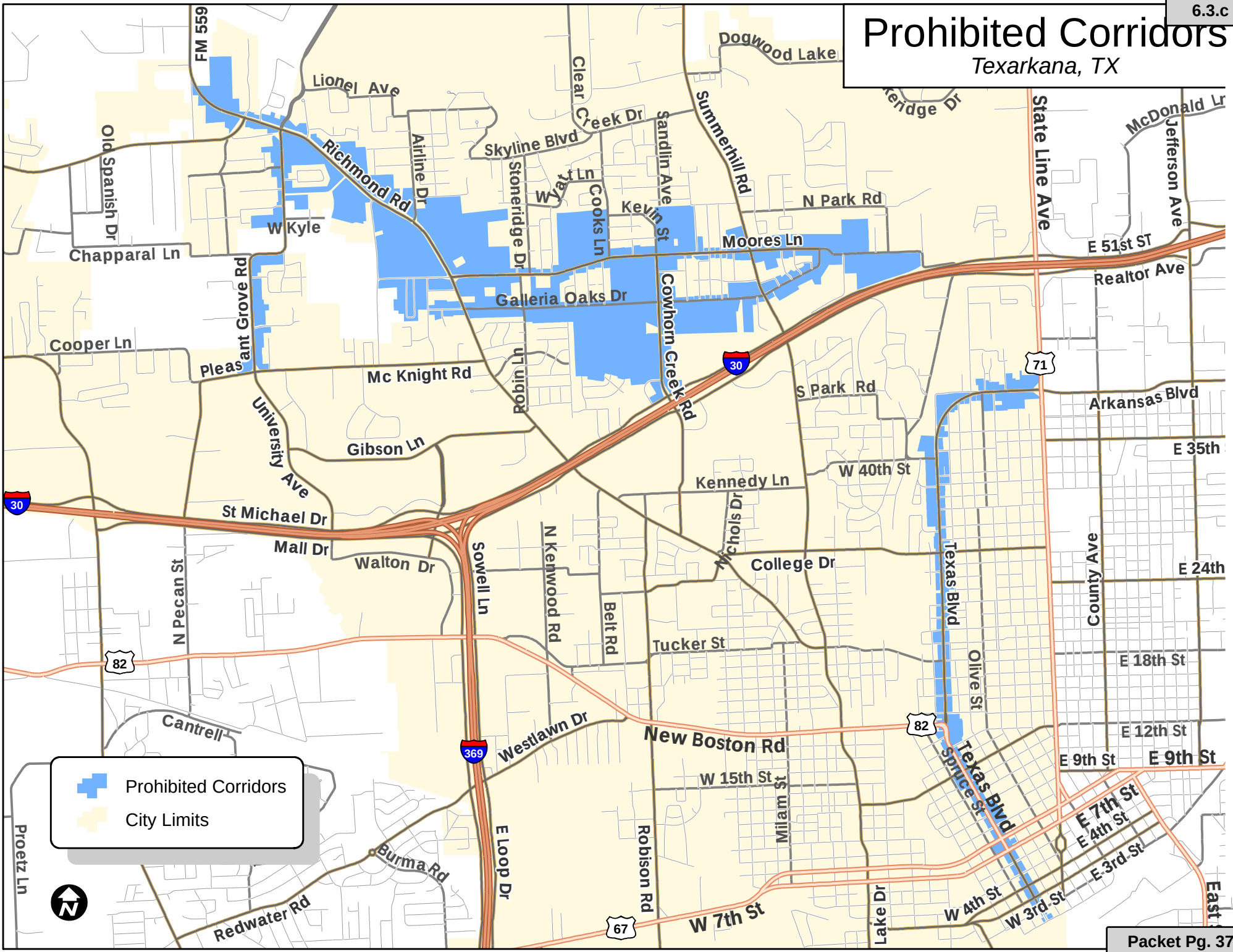
There being no further business, the meeting was adjourned.


Debbie Burk, Secretary


Diana Patterson Kinsey
FOR Diana Kinsey

Prohibited Corridors

Texarkana, TX



Attachment: 2016-030 ATTH 02 Prohibited Corridors (1448 : 2016-030 ORD amending Code of Ordinance

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

The Planning and Zoning Commission and City Council find it in the best interest of the public safety and general welfare to regulate the construction, design, demolition, maintenance and use of electronic messaging signage (CEVMS) to preserve the quality of life for city residences, visitors, and property owners.

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

Lead Department: Planning and Community Development **Action Officer:** Daphnea Ryan,
Ordinance No. 2016-040 amending Chapter 140, Article V, Sec. 106, Historical
Subject: Designation of the Code of Ordinances of the City of Texarkana, Texas.
Briefing: 5/9/2016 **Public Hearing:** 4/11/2016 **Second Briefing:** April 25, 2016 **Council Vote:** 5/9/2016

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Historic Landmark Preservation Committee (HLPC) was formed by Ordinance No. 32-77. The HLPC has a need to revise the ordinance to accommodate current needs such as reducing the number of members, which also negates reducing the number of members for a quorum. The HLPC also wishes to adopt By-Laws and is requesting to add language to the current ordinance to allow this request.

The current Chapter 140-106(d) reads as follows:

- (d) The historic landmark preservation committee shall be composed of nine members. There should be one member from each of the following: An institution authorized to make home loans, a real estate agent, a representative of the city museums system, with the remaining members to be named at the discretion of the city council. Meetings of the historic landmark preservation committee shall be at the call of the chairperson and at such times as the committee shall determine. All meetings shall be open to the public. The committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absentee or failure to vote. Records of examinations and other official actions shall be kept and filed immediately in the office of the community redevelopment and grants and shall be public record. The committee should include the following committees: 1) Guidelines and standards review, 2) Community involvement and marketing; and 3) Expansion, preservation and revitalization. Each committee member shall serve on at least one committee. Ex officio members of the committee shall include the city manager, the executive director of community redevelopment and grants, and the marketing and communications manager. The members of the committee shall select a chairperson, a vice-chairperson and a secretary. Five members shall constitute a quorum.

The amended Chapter 140-106(d) will read as follows:

- (d) The Historic Landmark Preservation Committee is authorized to promulgate a mission statement and internal rules, regulations, and bylaws not inconsistent with the City Charter, City ordinances, and applicable state and federal law.
- The Historic Landmark Preservation Committee shall consist of seven members and two alternates, each serving without compensation, who are residents of the City. There should be

City of Texarkana, Texas

one member from an institution authorized to make home loans and at least one real estate agent, with the remaining members to be named at the discretion of the City Council. Preference shall be considered for applicants who are residents of historic districts, existing or being considered, and owners of historic structures. Citizens wishing to serve on the Historic Landmark Preservation Committee shall submit a letter of request to the City Planner requesting appointment. The City Planner shall forward requests to the City Council for appointment. Historic Landmark Preservation Committee members shall be appointed by the City Council, each serving a three-year term renewable without limitation to the number of consecutive terms. Historic Landmark Preservation Committee members who wish to resign their position shall submit a resignation to the City Planner who shall provide it to the City Council for acceptance. The City Manager shall serve in an ex-officio capacity on the Historic Landmark Preservation Committee. Non-voting members shall include the Executive Director of Main Street Texarkana and a representative designated by the Texarkana Museum System. Persons who have expertise in areas related to the Historic Landmark Preservation Committee such as (but not limited to) architecture, history, economic development, or building construction may volunteer and serve on the Historic Landmark Preservation Committee as non-voting members whether they are City residents or not. Such experts shall submit a letter of request for consideration to the City Planner. The City Planner shall forward requests to the City Council for appointment.

The Historic Landmark Preservation Committee shall establish its own regular meeting schedule. The Historic Landmark Preservation Committee shall elect a chairman and a vice chairman. All Historic Landmark Preservation Committee meetings are subject to the Texas Open Meetings Statutes. Minutes of all meetings shall be maintained in accordance with the Public Records laws and regulations with approved Historic Landmark Preservation Committee meeting minutes. Four members constitute a quorum.

Each Historic Landmark Preservation Committee member shall serve on at least one Sub-Committee. From time to time the Historic Landmark Preservation Committee may designate other Sub-Committees for special projects of a temporary nature. The Historic Landmark Preservation Committee shall include the following Sub-Committees:

Guidelines and Standards Review.

Community Involvement and Marketing.

Expansion, Preservation, and Revitalization.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Planning and Zoning Commission approved by unanimous vote and recommends approval by City Council.

Board/Committee Recommendation:

City of Texarkana, Texas

Historic Landmark Preservation Committee approved by unanimous vote and recommends approval by City Council.

Advisory Board/Committee Meeting Date and Minutes:

March 15, 2016

Attachments

- a. 2016-040 ORD Amending Chapter 140 Article V 106 Historic Designation (PDF)
- b. 2016-040 Goals & Perspectives (PDF)
- c. 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (PDF)
- d. 2016-040 ATTH 02 Ch_140 ZONING_Sec 106 Historic Desig and 140-317 (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	
Completed	03/23/2016 8:41 AM		
Purchasing and Contracting	Daphnea Ryan	Purchasing Review	
Skipped	03/21/2016 11:30 AM		
Finance Department	Daphnea Ryan	Finance Review	Skipped 03/21/2016
11:30 AM			
Finance Department	Daphnea Ryan	Finance Review	Skipped 03/21/2016
11:30 AM			
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review	Completed	03/23/2016 10:14 AM	
Public Information Officer	Lisa Thompson	PIO Review	Completed
	03/23/2016 1:16 PM		
City Manager	John Whitson	City Manager Review	Completed 03/23/2016
9:35 PM			
City Council	Jennifer Evans	Meeting	Completed 03/28/2016
6:00 PM			

Meeting History

03/28/16	City Council	MOVED FORWARD	Next: 04/11/16
04/11/16	City Council	MOVED FORWARD	Next: 04/25/16
04/25/16	City Council	MOVED FORWARD	Next: 05/09/16

PUBLISH

ORDINANCE NO. 2016 – 040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 140-106, HISTORIC DESIGNATION, OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, desires to have residents of the City to promote historic preservation activity through maintenance, protection, and preservation of the City's historic resources.

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

SECTION 1: That Chapter 140, Zoning, Article V, Special District Designations, of the Code of Ordinances of the City of Texarkana, Texas is hereby amended as follows:

Sec. 140-106 – Historic Designation

(d) The Historic Landmark Preservation Committee is authorized to promulgate a mission statement and internal rules, regulations, and bylaws not inconsistent with the City Charter, City ordinances, and applicable state and federal law.

The Historic Landmark Preservation Committee shall consist of seven members and two alternates, each serving without compensation, who are residents of the City. There should be one member from an institution authorized to make home loans and at least one real estate agent, with the remaining members to be named at the discretion of the City Council. Preference shall be considered for applicants who are residents of historic districts, existing or being considered, and owners of historic structures. Citizens wishing to serve on the Historic Landmark Preservation Committee shall submit a letter of request to the City Planner requesting appointment. The City Planner shall forward requests to the City Council for appointment. Historic Landmark Preservation Committee members shall be appointed by the City Council, each serving a three-year term renewable without limitation to the number of consecutive terms. Historic Landmark Preservation Committee members who wish to resign their position shall submit a resignation to the City Planner who shall provide it to the City Council for acceptance. The City Manager shall serve in an ex-officio capacity on the Historic Landmark Preservation Committee. Non-voting members shall include the Executive Director of Main Street Texarkana and a representative designated by the Texarkana Museum System. Persons who have expertise in areas related to the Historic Landmark Preservation Committee such as, but not limited to, architecture, history, economic development, or building construction, may volunteer and serve on the Historic Landmark Preservation Committee as non-voting members whether they are City

PUBLISH

residents or not. Such experts shall submit a letter of request for consideration to the City Planner. The City Planner shall forward requests to the City Council for appointment.

The Historic Landmark Preservation Committee shall establish its own regular meeting schedule. The Historic Landmark Preservation Committee shall elect a chairman and a vice chairman. All Historic Landmark Preservation Committee meetings are subject to the Texas Open Meetings Statutes. Minutes of all meetings shall be maintained in accordance with the Public Records laws and regulations with approved Historic Landmark Preservation Committee meeting minutes. Four members constitute a quorum.

Each Historic Landmark Preservation Committee member shall serve on at least one sub-committee. From time to time the Historic Landmark Preservation Committee may designate other sub-committees for special projects of a temporary nature. The Historic Landmark Preservation Committee shall include the following sub-committees:

Guidelines and Standards Review
Community Involvement and Marketing
Expansion, Preservation, and Revitalization

SECTION 2: That the City Secretary shall give notice of the passage of this ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

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

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

SECTION 5: That this Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **9th day of May, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

ORDINANCE NO. 150-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING "HISTORIC LANDMARK PRESERVATION COMMITTEE" SECTION 8-200 D. DUE TO CLERICAL ERROR; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That due to a clerical error in Ordinance No. 144-2009 dated October 26, 2009, the Zoning Ordinance of the City of Texarkana, Texas, be amended by amending "HISTORIC LANDMARK PRESERVATION COMMITTEE" Section 8-200 D. to read as shown herein below and incorporated herein:

D. The Historic Landmark Preservation Committee shall be composed of nine (9) members. There should be one member from each of the following: an institution authorized to make home loans, a real estate agent, a representative of the Texarkana Museums System, with the remaining members to be named at the discretion of the City Council. Meetings of the Historic Landmark Preservation Committee shall be at the call of the Chairman and at such times as the Committee shall determine. All meetings shall be open to the public. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absentee or failure to vote. Records of examinations and other official actions shall be kept and filed immediately in the office of the Community Redevelopment and Grants and shall be public record. The Committee should include the following committees: 1) guidelines and standards review, 2) community involvement and marketing, 3) expansion, preservation, and revitalization. Each Committee member shall serve on at least one committee. Ex Officio members of the Committee shall include the City Manager, the Executive Director of Community Redevelopment and Grants, and the Marketing and Communications Manager. The members of the Committee shall select a chairman, a vice chairman, and a secretary. Five members shall constitute a quorum.

SECTION 2: That the Zoning Ordinance of the City of Texarkana, Texas, be and is hereby amended and incorporated herein as described hereinabove.

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

SECTION 4: That all Ordinances or parts of Ordinances in conflict herewith are specifically repealed to the extent of such conflict.

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

PASSED AND APPROVED in Special Council Session on this the 8th day of September, 2011.


STEPHEN A. MAYO, MAYOR

ATTEST:


KERRY MEREDITH, CITY SECRETARY

ORDINANCE NO. 144-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING "HISTORIC LANDMARK PRESERVATION COMMITTEE" SECTION 8-200 D.; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the Planning and Zoning Commission of the City of Texarkana, Texas, in a vote of **four (2) to two (2)**, recommended that the Zoning Ordinance of the City of Texarkana, Texas, be amended by amending "HISTORIC LANDMARK PRESERVATION COMMITTEE" Section 8-200 D. to read as shown herein below and incorporated herein:

D. The Historic Landmark Preservation Commission shall be composed of nine (9) members. There should be one member from each of the following: an institution authorized to make home loans, a real estate agent, a representative of the Texarkana Museums System, with the remaining members to be named at the discretion of the City Council. Meetings of the Historic Landmark Preservation Commission shall be at the call of the Chairman and at such times as the Commission shall determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absentee or failure to vote. Records of examinations and other official actions shall be kept and filed immediately in the office of the Community Redevelopment and Grants and shall be public record. The Commission should include the following committees: 1) guidelines and standards review, 2) community involvement and marketing, 3) expansion, preservation, and revitalization. Each commission member shall serve on at least one committee. Ex Officio members of the Commission shall include the CEO/City Manager, the Executive Director of Community Redevelopment and Grants, and the Marketing and Communications Manager. The members of the Commission shall select a chairman, a vice chairman and a secretary. Five members shall constitute a quorum.

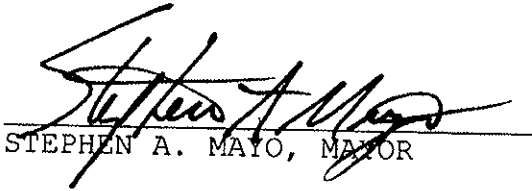
SECTION 2: That the Zoning Ordinance of the City of Texarkana, Texas, be and is hereby amended and incorporated herein as described hereinabove.

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

SECTION 4: That all Ordinances or parts of Ordinances in conflict herewith are specifically repealed to the extent of such conflict.

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

PASSED AND APPROVED in Regular Council Session on this the 26th day of October, 2009.


STEPHEN A. MAYO, MAYOR

ATTEST:


KERRY MEREDITH, CITY SECRETARY

ORDINANCE NO. 315-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" BY AMENDING IN ITS ENTIRETY SECTION (F) PERTAINING TO A TAX EXEMPTION CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee recommends property tax relief in order to encourage historic preservation for properties located within Historic Residential Overlay Districts; and

WHEREAS, the Historic Landmark Preservation Committee has proposed an amendment to the current Zoning Ordinance in Section 8-200 "Historic Designation," amending in its entirety Section (F) to provide for an exemption from annual City taxation of 20% of the assessed value of a structure located within a Historic Residential Overlay District; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, said proposal was referred to the Planning and Zoning Commission for consideration; and

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **6th day of November, 2006**, after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200(F) "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, said notice having been given not less than ten (10) days before the date set for hearing; and

WHEREAS, after consideration of said proposed amendment to the Zoning Ordinance, the Planning and Zoning Commission of the City of Texarkana, Texas, voted 4-0-1 (with one abstention) to recommend that said proposed amendment described hereinabove be adopted; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at **7:00 p.m. on November 13, 2006**, to consider the advisability of amending the

Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70) and having considered the recommendation of the Planning and Zoning Commission to adopt an exemption of 20% of the assessed value of qualified properties as proposed by the Historic Landmark Preservation Committee, finds and determines that the desired goals and incentives to maintain and preserve qualified historical properties could be achieved fairly and appropriately by approving an exemption of 10% of the assessed value of those properties and that said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200(F) of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas be and is hereby amended in its entirety which shall read as follows:

F. In accordance with state law, the City Council finds that all structures located within designated Historic Residential Overlay Districts are historically significant and entitled to tax relief in order to encourage historic preservation. The City shall exempt 10% of the assessed value of a structure, including the land necessary for access to and use of the structure, from annual City ad valorem taxation. In order to receive this tax exemption, the structure must have been located within a designated Historic Residential Overlay District on the first day of January of the applicable tax year and must be designated as the owner's homestead for the applicable tax year.

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

G:\Attorney\ORDS 1994-2006\06ord\315 doc
amended

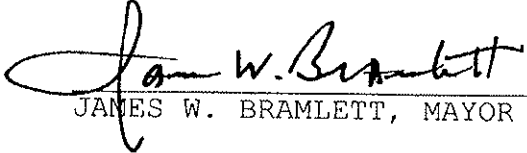
SECTION 3: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas.

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

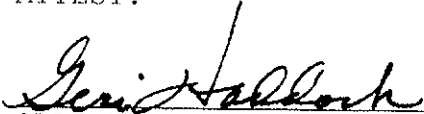
SECTION 5: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

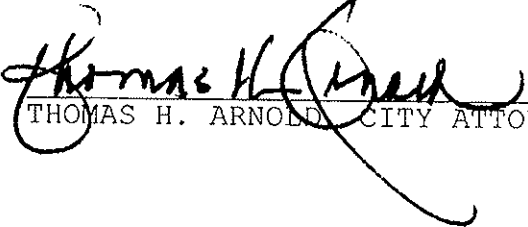
PASSED AND APPROVED in Regular Council Session on this the 13th day of November, 2006.


JAMES W. BRAMLETT, MAYOR

ATTEST:


GERI HADDOCK, CITY SECRETARY

APPROVED AS TO FORM:


THOMAS H. ARNOLD, CITY ATTORNEY

ORDINANCE NO. 363-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" BY AMENDING SECTION (G) ESTABLISHING THE HIGHLAND PARK - BINGHAM PARK HISTORIC RESIDENTIAL OVERLAY DISTRICT BY ADDING (G.1) TO EXPAND THE DISTRICT TO INCLUDE PROPERTY ON WALNUT STREET; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee previously recommended the establishment of the Highland Park - Bingham Park Historic Residential Overlay District for the protection of the aesthetic and visual character of this historic residential neighborhood; and

WHEREAS, the City Council voted to approve the establishment of the Highland Park - Bingham Park Historic Residential Overlay District on November 28, 2005; and

WHEREAS, several residents of Walnut Street between West 25th Street and West 29th Street requested that their homes be added to the Highland Park - Bingham Park Historic Residential Overlay District; and

WHEREAS, the Historic Landmark Preservation Committee recommends the expansion of the Highland Park - Bingham Park Historic Residential Overlay District to include all property on Walnut Street between West 25th Street and West 29th Street; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, the recommendation was referred to the Planning and Zoning Commission for an approval; and

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **5th day of December, 2005**, after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200 "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, said notice having been given not less than ten (10) days before the date set for hearing; and

WHEREAS, after consideration of said amendment to the Zoning Ordinance the Planning and Zoning Commission of the City of Texarkana, Texas, voted unanimously to recommend that the said amendment be adopted; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at 7:00 p.m. on **December 12, 2005**, to consider the advisability of amending the Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70), have found and determined that the amendment should be enacted as said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200 of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, be amended by amending Section (G) by adding (G.1), which shall read as follows:

G.1 The Highland Park - Bingham Park Historic Residential Overlay District shall hereby include all property on Walnut Street between West 25th Street and West 29th Street.

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 3: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas

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

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 12th day of December, 2005.


JAMES W. BRAMLETT, MAYOR

ATTEST:

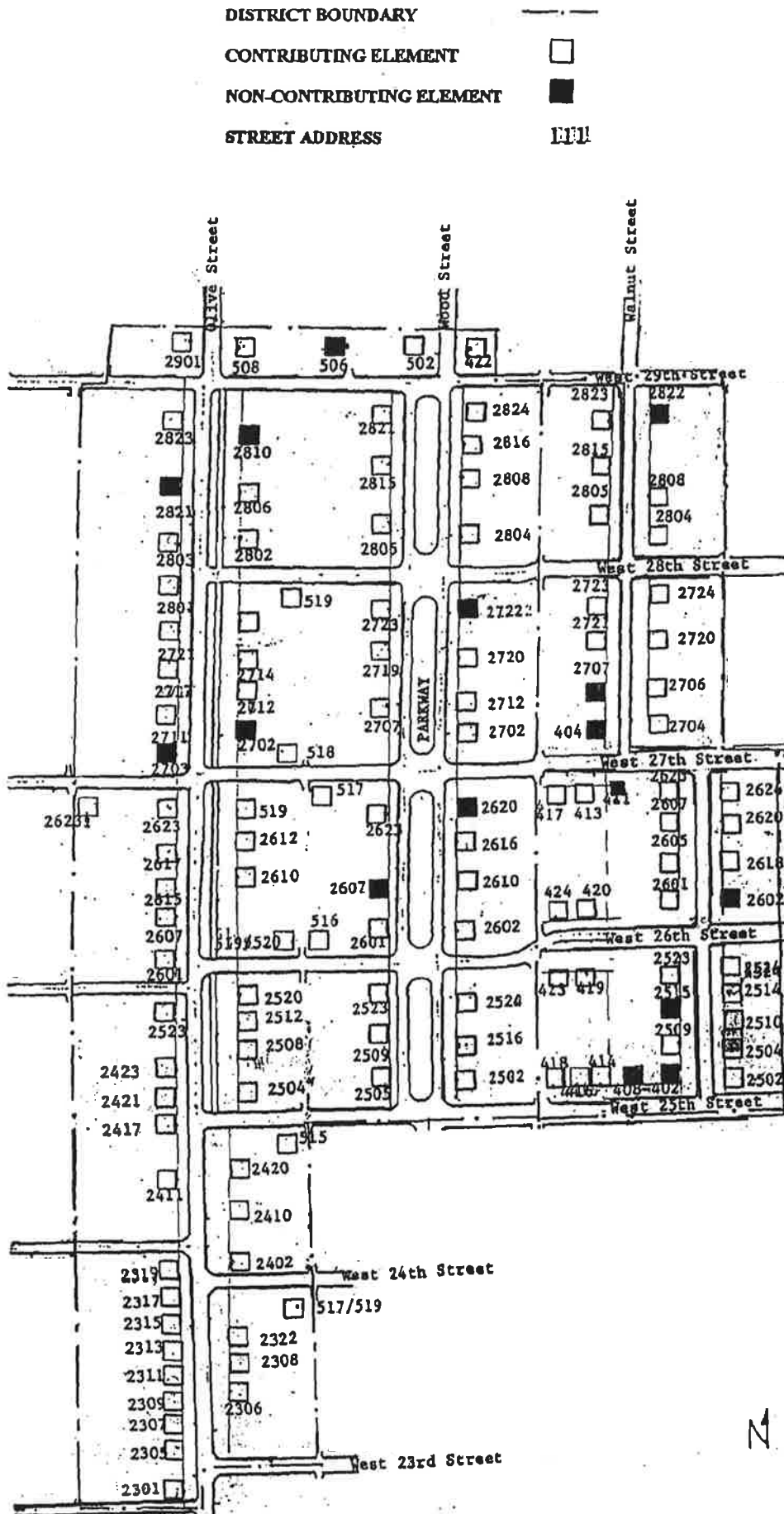

GERI HADDOCK, CITY SECRETARY 7:45 p.m.

APPROVED AS TO FORM:


DEBORAH JONES, ASSISTANT CITY ATTORNEY

THE HIGHLAND PARK - BINGHAM PARK OVERLAY DISTRICT

6.4.c



Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

**HIGHLAND PARK - BINGHAM PARK HISTORIC OVERLAY DISTRICT
EXPANDED AREA**

There are 34 combining structures in the expanded district, and eight (8) non-conforming, for a total of 42 structures. Structures built in the district mainly represent four periods of architecture and construction from 1903 through 1935: the Craftsman (also Bungalow), Queen Anne, Folk Victorian, and Prairie styles.

ARCHITECTURAL STYLES

<u>STYLE</u>	<u>#</u>
Craftsman & Bungalow	26
Folk Victorian	1
Prairie	2
Queen Anne	2
Greek	1
Gable Front and Wings	2
 TOTAL	 34

The Craftsman style homes constitute 62 percent of the houses constructed in the district.

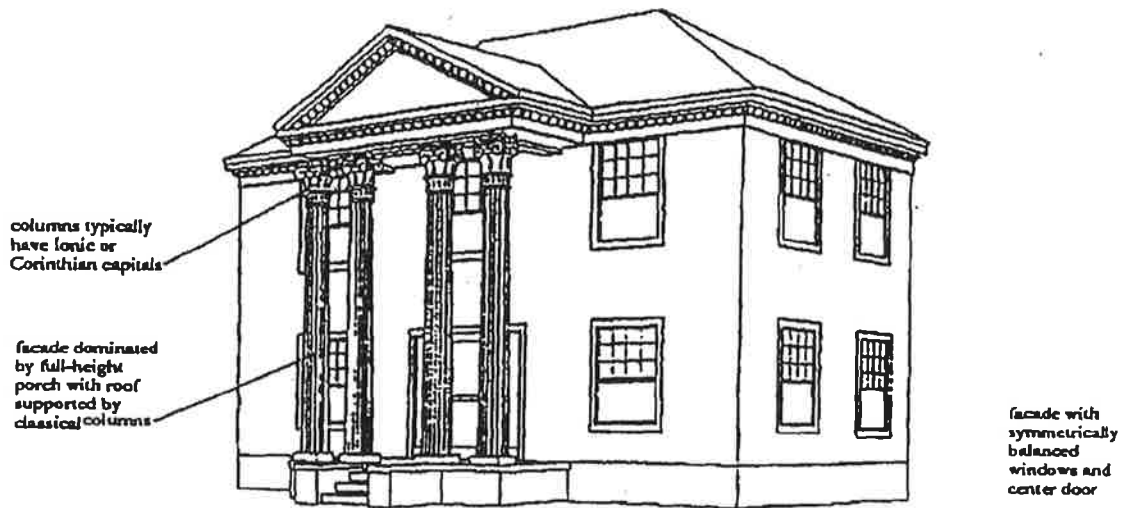
CRAFTSMAN



COLONIAL REVIVAL



NEOCLASSICAL REVIVAL



FOLK VICTORIAN



TUDOR REVIVAL



PRAIRIE



QUEEN ANNE



ORDINANCE NO. 335-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" BY ADDING SECTION (G) ESTABLISHING THE HIGHLAND PARK - BINGHAM PARK HISTORIC RESIDENTIAL OVERLAY DISTRICT INCLUDING THE ADOPTION OF DEVELOPMENT STANDARDS AND PRESERVATION CRITERIA FOR THE DISTRICT; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee recommends the establishment of the Highland Park - Bingham Park Historic Residential Overlay District for the protection of the aesthetic and visual character of this historic residential neighborhood; and

WHEREAS, the Historic Landmark Preservation Committee recommends the adoption of Development Standards and Preservation Criteria for the Highland Park - Bingham Park Historic Residential Overlay District; and

WHEREAS, the Historic Landmark Preservation Committee has recommended an addition to the current Zoning Ordinance in Section 8-200 "Historic Designation", adding Section (G) which will establish the Highland Park - Bingham Park Historic Residential Overlay District as more fully described hereinbelow in Section 1; and

WHEREAS, the proposed Section (G) includes the adoption of Development Standards and Preservation Criteria for the Highland Park - Bingham Park Historic Residential Overlay District, attached hereto and incorporated herein as Exhibit "A" ; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, the recommendation was referred to the Planning and Zoning Commission for an approval; and

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **15th day of November, 2005**, after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200 "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, as more fully described hereinbelow in Section 1 and Exhibit "A", said notice having been given not less than ten (10) days before the date set for hearing; and

WHEREAS, after consideration of said amendment to the Zoning Ordinance the Planning and Zoning Commission of the City of Texarkana, Texas, voted unanimously to recommend that the said amendment be adopted as described more fully hereinbelow in Section 1 and Exhibit "A"; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at **7:00 p.m. on November 28, 2005**, to consider the advisability of amending the Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70), have found and determined that the amendment should be enacted as said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200 of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas be and is hereby amended by adding a Section, to be numbered 8-200(G), which shall read as follows:

G. The Highland Park - Bingham Park Historic Residential Overlay District is hereby established. The purpose and intent of the Highland Park - Bingham Park Historic Residential Overlay District is to provide for the protection of the aesthetic and visual character of this historic residential neighborhood. The neighborhood consists of homes built between 1903 and 1935 and includes Craftsman (Arts and Crafts), Prairie, and Colonial style homes. The City's first park, Bingham Park, which is now the Parkway along Wood Street is a highlight of the neighborhood. Additionally, the boyhood home of Ross Perot and the former home of Wright Patman are located within the neighborhood.

The Highland Park - Bingham Park Historic Residential Overlay District shall include all property on Wood Street between West 25th Street and West 29th Street and all property on Olive Street between West 23rd Street and West 29th Street. Additionally, the District shall include residences fronting on West 29th Street between the intersections of Wood Street and Olive Street. An official map of the Highland Park - Bingham Park Historic Residential Overlay District shall be kept on file in the Planning and Zoning Department and the boundaries of the Highland Park - Bingham Park Historic Residential Overlay District shall be shown on the City's Official Zoning Map.

Development Standards and Preservation Criteria for the Highland Park - Bingham Park Historic Residential Overlay District are hereby adopted as an official attachment to the zoning ordinance. A violation of any provision contained within the Development Standards and Preservation Criteria for the District is a violation of the zoning ordinance. Copies of the Development Standards and Preservation Criteria for the Highland Park - Bingham Park Historic Residential Overlay District shall be available in the office of the Director of Planning.

No person shall construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of a building or structure or develop, construct, relocate, or demolish any building or structure within the District without first obtaining a Certificate of Appropriateness. All new development and changes to existing development located within the District, except for ordinary maintenance and repair, shall be reviewed in accordance with the Development Standards and Preservation Criteria for the Highland Park - Bingham Park Historic Residential Overlay District by the Historic Landmark Preservation Committee pursuant to Section E above.

The Development Standards and Preservation Criteria for this Overlay District control in the event of a conflict with the requirements for the underlying zoning district or other ordinances. Except, this Section does not apply to life safety codes such as building or fire codes. If a proposed development or change in an external feature will not be visible from a public right-of-way once the project is completed, the Committee may waive review of the project.

SECTION 2: That Section 8-200(G) above adopts as an official attachment to the Zoning Ordinance (Ordinance No. 127-70), Development Standards and Preservation Criteria for the Highland Park - Bingham Park Historic Residential Overlay District which are attached hereto and incorporated in as Exhibit "A".

SECTION 3: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 4: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas

SECTION 5: That in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 7: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 28th day of November, 2005.


JAMES W. BRAMLETT, MAYOR

ATTEST:


GERI HADDOCK, CITY SECRETARY 7:55 p.m.

APPROVED AS TO FORM:


DEBORAH JONES, ASSISTANT CITY ATTORNEY

DEVELOPMENT STANDARDS AND PRESERVATION CRITERIA FOR THE HIGHLAND PARK - BINGHAM PARK HISTORIC RESIDENTIAL OVERLAY DISTRICT

A. DEVELOPMENT STANDARDS.

- (a) In general. The Development Standards for this Historic Overlay District control in the event of a conflict with the requirements for the underlying zoning district.
- (b) Height requirements. The maximum permitted heights for buildings and structures are:
- (1) 25 feet for a main building; and
 - (2) 20 feet for an accessory building or structure.
- (c) Lot size requirements. Lots must conform to the following standards:
- (1) Each lot must have a minimum area of 7,200 square feet and a minimum depth of 150 feet.
 - (2) Each lot must have a width no less than 50 percent of the average width of all lots in both the same and the opposite blockface.
- (d) Maximum lot coverage. The maximum permitted lot coverage for all buildings and structures combined is 40 percent.
- (e) Minimum front yard.
- (1) All buildings and structures must have a minimum front yard set back of 25 feet.
 - (2) The main building on an interior lot must have a front yard setback that is:
 - (A) equal to that of the closest main building on either side of the lot in the same blockface; or
 - (B) between those of the closest main buildings on either side of the lot in the same blockface.
 - (3) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.
- (f) Minimum rear yard. The minimum permitted rear yard setbacks for buildings and structures are:
- (1) 10 feet for a main building if the lot is 230 feet or less in depth;
 - (2) 20 feet for a main building if the lot is over 230 but less than or equal to 250 feet in depth;
 - (3) 30 feet for a main building if the lot is over 250 feet in depth; and
 - (4) 5 feet for an accessory building or structure.

“Exhibit A”

(g) Minimum side yards.

- (1) All buildings and structures must have:
 - (A) on interior lots, a minimum side yard the greater of 5; and
 - (B) on corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection
- (2) Except as otherwise provided in this section, no balcony, porch, or any portion of a building may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(h) Off-street parking requirements. Residential uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit when alley is accessible.

(i) Signs. Signs of any character shall be not larger than 4 square foot. (ex. 2'x 2')

B. PRESERVATION CRITERIA. The following preservation criteria apply to all property in the Bingham Park Historic District:

(a) Building placement, form, and treatment.

(1) Accessory buildings. Accessory buildings:

- (A) are only permitted in the rear yard no closer than 15 feet to a main building; and
- (B) must be compatible with the scale, shape, roof form, materials, detailing, and color of a main building.

(2) Additions. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of the building.

(3) Architectural detail. Materials, colors, structural and decorative elements, and the manner in which they are used, applied, or joined together must be typical of the style and period of a main building and compatible with the other buildings on the blockface.

(4) Awnings.

(A) All awnings on the front and side facades of a main building must be typical of its style and period and complement its color scheme.

(B) Wood, metal, and plastic awnings are not permitted unless they:

- (i) are on an accessory building or the rear façade of a main building;
- (ii) complement the color scheme of the building to which they are attached; and
- (iii) are totally screened.

(5) Building placement. All buildings must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.

(6) Building widths. The minimum permitted width for a main building is 80 percent of the average width of the existing main buildings in the blockface.

(7) Chimneys. All chimneys must be compatible with the style and period of a main building. Chimneys on the front 50 percent of a main building or on a corner side façade must be:

- (A) constructed of brick, stucco, stone, or other materials that look typical of the style and period of a main building; and
- (B) of a style and proportion that is typical of the style and period of a main building.

(8) Color.

(A) Brick and stone surfaces. Brick and stone surfaces not previously painted must not be painted unless the applicant establishes that:

- (i) painting is the only method by which the brick or stone may be restored or preserved; or
- (ii) the color and texture of replacement brick or stone cannot be matched with that of the existing brick or stone surface and the paint color matches that of the existing brick or stone surface.

(B) Certain colors prohibited. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.

(C) Dominant and trim colors. All structures must have a dominant color and no more than three trim colors. The colors of a structure must be complementary of each other and the overall character of this district.

(D) Gutters and downspouts. Gutters and downspouts must be painted or colored to match or complement the color scheme of the structure to which they are attached.

(E) Roof colors. Roof colors must complement the style and overall color scheme of the structure.

(F) Stain. The use and color of stain must be typical of the style and period of the building on which the stain is applied.

(9) Columns.

(A) Function. Columns are only permitted as vertical supports near the front entrance of a main building, or as vertical supports for porches.

(B) Materials. Columns must be constructed of brick, wood, cut stone, or other materials that look typical of the style and period of a main building. No pipe or wrought iron columns are permitted.

(C) Style. Columns must be of a style typical of the style and period of a main building.

(D) Width dimensions.

(i) The width of a one-story column shaft at its widest point must be at least one-eighth the height of the column.

(ii) The width of a two-story column shaft at its widest point must be at least one-eighth the height of the column.

(10) Façade materials.

(A) In general. The only permitted façade materials are brick, wood siding, stone, and stucco. All façade treatments and materials must be typical of the style and period of a main building.

(B) Brick. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.

(C) Wood facades. Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary façade material, but may be used in roof gables and on foundation skirts in a manner that is typical of the style and period of a main building.

(11) Front entrances and porches.

(A) Detailing. Railings, moldings, tile work, carvings, and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of a main building.

(B) Enclosures. A front entrance or porch may not be enclosed with any material, including iron bars, glass, or mesh screening.

(C) Façade openings. Porches must not obscure or conceal any façade openings in a main building.

(D) Floor coverings. Carpeting is not permitted as a porch floor or step covering.

(E) Location. An entrance treatment, including door transoms, sidelights, stained glass, trim, and hardware, must be retained in its original location.

(F) Style. The main building must have a front porch or entry treatment with a shape, roof form, materials, and colors that are typical of the style and period of the building.

(12) Height to width ratio. The relationship between the height and width of the front façade of a main building, including side projections, must be compatible with those of the other main buildings in the blockface.

(13) Porte cocheres. Except as otherwise provided in this subsection, porte cocheres must be preserved as architectural features and not be enclosed on any side by fences, gates, or any other materials. A wrought iron gate is permitted across the rear opening of a porte cochere if it has a screening factor of less than 50 percent and is compatible with the style and scale of a main building.

(14) Roof forms.

(A) Eaves and soffits. The height of eaves and soffits on a main building must be within 10 percent of the height of eaves and soffits on the closest main building in this district of a similar style and having the same number of stories.

(B) Materials and colors. Roof materials and colors must complement the style and overall color scheme of the building or structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.

(C) Overhang. The roof overhang on a building must be compatible with the style and scale of the building. A replacement roof on an existing building must have an overhang that is equal to or greater than the overhang of the roof it replaces.

(D) Patterns. Roof patterns of a main building must be typical of the style and period of the architecture of the building and include separate substructure roofs.

(E) Skylights and solar panels. Skylights and solar panels are only permitted on:

- (i) the rear 50 percent of the roof of a main building on an interior lot;
- (ii) the rear inside quadrant of the roof of a main building on a corner lot; and
- (iii) the roof of an accessory building in the rear yard.

(F) Slope and pitch. The degree and direction of roof slope and pitch must be typical of the style and period of a main building and compatible with existing building forms in this district. Flat or Mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of a main building.

(15) Stairs. Second story exterior staircases are only permitted on accessory buildings and the rear 50 percent of a main building, except that they are not permitted on a corner side façade.

(16) Window and doors.

(A) Front façade openings. The total number of window and door openings (combined) in the front façade of a main building must be equal to or greater than the total number of original window and door openings (combined) in that façade. The number of door openings in the front façade of a main building may not be increased.

(B) Glass. Clear, decorative stained, and clear leaded glass typical of the style and period of the building may be permitted in any window opening. Reflective, tinted, opaque, and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted except in a bathroom window.

(C) Screens, storm doors, and storm windows. Screens, storm doors, and storm windows may be permitted if:

(i) their frames are painted or colored to match or complement the color scheme of a main building;

(ii) they do not obscure significant features of the window and doors they cover; and

(iii) the screen mesh is 18 by 16 gauge.

(D) Security and ornamental bars. Security and ornamental bars are only permitted on an accessory building or on the rear or side facades of a main building.

(E) Shutters. Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.

(F) Style.

(i) All windows and doors in the front façade of a main building must be proportionally balanced in a manner typical of the style and period of the building.

(ii) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building.

(iii) All windows, doors, and lights in the front and side facades of a main building must be typical of the style and period of the building and compatible with the windows, doors, and lights in the front and side facades of the other main buildings in the blockface. Windows must contain at least two lights (window panes). Sidelights must be compatible in style and materials with the door.

(iv) The frames of windows must be trimmed in a manner typical of the style and period of the building.

(b) Landscaping

(1) Fences.

(A) Definitions. The following definitions apply to terms used in these fence regulations:

(i) FINISHED SIDE means the side of a fence that does not reveal the structural components.

(ii) STRUCTURAL COMPONENT means a post, column, or other vertical or horizontal member providing support and strength for a fence.

(B) Form. Fences must be constructed and maintained in a vertical position.

(C) Height. The maximum permitted height for a fence is eight feet.

(D) Location.

(i) Fences are not permitted in the front yard.

(ii) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of a main building, except that the commission may allow a fence to be located in the rear 75 percent of the side yard if it determines that the fence does not screen any portion of a significant architectural feature of a main building on the same or an adjacent lot.

(iii) A fence in the corner side yard must not be directly in front of the corner side façade, however, if a fence covers no more than 50 percent of the corner side façade, it may be permitted if:

(aa) more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and

(bb) the fence does not screen all or any portion of a significant architectural feature of a main building.

(iv) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.

(v) A fence must run either parallel or perpendicular to a building wall or lot line.

(vi) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of a main building on the adjacent lot with the greater setback.

(E) Materials. A fence must be constructed of one or more of the following materials: wrought iron, wood, brick, or stucco. Exposed concrete blocks are not permitted. Chain link fencing is permissible if it is not visible from public right-of-way.

(F) Masonry fences.

(i) The color, texture, pattern, and dimensions of masonry and the color, width, type, and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of a main building as nearly as practicable.

(ii) All exposed brick in a fence must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.

(G) Metal fences.

(i) Wrought iron fences must be compatible with the style and period of a main building.

(ii) If a wrought iron is painted or colored, it must compliment the style and overall color scheme of the structure.

(H) Wooden fences.

(i) All wooden structural posts must be a least four inches in diameter (nominal size).

(ii) The side of a wooden fence facing a public street must be the finished side.

(iii) Wooden fences may be painted or stained a color that is complementary to a main building.

(2) Certain items prohibited in front and corner side yards. The following items are not permitted in the front and corner side yards:

(A) Berms higher than 2 feet.

(B) Pylons and similar structures.

(C) Rock or sculpture gardens.

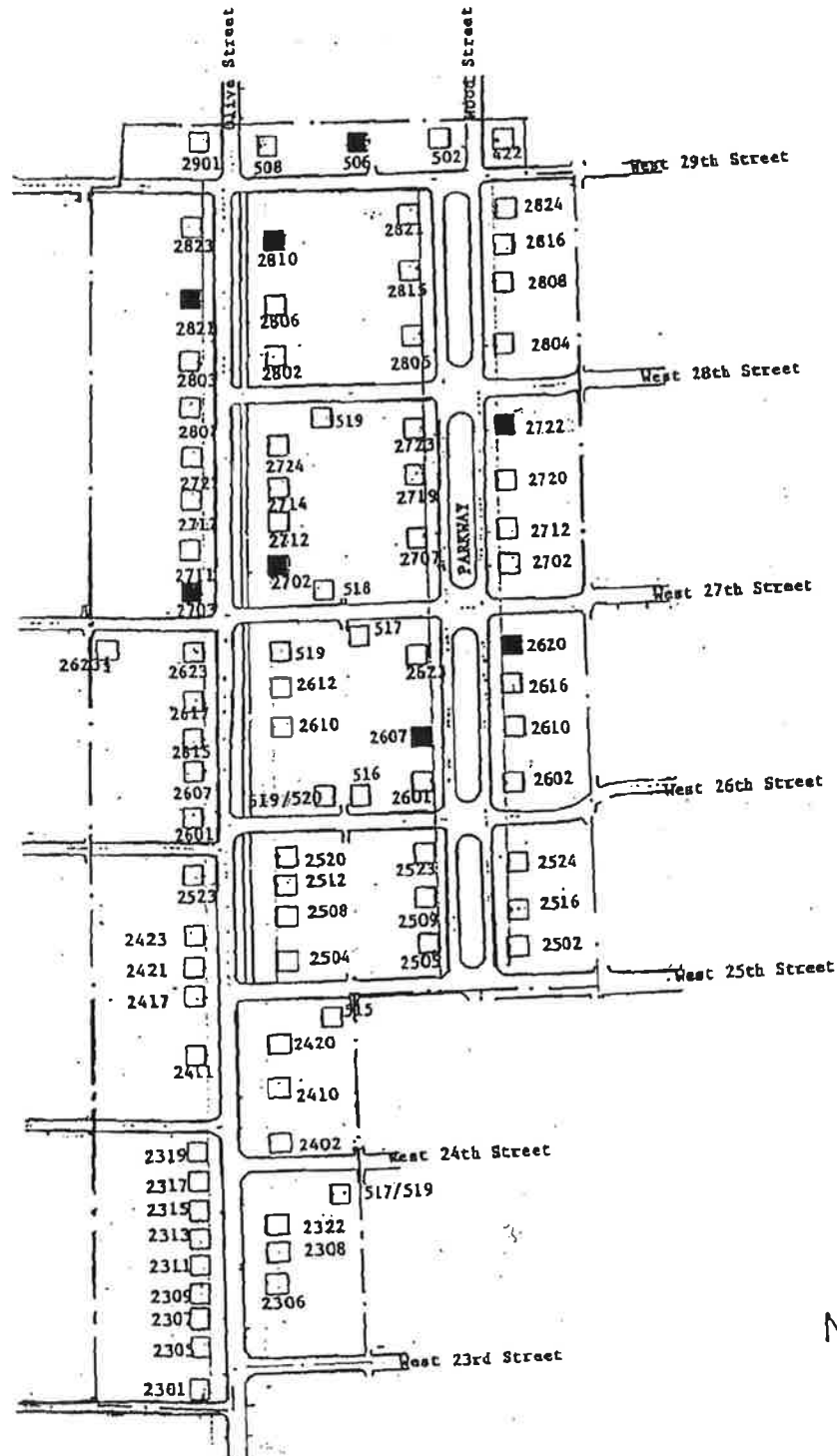
(D) Permanent cooking or BBQ grills.

(E) Upholstered furniture. This prohibition includes porch areas.

- (F) **Satellite Dishes and Antennas.** If reception requires such placement, then a satellite dish will be allowed if screened from public view by landscaping or building materials similar to those used on the façade of the main building.
- (G) **Basketball goals and playground equipment** will not be permitted in the front or corner side yard.
- (3) **Outdoor lighting.** Outdoor light fixtures on the front façade of a main building and on poles in the front yard must be compatible with the style and period of a main building and not obscure or conflict with significant architectural details. Overhead and exposed wiring and conduit for outdoor lighting is not permitted. However, temporary holiday lighting displays are permitted from November through January.
- (4) **Pavement, filler, and edging materials.** If the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards, the landscape plan must be reviewed and approved by the commission. No more than 25 percent of the front yard of a residential use may be covered by pavement or filler materials.
- (5) **Planter boxes.** Planter boxes must be:
- (A) an integral part of and typical of the style and period of a main building;
 - (B) 18 inches or less in height;
 - (C) 36 inches or less in depth; and
 - (D) constructed of brick, stone, or smooth-finish concrete that matches or is compatible in texture, color, and style with a main building.
- (6) **Retaining walls.** Retaining walls are not permitted in the front and side yards except to preserve a natural or existing slope or to make slope similar to that of an adjacent lot. The height of a retaining wall must not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted stone, brick, stucco, or smooth-finished concrete that is compatible in texture, color, and style with a main building.
- (7) **Sidewalks, driveways, and curbing.**
- (A) **Materials.**
- (i) Asphaltic or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway, or curbing material.
 - (ii) All public sidewalks and curbing must be constructed of brush finish concrete.
 - (iii) All private sidewalks and driveways must be constructed of brush finish concrete, brick, tile, slate, or exposed aggregate. Gravel is allowed in the center strip of a ribbon driveway.
- (B) **Width, style, and spacing.**
- (i) The maximum permitted width of a driveway in the front yard is 10 feet. The driveway width may be expanded to 20 feet at any point behind the front façade.
 - (ii) Ribbon driveways are only permitted if the owner establishes that a ribbon driveway was an original architectural element of the site. If a ribbon driveway is permitted, the ribbons must be at least one foot wide.
 - (iii) Circular driveways are not permitted in the front yard.
 - (iv) A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot must be spaced a minimum of one foot from the existing driveway on the adjacent lot.
- (C) **Parking on driveways.** No vehicles shall be parked on the lawn area of a property.

THE HIGHLAND PARK – BINGHAM PARK OVERLAY DISTRICT

DISTRICT BOUNDARY
CONTRIBUTING ELEMENT
NON-CONTRIBUTING ELEMENT
STREET ADDRESS



ORDINANCE NO. 141-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" BY ADDING SECTION (F) PERTAINING TO A TAX FREEZE AND/OR ABATEMENT; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee recommends property tax relief in order to encourage historic preservation for properties rezoned as Historic District; and

WHEREAS, the Historic Landmark Preservation Committee recommends that such property tax relief for residentially zoned property should only apply to the property owner's homestead; and

WHEREAS, the Historic Landmark Preservation Committee has recommended an addition to the current Zoning Ordinance in Section 8-200 "Historic Designation", creating a new Section (F) which will provide for such property tax relief in order to encourage historic preservation for properties rezoned as Historic District, which is more fully described hereinbelow in Section 1; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, the recommendation was referred to the Planning and Zoning Commission for an approval; and

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **2nd day of May, 2005**, after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200 "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, and more fully described hereinbelow in Section 1, said notice having been given not less than ten (10) days before the date set for hearing; and

WHEREAS, after consideration of said amendment to the Zoning Ordinance the Planning and Zoning Commission of the City of Texarkana, Texas, voted unanimously to recommend that the said amendment be adopted as described more fully hereinbelow in Section 1; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at **7:00 p.m. on May 9, 2005,** to consider the advisability of amending the Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70), have found and determined that the amendment should be enacted as said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200 of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas be and is hereby further amended by adding a Section, to be numbered 8-200(F), which shall read as follows:

F. In accordance with state law, the City Council finds that all sites and structures designated as Historic Districts within the City of Texarkana, Texas are historically significant and entitled to tax relief in order to encourage historic preservation. The tax exemption shall exempt from City ad valorem taxation any increase in the assessed value of a structure or site designated as a Historic District for a period of twenty (20) years following its designation as a Historic District. To receive the tax exemption the structure or site must have been designated as a Historic District on the first day of January of the applicable tax year and must be claimed as the owner's homestead if zoned for residential use.

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

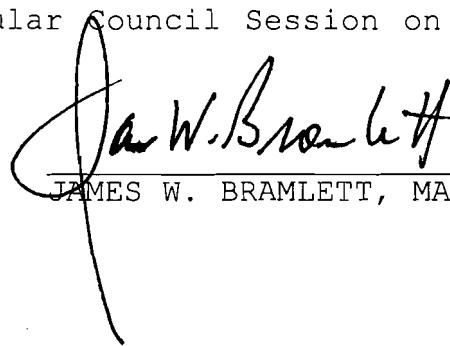
SECTION 3: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas

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

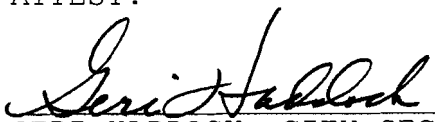
SECTION 5: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 9th day of May, 2005.

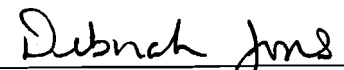

JAMES W. BRAMLETT, MAYOR

ATTEST:


GERI HADDOCK, CITY SECRETARY

8:10 p.m.

APPROVED AS TO FORM:


DEBORAH JONES, ASSISTANT CITY ATTORNEY

ORDINANCE NO. 138-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" (E) IN ITS ENTIRETY PERTAINING TO THE GRANTING OF A CERTIFICATE OF APPROPRIATENESS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee has recommended an amendment to the current Zoning Ordinance in Section 8-200 "Historic Designation", amending Section (E) in its entirety to streamline the process for the granting of a Certificate of Appropriateness and allowing the Historic Landmark Preservation Committee to be the ruling board for this process, which is more fully described hereinbelow in Section 1; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, the recommendation was referred to the Planning and Zoning Commission for an approval; and

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **2nd day of May, 2005**, after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200 "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, and more fully described hereinbelow in Section 1, said notice having been given not less than ten (10) days before the date set for hearing; and

WHEREAS, after consideration of said amendment to the Zoning Ordinance the Planning and Zoning Commission of the City of Texarkana, Texas, voted unanimously to recommend that the said amendment be adopted as described more fully hereinbelow in Section 1; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at **7:00 p.m. on May 9, 2005**, to consider the advisability of amending the Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning

amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70), have found and determined that the amendment should be enacted as said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200(E) of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, be and is hereby amended in its entirety to read as follows:

E. No person shall construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of a building or structure or develop, construct, relocate, or demolish any building or structure with a Historic Designation or within a Historic Overlay District in the City of Texarkana, Texas without first obtaining a Certificate of Appropriateness. Exterior architectural features include the kind, color and basic texture of all exterior building materials and such features as windows, doors, lights, and signs.

An application for a Certificate of Appropriateness shall be made by the owner of the subject property and filed with the Director of Planning on the City's official form. The Director of Planning shall determine the completeness of an application for a Certificate of Appropriateness. Incomplete or applications not in compliance with building codes or other ordinances shall be returned to the applicant for completion and compliance. The Director of Planning shall within seven (7) days refer a completed application to the Historic Landmark Preservation Committee.

The Historic Landmark Preservation Committee shall hold a public hearing on an application for a Certificate of Appropriateness within thirty (30) days of their receipt of the application. Notice of application for a Certificate of Appropriateness shall be posted at the project site such that it is visible from the public right-of-way, including contact information and meeting date. If the Historic Landmark Preservation Committee does not take action within thirty (30) days of receipt of a completed application, a Certificate of Appropriateness shall be deemed issued by the Committee.

At the public hearing, the Historic Landmark Preservation Committee shall investigate and approve or disapprove an application for a Certificate of Appropriateness by a majority vote. A written report regarding the decision should be prepared by the Director of Planning within five (5) days after the public hearing.

Upon approval of an application, the Building Official shall be authorized to issue any necessary permits following the City's standard process. Should an application be disapproved, a copy of the written report stating the reasons for disapproval shall be mailed to the applicant with notice of their right to appeal the decision to the Zoning Board of Adjustment.

No application for the same project shall be considered within one (1) year of the disapproval of the application by the Historic Landmark Preservation Committee. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the Committee at any time.

Ordinary Maintenance and Repair shall be exempt from the requirement of a Certificate of Appropriateness. The Director of Planning shall be responsible for making a determination whether or not any given project constitutes Ordinary Maintenance and Repair and shall report such projects periodically to the Historic Landmark Preservation Committee.

Ordinary Maintenance and Repair is any work, the sole purpose and effect of which is to correct deterioration, decay or damage which does not result in a change in the existing appearance and materials of a property. Examples include minor repairs to windows and doors; repairing walkways or drives; roofing, foundation, or chimney work when no substantial change in appearance occurs. Ordinary Maintenance and Repair also includes in-kind repair and replacement. Ordinary Maintenance and Repair must be compatible with the Development Standards of the Historic District in which it is performed.

The following general review criteria shall be met in issuing any Certificate of Appropriateness: the proposed work complies with the Development Standards and Preservation Criteria for the District; the integrity of an individual historic structure is preserved; new buildings or additions are designed to

be compatible with surrounding historic properties; and the overall character of the District is protected.

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

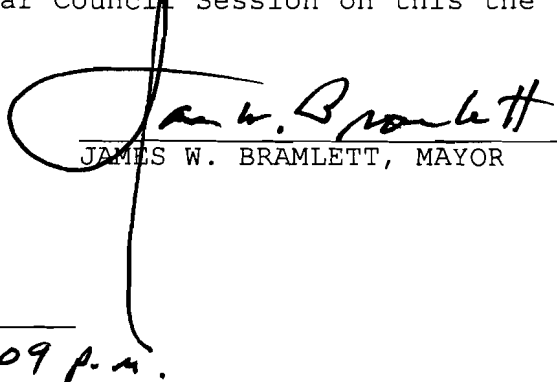
SECTION 3: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas

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

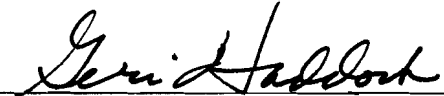
SECTION 5: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 9th day of May, 2005.

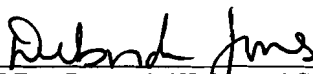

JAMES W. BRAMLETT, MAYOR

ATTEST:


GERI HADDOCK, CITY SECRETARY

8:09 p.m.

APPROVED AS TO FORM:


DEBORAH JONES, ASSISTANT CITY ATTORNEY

ORDINANCE NO. 161-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, SETTING THREE (3) YEAR TERMS OF SERVICE FOR CERTAIN BOARDS, COMMITTEES AND COMMISSIONS; REPEALING CERTAIN TERM LIMITATIONS; AND PLACING ATTENDANCE REQUIREMENTS ON ALL BOARDS, COMMITTEES AND COMMISSIONS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana, Texas, desires to create consistent three (3) year terms of service for all boards, committees and commissions of the City of Texarkana, Texas when such terms of service are not otherwise set by state law; and

WHEREAS, the City Council of the City of Texarkana, Texas, desires the ability to retain trained volunteers for service on all boards, committees and commissions of the City of Texarkana, Texas; and

WHEREAS, the City Council of the City of Texarkana, Texas, desires to place attendance requirements on all boards, committees and commissions of the City of Texarkana, Texas to ensure consistent and reliable service to the public;

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

SECTION 1: That the terms of service for the boards, committees or commissions listed in Section 2 below shall be and are hereby changed to three (3) year terms of service to create consistent three (3) year terms of service for all boards, committees and commissions of the City of Texarkana, Texas when such terms of service are not otherwise set by state law.

SECTION 2: That the following boards, committees or commissions of the City of Texarkana, Texas, shall have three (3) year terms of service: Building Code Revision Committee, Electrical Examining Board, Historic Landmark Preservation Commission, Library Commission, Permit and License Appeal Board (SOB), and Plumbing and Zoning Commission.

SECTION 3: That any member of a board, committee or commission of the City of Texarkana, Texas may be appointed and reappointed to an unlimited number of terms of service.

SECTION 4: That it shall be the policy of the City Council of the City of Texarkana, Texas to obtain some new members on each board, committee, or commission of the City of Texarkana, Texas so that at least some members of each board, committee or commission shall be serving their first term on such board, committee or commission, but this is not a firm requirement.

SECTION 5: That it shall be the policy of the City Council of the City of Texarkana, Texas to endeavor to have residents from each Ward serving on the various boards, committees, or commissions of the City of Texarkana, Texas. Each City Council member shall have equal opportunity to recommend residents from their Ward for service on the various boards, committees, and commissions.

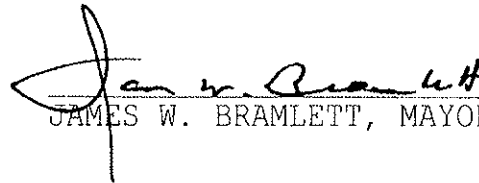
SECTION 6: That two(2)unexcused meeting absences by a member of a board, committee, or commission of the City of Texarkana, Texas shall be grounds for removal of the member from the board, committee, or commission by the City Council.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

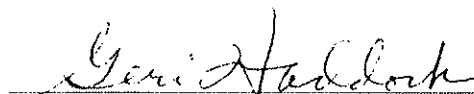
SECTION 8: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 9: That this Ordinance shall be in full force and effect from and after its passage and approval.

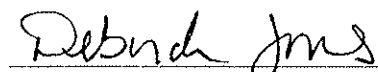
PASSED AND APPROVED in Regular Council Session on this the 28th day of June, 2004.


JAMES W. BRAMLETT, MAYOR

ATTEST:


GERI HADDOCK, CITY SECRETARY 7:20 p.m.

APPROVED AS TO FORM:


DEBORAH JONES, ASSISTANT CITY ATTORNEY

ORDINANCE NO. 195-85

AN ORDINANCE AMENDING ORDINANCE 127-70 (THE ZONING ORDINANCE) OF THE CITY OF TEXARKANA, TEXAS SO AS TO DELETE THE PRESENT CHAPTER 3A AS CREATED BY ORDINANCE 32-77 WHICH PROVIDED FOR THE DESIGNATION OF HISTORIC SITES AND DISTRICTS AND TO ADD A NEW SECTION 8-200 ENTITLED "HISTORIC DESIGNATION"; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION.

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, held a public hearing on the 7th day of May, 1985, after published notice of such public hearing before the Planning and Zoning Commission on the proposed changes in the Zoning Ordinance so as to amend the said section, said notice having been given not less than ten days before the date set for hearing; and

WHEREAS, after consideration of said changes and amendments to the Zoning Ordinance, the Planning and Zoning Commission of the City of Texarkana, Texas voted unanimously to recommend to the City Council of Texarkana, Texas, that the amendment be adopted; and

WHEREAS, subsequent to the public hearing of the Zoning Commission, notice was given of a further public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at 7:00 p.m. on May 28, 1985 to consider the advisability of amending the Zoning Ordinance as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen days prior to such hearing by publication in the Texarkana Gazette, a newspaper of general circulation in the City of Texarkana, Texas; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on the matter of the proposed amendment; and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance, have found and determined that this amendatory ordinance should be enacted since its provisions are in the best interest and will promote the health, safety and welfare of the community.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, adopted on September 14, 1970, and made a part of the Code of Ordinances of said City by Section 30-1 of said Code, is hereby amended by deleting in its entirety the present Chapter 3A and substituting therefor a new Section 8-200 entitled "Historic Designation" to read in its entirety as follows:

"8-200. Historic Designation

- A. Sites, structures, and areas that have been determined to be either architecturally, historically, archaeologically, or culturally significant may be designated as an Historic District. The regulations for historic districts are intended to preserve and protect historic, culturally or architecturally worthy buildings, structures, sites, and neighborhoods. For all zoning districts which contain the historic district prefix designation, the regulations for both the zoning district and the historic designation shall apply. Whenever there is a conflict between the regulations of the historic designation and the zoning district, the more restrictive regulations shall apply.
- B. In determining the historical district, site or area, one or more of the following criteria shall be considered:
 - 1. Character, interest or value as part of the development, heritage or cultural characteristics of the City, state or nation.
 - 2. Location as the site of an historical event.
 - 3. Structure with a distinguishing architectural type.
 - 4. Relationship to other distinctive buildings, sites, districts or structures which are historically significant.
 - 5. Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, the City or this region.
 - 6. Identification with a person who has significantly contributed to the development or culture of the City, state or nation.
- C. The Historic Landmark Preservation Committee shall recommend that certain sites, districts, areas, buildings or structures be designated as historical districts, sites or areas, and shall delineate the boundaries thereof. Such recommendation shall be submitted to the Planning and Zoning Commission and to the City Council. Such request for historical designation shall be acted upon by the Planning and Zoning Commission and the City Council as prescribed by Section 21-100. The prefix "H" shall indicate on the Zoning District Map the zoning designation of those areas, sites, districts, buildings or structures which are designated as historical districts. Such designation shall be in addition to any other zoning classification established for such site.
- D. The Historic Landmark Preservation Committee, as established by Ordinance Number 32-77, is composed of not less than seven (7) members appointed by the City Council. All members must be

residents of the City of Texarkana, Texas. Four (4) members shall constitute a quorum. The terms of the members shall be two years. The members of the Committee shall elect from among themselves, a chairman, vice chairman and secretary each year within thirty (30) days of the anniversary date of their appointments. The Committee shall be composed of one representative from each of the following: an institution authorized to make home loans, an architect, a real estate agent, and a representative of the Texarkana Historical Museum and Society, with the remaining persons to be named at the discretion of the City Council. In making appointments to the Committee, the City Council shall consider each appointee's interest in the City, knowledge of the history of the community, education and interest in the historical and cultural preservation and development of the City.

- E. After approval of the Historic Designation by the City Council, a Certificate of Appropriateness must be issued by the Director of Planning before a permit is issued for any of the following:
1. Demolition of an historic building or structure.
 2. Moving of an historic building or structure.
 3. Material changes, other than those stated in the originally approved application for the historic designation, in the exterior appearance of existing buildings by the addition, reconstruction, alteration or maintenance or involving exterior color.

The Director of Planning shall transmit the application for a Certificate of Appropriateness, together with the supporting information and material, including a recommendation from the Committee, to the Zoning Board of Adjustment for approval or disapproval. The Board shall act upon the application pursuant to its rules. If the Board approves the application, a Certificate shall be issued by the Director of Planning. The Board shall state in writing the reasons for its approval or disapproval of the Certificate of Appropriateness.

SECTION 2: The penalty provisions set forth in Section 23-100 of Ordinance 127-70 (Zoning Ordinance) as amended, shall apply to any failure to comply with the terms of this Ordinance.

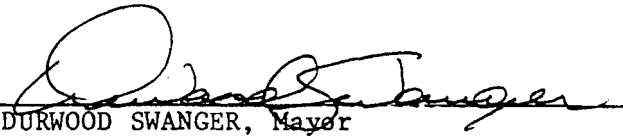
SECTION 3: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

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

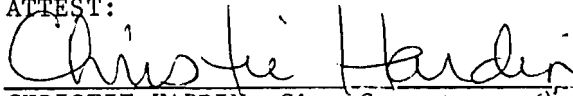
SECTION 5: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 6: That this ordinance shall be in full force and effect from and after its passage, approval and publication.

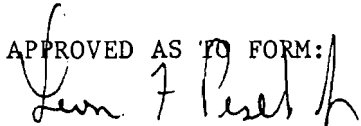
PASSED AND APPROVED in Regular Council Session on this the 28th day of May, 1985.


DURWOOD SWANGER, Mayor

ATTEST:


CHRISTIE HARDIN, City Secretary 8:57 P.m.

APPROVED AS TO FORM:


City Attorney

ORDINANCE NO.

204-84

AN ORDINANCE PROVIDING THAT ANY APPOINTEE TO CERTAIN BOARDS OR COMMISSIONS, WHO HAS SERVED FOR TWO CONSECUTIVE TWO-YEAR TERMS MUST VACATE THE POSITION FOR AT LEAST ONE YEAR BEFORE BECOMING ELIGIBLE FOR REAPPOINTMENT TO A FURTHER TERM ON THE SAME BOARD OR COMMISSION; LIMITING THE APPLICATION OF THIS ORDINANCE TO THE BOARD OF ADJUSTMENT, THE ELECTRICAL EXAMINING BOARD, THE HISTORICAL LANDMARK PRESERVATION COMMITTEE AND THE CITY'S APPOINTEES TO THE NORTHEAST TEXAS MENTAL HEALTH/MENTAL RETARDATION BOARD OF TRUSTEES; REPEALING ALL ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; AND TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the City Council of the City of Texarkana, Texas deems it to be in the best interests of the City to provide for limits on the number of consecutive years which board and commission members may be appointed to serve;

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

SECTION 1: That any appointee to boards or commissions listed in Section 2 below who has served for two consecutive two-year terms must vacate the position for at least one year before becoming eligible for reappointment to a further term on the same board or commission.

SECTION 2: That the terms of this Ordinance shall be applicable to appointees to the Board of Adjustment, the Electrical Examining Board, the Historical Landmark Preservation Committee and the City's appointees to the Northeast Texas Mental Health/Mental Retardation Board of Trustees.

SECTION 3: That service by an appointee during any part of a term on a board or commission shall be deemed, for purposes of this Ordinance, to have been service for a full term.

SECTION 4: That service as an alternate member on a board or commission shall be deemed, for the purpose of this Ordinance, to have been service as a regular member.

SECTION 5: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 7: That this Resolution shall become effective upon its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 13th day of August, 1984.


DURWOOD SWANGER, Mayor

ATTEST:


CHRISTIE HARDIN, City Secretary 8:10 P.M.

APPROVED AS TO FORM:


A sst City Attorney

ORDINANCE NO. 32-77

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ON SEPTEMBER 7, 1970, AND RECORDED IN ORDINANCE BOOK 12, PAGES 351 THROUGH 431 OF THE ORDINANCE RECORDS OF THE CITY OF TEXARKANA, TEXAS, BY ADDING A NEW CHAPTER 3A PROVIDING FOR THE DESIGNATION OF HISTORIC SITES AND DISTRICTS; DEFINING CERTAIN TERMS; ESTABLISHING THE HISTORIC LANDMARK PRESERVATION COMMITTEE; PROVIDING FOR CERTIFICATES OF APPROPRIATENESS; CONTAINING A PENALTY CLAUSE; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO BECOME EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION.

WHEREAS, the Legislature of the State of Texas has enacted Article 1011a, Vernon's Annotated Texas Statutes, empowering cities of the State of Texas to adopt regulations and restrictions for the preservation and protection of historical places and areas of historical and cultural importance and significance; and

WHEREAS, the City Council of Texarkana, Texas, is aware that the city has numerous areas, places, buildings, and structures of significant historical value which reflect the heritage of the City, the State, and its people:

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

Section 1: That the zoning ordinance of the City of Texarkana, Texas, be amended by adding a new chapter 3A to read as follows:

3A-100 STATEMENT OF PURPOSE

This ordinance is designed to protect sites, structures and areas that have been determined to be either architecturally, historically, archaeologically, or culturally significant to the City of Texarkana, Texas, from being indiscriminately razed, and to afford the City, interested persons, historical societies or organizations the opportunity to acquire or to arrange for the preservation or restoration of such buildings, sites or areas.

3A-200 DEFINITIONS

A. The terms "historical district" or "historical site" shall mean any site, district, area, building or structure of historical, archaeological or cultural importance or value which the Historic Landmark Preservation Committee, with approval from the City Council, determines shall be protected, preserved, or enhanced in the interest of culture, prosperity, education, and welfare of the people.

B. The term "building" shall mean any structure, place or other construction built for the shelter or enclosure of persons, animals, chattels, or movable property of any kind or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without opening in such separate walls.

The term "building" shall be construed as if followed by the words "or any part thereof".

C. The term "committee" shall mean the Historic Landmark Preservation Committee which shall serve as an advisory body to both the Planning and Zoning Commission and the Board of Adjustments.

D. The term "city" shall be construed to mean the City of Texarkana, Texas.

E. The term "landmark" shall mean any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the City, State or nation and which has been designated as a landmark pursuant to the provisions of this chapter.

F. The term "landmark site" shall mean any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal man, upon which a historic event has occurred, or which is culturally significant, and which has been designated as a landmark site under this chapter, or an improvement, parcel, or part thereof, used as constituting part of the premises on which the landmark is situated.

3A-300 (A) DESIGNATION OF SITES AND DISTRICTS

The Historic Landmark Preservation Committee may designate certain sites, districts, areas, buildings or structures in the City of Texarkana, Texas, as historical districts, sites or areas and define, amend and delineate the boundaries thereof, subject to the review of the Planning and Zoning Commission and approval by the City Council. The suffix "H" shall indicate on the Zoning District Map the zoning designation of those areas, sites, districts, buildings or structures which are designated as historical districts or sites. Such designation shall be in ADDITION to any other use designation established by the Zoning Ordinance of Texarkana, Texas.

(B) CRITERIA

In determining the historical district, site or area, the City Council shall consider one or more of the following:

- (1) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Texarkana, this region, state or nation.
- (2) Location as the site of an historical event.
- (3) Embodiment of distinguishing characteristics of an architectural type or specimen.
- (4) Relationship to other distinctive buildings, sites, districts or structures which are historically significant and preserved, or which are eligible for preservation.
- (5) Unique location of singular physical characteristics representing an established, and familiar visual feature of a neighborhood, community, the City or this region.
- (6) Identification with a person or persons who have significantly contributed to the development or culture of the City, region, state or nation.

(C) RELATIONSHIP TO ZONING DISTRICTS

The regulations for historic sites or districts are intended to preserve and protect historic, culturally or architecturally worthy buildings, structures, sites, and neighborhoods. In all zoning districts which contain or overlap a site or district designated "historic", the regulations for both the zoning district and the historic site or district shall apply. Whenever there is a conflict between the regulations of the historic site or district and the underlying zone, the more restrictive shall apply.

3A-400 ESTABLISHMENT OF THE HISTORIC
LANDMARK COMMITTEE

A. There is hereby created a committee to be known as the Historic Landmark Preservation Committee, herein called the Committee, to be composed of not less than seven (7) members approved by the City Council of Texarkana, Texas, within sixty (60) days of the passage of this ordinance.

B. The Historic Landmark Preservation Committee shall be composed of one representative from each of the following: an institution authorized to make home loans, an architect, a realtor, a representative of the Texarkana Historical Museum and Society, with the remaining persons to be named at the discretion of the City Council. In making appointments to the Committee, the City Council shall consider each appointee's interest in the City, knowledge of the history of the community, education and interest in the historical and cultural preservation and development of the City. All members of the Committee must be residents of Texarkana, Texas.

C. Each member appointed to the Historic Landmark Preservation Committee shall serve for a term of two years except that the initial members shall serve staggered terms as follows: four members shall serve for one year and the remaining three members shall serve for two years; all members appointed thereafter shall serve for a two year term. The City Council shall determine the terms of the first approved members. Ex officio members of the Committee shall include the City Manager, the City Engineer and the Director of Planning.

D. The members of the Committee shall elect from among themselves, a chairman, vice chairman and secretary, each year within thirty (30) days of the anniversary date of their appointments.

E. Four members shall constitute a quorum.

F. Powers and duties of the Committee:

The Committee shall have the power, subject to Subsection 3A-300 (A) of this chapter, to recommend to the Planning and Zoning Commission designation of landmarks, landmark sites and historic districts within the city limits of Texarkana, Texas. Such designation shall be made based upon criteria in Subsection 3A-300 (B) hereof. Once designated by ordinance, such landmarks, landmark sites, and historic districts or areas shall be subject to the provisions of this ordinance. The Committee shall also serve as an advisory body to the Board of Adjustments when that board considers requests for variances from the zoning ordinances which involve buildings, sites or districts designated as historic under this ordinance.

The Committee shall adopt rules to govern its proceedings, provided however, that such rules are not inconsistent with the zoning ordinance of the City of Texarkana, Texas, or the statutes of the State of Texas. Meetings of the Historic Landmark Preservation Committee shall be at the Call of the chairman and at such times as the Committee shall determine. All meetings of the Committee shall be open to the public. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact,

and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Committee and shall be a public record.

The Committee is further authorized to serve in conjunction with a similar Committee from Texarkana, Arkansas.

3A-500 APPLICATION PROCEDURES

A. Any person or entity may request a historical zone designation by submitting an application in triplicate to the Director of Planning containing the following:

- (1) Name and permanent address of the owner (or owners, if more than one) together with their written consent and approval of such historic designation for the subject property.
- (2) Name and permanent address of the applicant or applicants, as the case may be.
- (3) Location and legal description of the subject property.
- (4) Reasons and justification for requesting the historical district or site designation in light of established criteria and other relevant factors.
- (5) General plans for preservation and/or restoration, if any.

B. A \$25.00 filing fee must be paid by the applicant upon the filing of an application to initiate, amend, supplement, change, modify or repeal the Historical Zone boundaries.

C. Upon receipt of such application, the Director of Planning shall submit one copy of such application to the Planning and Zoning Commission and Historical Landmark Preservation Committee at the next regularly scheduled meeting of the Planning and Zoning Commission. Both the Planning and Zoning Commission and Historical Landmark Preservation Committee shall consider the application. The Historical Landmark Preservation Committee shall make its recommendations to the Planning and Zoning Commission at the next regularly scheduled meeting of the Planning and Zoning Commission. The application for the proposed Historical Zoning designation shall be presented to the City Council in the same manner as all other zoning ordinances.

D. After, and subject to, the written consent and approval of the owner (or owners, as the case may be) as aforesaid, and compliance with all prerequisites herein, any property within the City limits of Texarkana, Texas, may be rezoned as a historical site, district, or area, if upon the determination of the City Council such property is determined to have historical, cultural, archaeological or educational value which reflects the heritage of the City, this region, state, or nation, in the same manner as all other zoning ordinances.

3A-600 CERTIFICATION OF APPROPRIATENESS

A. Purpose. The purpose of the Certificate of Appropriateness is to make all concerned parties aware that all required submittals and approvals have been completed and that the proper permit may be issued for the start of the proposed work. The issuance of a Certificate of Appropriateness is an administrative procedure which must be completed and said Certificate must be presented to the Building Inspection Department prior to the issuance of a Demolition Permit, a Moving Permit or a Building Permit in all areas of the City with a Historical Zone designation.

B. Required. After approval of historical designation by the City Council, a Certificate of Appropriateness must be issued by the Director of Planning after approval of the Board of Adjustment before a permit is issued for any of the following:

- (1) Demolition of an historic building.
- (2) Moving an historic building.

- (3) Material change(s) other than those stated in the original approved application, in the exterior appearance of existing buildings classified as historic by addition, reconstruction, alteration or maintenance or involving exterior color.

C. Application for Certificate of Appropriateness.

Application for a Certificate of Appropriateness shall be made in the Office of the Director of Planning on forms provided therefore, obtainable at said office. A \$10.00 filing fee will be paid by the applicant upon the filing of an application for a Certificate of Appropriateness. Detailed drawings, plans or specifications shall not be required but each application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes or new construction as are reasonably required for the Historic Landmark Preservation Committee to make recommendations.

D. Action on Applications for Certificate of Appropriateness

The Director of Planning shall transmit the application for a Certificate of Appropriateness, together with the supporting information and material, including the recommendations of the Historic Landmark Preservation Committee, to the Board of Adjustments for approval. The Board shall act upon the application pursuant to its rules. If the Board disapproves the application, a Certificate of Appropriateness shall not be issued. The Board shall state its reasons in writing, and the Director of Planning shall advise the applicant and a permit shall not be issued. Appeal of any decision of the Board of Adjustment shall be to the District Court of Bowie County, Texas.

3A-700 PENALTY

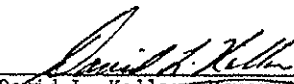
Any person found in violation of this ordinance shall be deemed guilty of a misdemeanor and punished by fine not exceeding \$200.00, and if such violation be continuing, each day's violation shall be a separate offense.

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

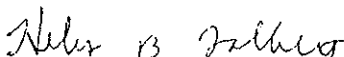
Section 3: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

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

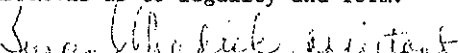
PASSED AND APPROVED in Regular Council Session on this the 14th day of March, 1977.


David L. Keller, Mayor

ATTEST:


Helen B. Talbert, City Secretary

APPROVED as to legality and form:


City Attorney

Chapter 140 - ZONING , Article V - Special District Designations, Sec. 140-106

(Ord. of 9-7-1970, § 8-101)

Secs. 140-82—140-105. - Reserved.

ARTICLE V. - SPECIAL DISTRICT DESIGNATIONS

Sec. 140-106. - Historic designation.

- (a) Sites, structures and areas that have been determined to be either architecturally, historically, archaeologically or culturally significant may be designated as a historic district. The regulations for historic districts are intended to preserve and protect historic, culturally or architecturally worthy buildings, structures, sites and neighborhoods. For all zoning districts which contain the historic district prefix designation, the regulations for both the zoning district and the historic designation shall apply. Whenever there is a conflict between the regulations of the historic designation and the zoning district, the more restrictive regulations shall apply.
- (b) In determining the historical district, site or area, one or more of the following criteria shall be considered:
 - (1) Character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation.
 - (2) Location as the site of an historical event.
 - (3) Structure with a distinguishing architectural type.
 - (4) Relationship to other distinctive buildings, sites, districts or structures which are historically significant.
 - (5) Unique location of singular physical characteristics representing an established and familiar visual feature or a neighborhood, community, the city or this region.
 - (6) Identification with a person who has significantly contributed to the development or culture of the city, state or nation.
- (c) The historic landmark preservation committee shall recommend that certain sites, districts, areas, buildings or structures be designated as historical districts, sites or areas, and shall delineate the boundaries thereof. Such recommendation shall be submitted to the planning and zoning commission and to the city council. Such request for historical designation shall be acted upon by the planning and zoning commission and the city council as prescribed by section 140-317. The prefix "H" shall indicate on the zoning district map the zoning designation of those areas, sites, districts, buildings or structures which are designated as historical districts. Such designation shall be in addition to any other zoning classification established for such site.
- (d) The historic landmark preservation committee shall be composed of nine members. There should be one member from each of the following: An institution authorized to make home loans, a real estate agent, a representative of the city museums system, with the remaining members to be named at the discretion of the city council. Meetings of the historic landmark preservation committee shall be at the call of the chairperson and at such times as the committee shall determine. All meetings shall be open to the public. The committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absentee or failure to vote. Records of examinations and other official actions shall be kept and filed immediately in the office of the community redevelopment and grants and shall be public record. The committee should include the following committees: 1) Guidelines and standards review, 2) Community involvement and marketing; and 3) Expansion,

preservation and revitalization. Each committee member shall serve on at least one committee. Ex officio members of the committee shall include the city manager, the executive director of community redevelopment and grants, and the marketing and communications manager. The members of the committee shall select a chairperson, a vice-chairperson and a secretary. Five members shall constitute a quorum.

- (e) No person shall construct, reconstruct, alter, change, restore, remove or demolish any exterior architectural feature of a building or structure or develop, construct, relocate or demolish any building or structure with a historic designation or within a Historic Overlay District in the city without first obtaining a certificate of appropriateness. Exterior architectural features include the kind, color and basic texture of all exterior building materials and such features as windows, doors, lights and signs.
 - (1) An application for a certificate of appropriateness shall be made by the owner of the subject property and filed with the director of planning on the city's official form. The director of planning shall determine the completeness of an application for a certificate of appropriateness. Incomplete or applications not in compliance with building codes or other ordinances shall be returned to the applicant for completion and compliance. The director of planning shall within seven days refer a completed application to the historic landmark preservation committee.
 - (2) The historic landmark preservation committee shall hold a public hearing on an application for a certificate of appropriateness within 30 days of their receipt of the application. Notice of application for a certificate of appropriateness shall be posted at the project site such that it is visible from the public right-of-way, including contact information and meeting date. If the historic landmark preservation committee does not take action within 30 days of receipt of a completed application, a certificate of appropriateness shall be deemed issued by the committee.
 - (3) At the public hearing, the historic landmark preservation committee shall investigate and approve or disapprove an application for a certificate of appropriateness by a majority vote. A written report regarding the decision should be prepared by the director of planning within five days after the public hearing.
 - (4) Upon approval of an application, the building official shall be authorized to issue any necessary permits following the city's standard process. Should an application be disapproved, a copy of the written report stating the reasons for disapproval shall be mailed to the applicant with notice of their right to appeal the decision to the zoning board of adjustment.
 - (5) No application for the same project shall be considered within one year of the disapproval of the application by the historic landmark preservation committee. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the committee at any time.
 - (6) Ordinary maintenance and repair shall be exempt from the requirement of a certificate of appropriateness. The director of planning shall be responsible for making a determination whether or not any given project constitutes ordinary maintenance and repair and shall report such projects periodically to the historic landmark preservation committee.
 - (7) Ordinary maintenance and repair is any work, the sole purpose and effect of which is to correct deterioration, decay or damage which does not result in a change in the existing appearance and materials of a property. Examples include minor repairs to windows and doors; repairing walkways or drives and; roofing, foundation or chimney work when no substantial change in appearance occurs. Ordinary maintenance and repair also includes in-kind repair and replacement. Ordinary maintenance and repair must be compatible with the development standards of the historic district in which it is performed.
 - (8) The following general review criteria shall be met in issuing any certificate of appropriateness: the proposed work complies with the development standards and preservation criteria for the district; the integrity of an individual historic structure is preserved; new buildings or additions are designed to be compatible with surrounding historic properties; and the overall character of the district is protected.

- (f) In accordance with state law, the city council finds that all structures located within designated Historic Residential Overlay Districts are historically significant and entitled to tax relief in order to encourage historic preservation. The city shall exempt ten percent of the assessed value of a structure, including the land necessary for access to and use of the structure, from annual city ad valorem taxation. In order to receive this tax exemption, the structure must have been located within a designated Historic Residential Overlay District on January 1 of the applicable tax year and must be designated as the owner's homestead for the applicable tax year.
- (g) The Highland Park-Bingham Park Historic Residential Overlay District is hereby established. The purpose and intent of the Highland Park-Bingham Park Historic Residential Overlay District is to provide for the protection of the aesthetic and visual character of this historic residential neighborhood. The neighborhood consists of homes built between 1903 and 1935 and includes arts and crafts, prairie and cottage style homes. The neighborhood also includes the boyhood home of Ross Perot and the home of Wright Patman.
 - (1) The Highland Park-Bingham Park Historic Residential Overlay District shall include all property on Wood Street between West 25th Street and West 29th Street and all property on Olive Street between West 23rd Street and West 29th Street. Additionally, the district shall include residences fronting on West 29th Street between the intersections of Wood Street and Olive Street. An official map of the Highland Park-Bingham Park Historic Residential Overlay District shall be kept on file in the planning and zoning department and the boundaries of the Highland Park-Bingham Park Historic Residential Overlay District shall be shown on the city's official zoning map.
 - (2) Development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District are hereby adopted as an official attachment to this chapter. A violation of any provision contained within the development standards and preservation criteria for the district is a violation of this chapter. Copies of the development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District shall be available in the office of the director of planning.
 - (3) No person shall construct, reconstruct, alter, change, restore, remove or demolish any exterior architectural feature of a building or structure or develop, construct, relocate or demolish any building or structure within the district without first obtaining a certificate of appropriateness. All new development and changes to existing development located within the district, except for ordinary maintenance and repair, shall be reviewed in accordance with the development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District by the historic landmark preservation committee pursuant to subsection (e) of this section.
 - (4) The development standards and preservation criteria for this overlay district control in the event of a conflict with the requirements for the underlying zoning district or other ordinances. Except, this section does not apply to life safety codes such as building or fire codes. If a proposed development or change in an external feature will not be visible from a public right-of-way once the project is completed, the committee may waive review of the project. The Highland Park-Bingham Park Historic Residential Overlay District shall also hereby include all property on Walnut Street between West 25th Street and West 29th Street.

State Law reference— Zoning authority of governing body of a municipality to designate places and areas of historical, cultural or architectural importance and significance, and regulate the construction, reconstruction, alteration or razing of buildings and other structures within such designated places and areas, Texas Local Government Code §§ 211.001, 211.003.

(Ord. of 9-7-1970, § 8-200; Ord. No. 138-2005, 5-9-2005; Ord. No. 315-2006, 11-13-2006; Ord. No. 144-2009, 10-26-2009)

(Ord. of 9-7-1970, § 20-100)

Sec. 140-317. - Amendments to this chapter or zoning map.

- (a) The city council may, by the adoption of an ordinance, amend, supplement or change the regulations or text of this article or the classification or boundary of a zoning district. The planning and zoning commission may on its own motion or on a request from the city council, propose changes or amendments. Any property owner may petition the city council for a change or amendment in the classification or boundary of the owner's property or for a change or amendment in the regulations or text of this article.
- (b) The planning and zoning commission shall hold a public hearing on any change or amendment prior to making its report and recommendation to the city council. The planning and zoning commission shall submit its report and recommendation on any changes or amendments to the city council before the city council can take any action of those changes or amendments. When a change or amendment relates to a classification or boundary of a zoning district, written notice of such public hearing of the planning and zoning commission shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested. Such notice shall be given to each owner as shown on the last approved city tax roll by depositing the notice, properly addressed and postage paid, in the city post office not less than ten days before the date of the public hearing. The city shall post a sign on the property to be rezoned as further public notification. When a change or amendment relates to the regulations or text of this article not affecting specific property, notice of the public hearing before the planning and zoning commission shall be given not less than ten days before the hearing by publication in a newspaper of general circulation in the city, without the necessity of notifying property owners by mail. Such notice shall state the date, time and place of the public hearing and the nature of the subject to be considered.
- (c) The city council shall hold a public hearing on any amendment or change to the regulations or text of this article or any amendment or change to the classification or boundary of a zoning district. Notice of such public hearing shall be given by publication of the date, time and place of such hearing and the nature of the subject to be considered in a newspaper of general circulation in the city not less than 15 days before the hearing.
- (d) A majority vote of the city council shall be required to adopt an ordinance approving any amendment or change, except that a three-fourths vote of the city council shall be required when either:
 - (1) The planning and zoning commission has recommended for denial of an amendment or change; or
 - (2) A written protest against an amendment or change has been filed which is signed by the owners of 20 percent or more of the area included in such change or signed by the owners of 20 percent or more of the area within 200 feet of such change. In order to be considered, the petition must be received and filed before or at the planning and zoning commission meeting at which the item is to be heard.
- (e) In the event an amendment or change affecting the classification or boundary of a zoning district, for which application has been made, is not approved, no person shall file a subsequent request for an amendment on the same lot or tract for a period of one year from the date of such action, except that a subsequent request can be submitted at any time if such request is to a more restrictive zoning classification than was not approved or if the request was denied without prejudice by the city council. The Planned Development designation shall be considered to be a more restrictive zoning classification.
- (f) A person requesting an amendment or change of the regulations or text of this article or the classification or boundary of a zoning district (including rezoning of property, specific use permits, and

amendments to Planned Development Districts for approval or modifications of site plans) shall provide a nonrefundable filing fee in an amount as established by the city council from time to time and on file in the city secretary's office or city website.

(Ord. of 9-7-1970, § 21-100; Ord. No. 209-1996, 7-8-1996; Ord. No. 272-2002, 11-25-2002; Ord. No. 116-2011, 7-25-2011)

City of Texarkana, Texas

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2016-055 making a final decision on the application of
SWEPSCO to the Public Utility Commission of Texas requesting the approval of
a Distribution Cost Recovery Factor Rate increase.
Briefing: 5/9/2016 **Public Hearing:** **Second Briefing:** **Council Vote:** 5/9/2016

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Southwestern Electric Power Company (SWEPCO) has made application to the Texas Public Utilities Commission (PUC) for approval of a Distribution Cost Recovery Factor (DCRF) [PUC Docket 45712]. The application has been filed pursuant to Section 36.210 of the Public Utility Regulatory Act (PURA) and 16 Texas Administrative Code (TAC) § 25.243 asking that its regulatory authorities, including the PUC and applicable municipalities, approve SWEPCO's proposed DCRF Tariff.

The PUC has exclusive original jurisdiction over the application for areas outside municipalities pursuant to PURA §§ 32.001(a) and 36.210(a) and for areas inside municipalities that have surrendered jurisdiction to the PUC pursuant to PURA § 33.002(b). Additionally, the PUC has exclusive appellate jurisdiction under PURA § 32.001(b) to review *de novo* an order or ordinance of a municipality exercising original jurisdiction under PURA.

Pursuant to PURA §§ 36.210(a), 36.210(f)(4), and 33.001(a), municipalities within SWEPCO's service area that have not ceded their jurisdiction to the PUC have exclusive original jurisdiction over this application with regard to customers in areas within their municipal boundaries.

SWEPCO's filing with the PUC is deemed a simultaneous filing with the PUC and all municipal authorities that have retained jurisdiction over SWEPCO's rates. Pursuant to 16 TAC § 25.243©(1)(B), SWEPCO will be deemed to have appealed the filings with the municipalities to the PUC 60 days from the date of the municipal filing and any interim or final orders issued by the municipality's governing body will be suspended at the time such order took effect.

The Texas City Council has previously denied SWEPCO rate increases via Resolution 183-2009 and Resolution 137-2011.

Potential Options:

- Complete resolution with "Approved" and adopt the resolution.

City of Texarkana, Texas

- Complete resolution with “Denied” and adopt the resolution.
- Take no action – as noted by Jennifer Harland (SWEPCO) a “no action” by the city council is considered denial of the requested rate adjustment and the denial is automatically appealed to the PUC.

Fiscal Implications:

None

Staff Recommendation:

Take no action

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- 2016-055 RES Final Decision SWEPCO Distribution Cost Recovery Factor (jcl) (DOC)
- 2016-055 ATTH 01 Final Decision of SWEPCO Distribution Cost Recovery Factor packet reduced size (PDF)
- 2016-055 ATTH 02 J. Harland EMAIL SWEPCO Texas Rate Filings (PDF)
- 2016-055 ATTH 03 Final Decision of SWEPCO Distribution Rate item 23 puc docket 45712 (PDF)
- 2016-055 ATTH 04 SWEPCO Notification Letter Docket No. 45712 (PDF)
- 2016-055 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed	
	05/01/2016 5:05 PM			
City Attorney	Jeffery C. Lewis	Review	Completed	05/02/2016
				10:45 AM
Assistant City Manager		Shirley Jaster	Assistant City Manager	
Review	Completed	05/02/2016 10:47 AM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	05/02/2016 11:00 AM			
City Manager	John Whitson	City Manager Review	Completed	05/03/2016
				9:38 AM
City Council	Vicky Coopwood	Meeting	Pending	05/09/2016
				6:00 PM

City of Texarkana, Texas

Meeting History

RESOLUTION NO. 2016-055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, MAKING A FINAL DECISION ON THE APPLICATION OF SOUTHWESTERN ELECTRIC POWER COMPANY TO THE PUBLIC UTILITY COMMISSION OF TEXAS REQUESTING APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 16, 2016, Southwestern Electric Power Company (“SWEPCO”) filed with the Public Utility Commission of Texas (“PUC”), PUC Docket No. 45712, an Application for Approval of a Distribution Cost Recovery Factor (“DCRF”) for a rate increase affecting all municipalities exercising original jurisdiction; and

WHEREAS, under Texas law, municipalities within SWEPCO’s service area that have not ceded their jurisdiction to the PUCT have exclusive original jurisdiction over this Application with regard to customers in areas within their municipal boundaries; and

WHEREAS, the City of Texarkana, Texas, (“City”) is a regulatory authority with original jurisdiction over the rates and services of SWEPCO; and

WHEREAS, SWEPCO’s filing is a request based on changes in SWEPCO’s invested capital, consistent with Public Utility Regulatory Act § 36.210 and 16 Texas Administrative Code § 25.243 since December 31, 2011, the end of the test year in SWEPCO’s base rate case Docket No. 40443; and

WHEREAS, adjusted for load growth, the increase in the Texas retail allocation of the DCRF revenue requirement requested in this proposed Application is \$9,199,875; and

WHEREAS, if the Distribution Cost Recovery Factor requested in SWEPCO’s Application is approved, SWEPCO’s retail rates will increase by \$9,199,875 on an annual basis compared to the distribution revenues approved in base rate case Docket No. 40443; and

WHEREAS, the City Council, in the exercise of the City’s original jurisdiction, shall make a final decision granting or denying the Application within sixty days after the application was filed; but if no final decision is made within the sixty-day period, the application shall be deemed denied by operation of law and deemed to be appealed to the PUCT.

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

SECTION 1. The City Council makes the following final decision on SWEPCO’s Application for Approval of a Distribution Cost Recovery Factor, PUC Docket No. 45712: the City Council decides to _____ the Application.

SECTION 2. The City Manager is authorized to cooperate with other municipalities served by SWEPCO to coordinate efforts to protect the interests of the City and protect the interests of SWEPCO's customers residing and conducting business within municipal limits.

SECTION 3. A copy of this Resolution shall be sent to SWEPCO's authorized business representative, Jennifer Frederick, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701.

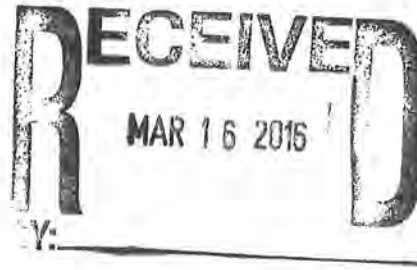
SECTION 4: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **9th day of May, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



PUC Docket No. 45712 – *Application of Southwestern Electric Power Company for Approval of a Distribution Cost Recovery Factor*

PUC DOCKET NO. 45712

APPLICATION OF SOUTHWESTERN	§	PUBLIC UTILITY COMMISSION
ELECTRIC POWER COMPANY FOR	§	
APPROVAL OF A DISTRIBUTION	§	OF TEXAS
COST RECOVERY FACTOR	§	

**APPLICATION OF SOUTHWESTERN ELECTRIC POWER COMPANY FOR
APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR**

TO THE HONORABLE PUBLIC UTILITY COMMISSION:

NOW COMES Southwestern Electric Power Company (SWEPCO or Company), and files its Application for Approval of a Distribution Cost Recovery Factor (DCRF) pursuant to Section 36.210 of the Public Utility Regulatory Act (PURA) and 16 Tex. Admin. Code (TAC) § 25.243 and asks that its regulatory authorities, including the Public Utility Commission (Commission) and applicable municipalities, approve SWEPCO's proposed DCRF Tariff.

I. INTRODUCTION

This is SWEPCO's first DCRF filing. SWEPCO's proposed DCRF Tariff is based on changes in SWEPCO's invested capital, consistent with PURA § 36.210 and 16 TAC § 25.243, since December 31, 2011, the end of the test year in SWEPCO's last base rate case, Docket No. 40443.¹ Adjusted for load growth, the increase in the Texas retail allocation of the DCRF revenue requirement requested in this Application is \$9,199,875.

II. JURISDICTION AND MUNICIPAL FINDINGS

SWEPCO is an "electric utility" as that term is defined in PURA §§11.004(1) and 31.002(6). SWEPCO is a wholly-owned subsidiary of American Electric Power Company, Inc., which is a holding company within the meaning of the Public Utility Holding Company Act of 2005. SWEPCO's business address is 428 Travis Street, Shreveport, Louisiana 71101.

¹ *Application of Southwestern Electric Power Company for Authority to Change Rates and Reconcile Fuel Costs*, Docket No. 40443, Order on Rehearing (Mar. 6, 2014).

The Commission has exclusive original jurisdiction over this Application for areas outside municipalities pursuant to PURA §§ 32.001(a) and 36.210(a) and for areas inside municipalities that have surrendered jurisdiction to the Commission pursuant to PURA § 33.002(b). Additionally, the Commission has exclusive appellate jurisdiction under PURA § 32.001(b) to review *de novo* an order or ordinance of a municipality exercising original jurisdiction under PURA.

Pursuant to PURA §§ 36.210(a), 36.210(f)(4), and 33.001(a), municipalities within SWEPCO's service area that have not ceded their jurisdiction to the Commission have exclusive original jurisdiction over this Application with regard to customers in areas within their municipal boundaries.

Therefore, SWEPCO is simultaneously filing this Application with the Commission and all municipal authorities that have retained jurisdiction over SWEPCO's rates. Pursuant to 16 TAC § 25.243(c)(1)(B), SWEPCO will be deemed to have appealed the filings with the municipalities to the Commission 60 days from the date of the municipal filing and any interim or final orders issued by a municipality's governing body will be deemed suspended at the time such order took effect.

III. SCOPE OF PROCEEDING

With regard to the scope of this proceeding, 16 TAC § 25.243(e)(5) states that "[t]he issues of whether distribution invested capital included in an application for a DCRF or DCRF adjustment complies with PURA, including § 36.053 and § 36.058, and is prudent, reasonable, and necessary shall not be addressed in a DCRF proceeding unless the presiding officer finds that good cause exists to address these issues." Therefore, SWEPCO is not addressing those issues in this Application. If the presiding officer determines that those issues should be addressed in this proceeding, SWEPCO reserves its right to make supplemental filings to fully address those issues.

IV. AUTHORIZED REPRESENTATIVES AND SERVICE LOCATION

SWEPCO's authorized business representative is:

Jennifer Frederick
American Electric Power Service Corporation
400 West 15th Street
Suite 1520
Austin, Texas 78701
512-481-4573
512-481-4588(fax)
jjfrederick@aep.com

SWEPCO's Authorized legal representatives are:

Melissa Gage
American Electric Power Service Corporation
400 West 15th Street
Suite 1520
Austin, Texas 78701
512-481-3320
512-481-4591 (fax)
malong@aep.com

William Coe
Duggins Wren Mann & Romero, LLP
600 Congress Ave., Suite 1900
Austin, Texas 78701
512-744-9300
512-744-9399 (fax)
wcoe@dwmrlaw.com

V. AFFECTED PERSONS

SWEPCO's Application affects SWEPCO and its retail customers. If the DCRF requested in this Application is approved, SWEPCO's retail rates will increase by \$9,199,875 on an annual basis compared to the distribution revenues approved in its most recent base rate case, Docket No. 40443.

VI. PROPOSED RIDER AND EFFECTIVE DATE

SWEPCO's proposed Rider DCRF tariff is attached to this Application as Attachment A. The filing date of this Application complies with 16 TAC § 25.243(c)(2). For an electric utility that does not offer customer choice, such as SWEPCO, 16 TAC § 25.243(e)(6)(C) states that the presiding officer shall set the effective date of the DCRF to be 145 days after a DCRF application was filed unless good cause exists for a later date.

VII. OVERVIEW OF THE APPLICATION AND SUPPORTING DOCUMENTATION

SWEPCO's proposed Rider DCRF is based on changes in SWEPCO's invested capital, as described by PURA § 36.053 that are categorized as "distribution plant, distribution-related intangible plant, and distribution-related communication equipment and networks" consistent with PURA § 36.210 and 16 TAC § 25.243 since December 31, 2011, the end of the test year in SWEPCO's last rate case, Docket No. 40443.² The test year in Docket No. 40443 ended December 31, 2011 and established the base-line determinations used by SWEPCO to develop its proposed DCRF rates. The Company is requesting recovery of \$151,968,553 of distribution-related capital additions. The change in SWEPCO's Texas Retail net distribution invested capital as booked in FERC Accounts 303, 352, 353, 360-374, 391, and 397 was \$65,352,789. Adjusted for load growth, the increase in the requested Texas retail DCRF revenue requirement is \$9,199,875.

This Application contains the testimony of four witnesses. Company witness Thomas Brice provides an overview of the Company and its DCRF Application. Second, Company witness Albert M. Smoak sponsors and supports the distribution-related capital additions reflected in the proposed Rider DCRF. Third, Company witness David Erkin presents the unadjusted proposed DCRF revenue requirement and the DCRF rate filing package. Finally, Company witness Shawwna Jones presents the calculation of the DCRF rate, based on the total requested increase in Texas retail revenue requirement adjusted for growth in billing determinants, and sponsors the DCRF Tariff. Collectively, these witnesses demonstrate

² *Application of Southwestern Electric Power Company for Authority to Change Rates and Reconcile Fuel Costs*, Docket No. 40443, Order on Rehearing (March 6, 2014).

SWEPCO's compliance with the standards for DCRF recovery set forth in PURA, 16 TAC § 25.243, and the Commission's DCRF application form.

Included with this Application as Schedule K is SWEPCO's earnings monitoring report for the immediately preceding calendar year, pursuant to 16 TAC § 25.243(e)(1).

Additionally, SWEPCO has included the sworn statements of Albert Smoak, David Erkin, and Shawna Jones as Attachment B, in compliance with PURA § 36.210(a)(6) and 16 TAC § 25.243(e)(1).

VIII. NOTICE AND INTERVENTION DEADLINE

SWEPCO will provide notice as required by 16 TAC § 25.243(e)(2) to all parties in SWEPCO's last comprehensive base-rate proceeding no later than the day after SWEPCO files this Application. Notice will be accomplished by serving those parties with a copy of this Application. Proof of notice will be filed with the Commission upon completion of notice.

Pursuant to 16 TAC § 25.243(e)(2), the intervention deadline is 30 days from the date service of notice is completed.

IX. CONFIDENTIALITY

SWEPCO anticipates that it may become necessary for the Company to furnish confidential or highly sensitive information during this case. Therefore, SWEPCO has included as Attachment C of the Application a proposed protective order. The proposed protective order is the same in all material respects as the protective order issued in another recent SWEPCO proceeding before the Commission, Docket No 44496.

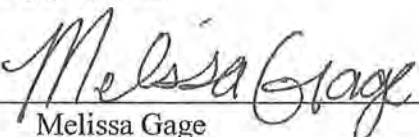
X. REQUEST FOR RELIEF

SWEPCO requests that the Commission approve the protective order. SWEPCO further requests that the Commission and local regulatory authorities approve the DCRF requested in this Application. Finally, SWEPCO requests that it be granted any other relief to which it has shown itself entitled.

Dated: March 16, 2016

RESPECTFULLY SUBMITTED,

Melissa Gage
American Electric Power
400 West 15th Street, Suite 1500
Austin, Texas 78701
State Bar No. 24063949
Telephone: (512) 481-3320
Facsimile: (512) 481-4591
malong@aep.com

By: 
Melissa Gage

William Coe
Duggins Wren Mann & Romero, LLP
600 Congress Ave., Suite 1900
Austin, Texas 78701
State Bar No. 00790477
Telephone: 512-744-9300
Facsimile: 512-744-9399 (fax)
wcoe@dwmrlaw.com

ATTORNEYS FOR SOUTHWESTERN
ELECTRIC POWER COMPANY

SOUTHWESTERN ELECTRIC POWER COMPANY

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DISTRIBUTION COST RECOVERY FACTOR (DCRF) – RIDER DCRF**APPLICABILITY**

Each Retail Customer connected to the Company's distribution system will be assessed a distribution service charge adjustment pursuant to this rider. The charges derived herein are pursuant to the requirements of PUC SUBST. R. 25.243, subsection (d).

MONTHLY RATE

The Retail Customer, will be assessed this Distribution Cost Recovery Factor (DCRF) based on the monthly per-unit cost (DCRF factor) multiplied times the Retail Customer's appropriate monthly billing determinant (kilowatt-hour, kilowatt, or kilovolt-ampere).

The DCRF shall be determined for each rate by the following formula:

$\frac{[(DIC_C - DIC_{RC}) * ROR_{AT}] + (DEPR_C - DEPR_{RC}) + (FIT_C - FIT_{RC}) + (OT_C - OT_{RC}) - \Sigma(DISTREV_{RC-CLASS} * \%GROWTH_{CLASS}) * ALLOC_{CLASS} / BD_{C-CLASS}}{}$	
Where:	DIC _C = Current Net Distribution Invested Capital.
	DIC _{RC} = Net Distribution Invested Capital from the last comprehensive base-rate proceeding.
	ROR _{AT} = After-Tax Rate of Return as defined in PUC SUBST. R. 25.243, subsection (d).
	DEPR _C = Current Depreciation Expense, as related to Current Gross Distribution Invested Capital, calculated using the currently-approved depreciation rates.
	DEPR _{RC} = Depreciation Expense, as related to Gross Distribution Invested Capital, from the last comprehensive base-rate proceeding.
	FIT _C = Current Federal Income Tax, as related to Current Net Distribution Invested Capital, including the change in federal income taxes related to the change in return on rate base and synchronization of interest associated with the change in rate base resulting from additions to and retirements of distribution plant as used to compute Net Distribution Invested Capital.
	FIT _{RC} = Federal Income Tax, as related to Net Distribution Invested Capital from the last comprehensive base-rate proceeding.

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DISTRIBUTION COST RECOVERY FACTOR (DCRF) – RIDER DCRF

	OT_C = Current Other Taxes (taxes other than income taxes and taxes associated with the return on rate base), as related to Current Net Distribution Invested Capital, calculated using current tax rates and the methodology from the last comprehensive base-rate proceeding, and not including municipal franchise fees.
	OT_{RC} = Other Taxes, as related to Net Distribution Invested Capital from the last comprehensive base-rate proceeding, and not including municipal franchise fees.
	$DISTREV_{RC-CLASS}$ (Distribution Revenues by rate class based on Net Distribution Invested Capital from the last comprehensive base-rate proceeding) = $(DIC_{RC-CLASS} * ROR_{AT}) + DEPR_{RC-CLASS} + FIT_{RC-CLASS} + OT_{RC-CLASS}$
	$\%GROWTH_{CLASS}$ (Growth in Billing Determinants by Class) = $(BD_{C-CLASS} - BD_{RC-CLASS}) / BD_{RC-CLASS}$
Where:	$DIC_{RC-CLASS}$ = Net Distribution Invested Capital allocated to the rate class from the last comprehensive base-rate proceeding.
	$DEPR_{RC-CLASS}$ = Depreciation Expense, as related to Gross Distribution Invested Capital, allocated to the rate class in the last comprehensive base-rate proceeding.
	$FIT_{RC-CLASS}$ = Federal Income Tax, as related to Net Distribution Invested Capital, allocated to the rate class in the last comprehensive base-rate proceeding.
	$OT_{RC-CLASS}$ = Other Taxes, as related to Net Distribution Invested Capital, allocated to the rate class in the last comprehensive base-rate proceeding, and not including municipal franchise fees.
	$ALLOC_{CLASS}$ = Rate Class Allocation Factor approved in the last comprehensive base-rate proceeding, calculated as: total net distribution plant allocated to rate class, divided by total net distribution plant.
	$BD_{C-CLASS}$ = Rate Class Billing Determinants (weather-normalized and adjusted to reflect the number of customers at the end of the period) for the 12 months ending on the date used for purposes of determining the Current Net Distribution Invested Capital.
	$BD_{RC-CLASS}$ = Rate Class Billing Determinants used to set rates in the last comprehensive base-rate proceeding.

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DISTRIBUTION COST RECOVERY FACTOR (DCRF) – RIDER DCRF

Line No.	(A) Component	(B) Total Company Distribution Function	(C) Texas Retail Distribution Function	(D) Texas Retail Amount Included in SWEPCO Base Rates Docket No.40443	(E) Net Change Not Included In Base Rate Order (C - D)
1	DIC				
2	Distribution Plant in Service	\$2,046,681,706	\$711,105,923	\$615,456,094	\$95,649,829
3	Accumulated Depreciation & Amortization	(819,538,263)	(277,781,142)	(275,437,923)	(2,343,219)
4	Net Plant in Service	\$1,227,143,444	\$433,324,781	\$340,018,170	\$93,306,611
5					
6	Accumulated Deferred Taxes	(314,211,141)	(111,765,596)	(83,811,774)	(27,953,822)
7					
8	Total DIC	\$912,932,302	\$321,559,185	\$256,206,396	\$65,352,789
9					
10	Rate of Return	7.77%	7.77%	7.77%	
11					
12	Return on DIC	\$70,934,840	\$24,985,149	\$19,907,237	\$5,077,912
13					
14					
15	Depreciation & Amortization Expense (DEPR)	\$48,299,029	\$15,150,819	\$13,925,127	\$1,225,693
16	Other Associated Taxes (OT)	43,728,379	4,719,218	3,877,567	841,651
17	Income Tax Expense (FIT) - Note 1	25,551,038	8,420,200	6,752,196	1,668,004
18					
19	DISTREV (line 12 + lines 15, 16, 17)	\$188,513,287	\$53,275,385	\$44,462,126	\$8,813,260*

* Prior to growth adjustment of \$386,615

For situations in which data from the last comprehensive base-rate proceeding are not available to perform the described calculation, the Rate Class Allocation Factor shall be calculated as the total distribution revenue requirement allocated to the rate class (less any identifiable amounts explicitly unrelated to Distribution Invested Capital) divided by the total distribution revenue requirement (less any identifiable amounts explicitly unrelated to Distribution Invested Capital) for all classes as approved by the Public Utility Commission of Texas (PUC) in the Company's last comprehensive base-rate case.

If an input to the DCRF formula from the last comprehensive base-rate proceeding is not separately identified in that proceeding, it shall be derived from information from that proceeding.

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DISTRIBUTION COST RECOVERY FACTOR (DCRF) – RIDER DCRF

<u>Rate Class</u>	<u>Allocation Factors</u>	<u>DCRF Factors</u>	<u>Billing Units</u>	
Residential Service	41.1805%	\$0.001742	per kWh	I
*General Service	6.7274%	\$0.002189	per kWh	I
Lighting & Power Service Sec	36.8422%	\$0.499369	per Billing kW	I
*Lighting & Power Service Pri	7.1559%	\$0.880896	per Billing kW	I
Electric Furnace Service	0.0495%	\$0.114720	per Billing kW	I
Cotton Gin Service	0.3384%	\$0.004307	per kWh	I
Oilfield Service	0.2997%	\$0.027622	per Billing kW	I
Metal Melting Service – Dist	0.2496%	\$0.114720	per Billing kW	I
Metal Melting Service - Trans	0.0073%	\$0.003808	per Billing kW	I
LLP Primary	0.4507%	\$0.080123	per Billing kW	I
LLP Transmission	0.0355%	\$0.002467	per Billing kW	I
Special Contract	0.0063%	\$0.001203	per Billing kW	I
*Municipal	1.2955%	\$0.001330	per kWh	I
*Lighting	5.3614%	\$0.005968	per kWh	I

Rates/riders not listed will be billed the factor applicable to the appropriate background tariff. For customer classes billed primarily on the basis of kilowatt-hour billing determinants, the DCRF shall be calculated using kilowatt-hour billing determinants. For customer classes billed primarily on the basis of demand billing determinants, the DCRF shall be calculated using demand billing determinants.

*Rate classes reflect an aggregation of more detailed allocation factors as shown in the DCRF workpapers provided in Docket No. 41892 on November 21, 2013.

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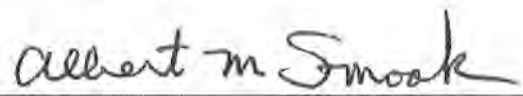
STATE OF LOUISIANA §
§
PARISH OF CADDO §

AFFIDAVIT OF ALBERT M. SMOAK

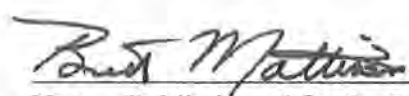
BEFORE ME, the undersigned authority, on this day personally appeared Albert M. Smoak, who being by me first duly sworn, on oath, deposed and said the following:

1. My name is Albert M. Smoak. I am of sound mind and capable of making this affidavit. The facts stated herein are correct based on my personal knowledge.
2. I am a Vice President of Distribution Region Operations for Southwestern Electric Power Company ("SWEPCO"). I am testifying on behalf of the applicant in this proceeding, SWEPCO.
3. SWEPCO has prepared an application for authority from the Public Utility Commission of Texas to implement a distribution cost recovery factor (the "Application").
4. The Application complies with SWEPCO's tariff and 16 Texas Admin. Code § 25.243.
5. The distribution invested capital in the Application includes only costs for plant that has been placed into service; that comply with PURA, including § 36.053 and §36.058; and that are prudent, reasonable, and necessary.
6. The Application is true and correct to the best of my knowledge, information, and belief."

Further affiant sayeth not.


Albert M. Smoak

SUBSCRIBED AND SWORN TO BEFORE ME on this 11th day of March, 2016.


Notary Public in and for the State of
Louisiana

BRETT MATTISON
NOTARY PUBLIC, Bossier Parish, Louisiana
My Commission Is For Life

STATE OF OKLAHOMA §
§
COUNTY OF TULSA §

AFFIDAVIT OF DAVID ERKIN

BEFORE ME, the undersigned authority, on this day personally appeared David Erkin, who being by me first duly sworn, on oath, deposed and said the following:

1. My name is David Erkin. I am of sound mind and capable of making this affidavit. The facts stated herein are correct based on my personal knowledge.
2. I am a Regulatory Accounting Consultant for American Electric Power Service Corporation. I am testifying on behalf of the applicant in this proceeding, Southwestern Electric Power Company ("SWEPCO").
3. SWEPCO has prepared an application for authority from the Public Utility Commission of Texas to implement a distribution cost recovery factor (the "Application").
4. The Application complies with SWEPCO's tariff and 16 Texas Admin. Code § 25.243.
5. The distribution invested capital in the Application includes only costs for plant that has been placed into service; that comply with PURA, including § 36.053 and §36.058; and that are prudent, reasonable, and necessary.
6. The Application is true and correct to the best of my knowledge, information, and belief."

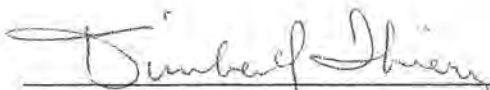
Further affiant sayeth not.



David Erkin

SUBSCRIBED AND SWORN TO BEFORE ME on this 11 day of March, 2016.





Notary Public in and for the State of
Oklahoma

STATE OF OKLAHOMA §
§
COUNTY OF TULSA §

AFFIDAVIT OF SHAWNNA JONES

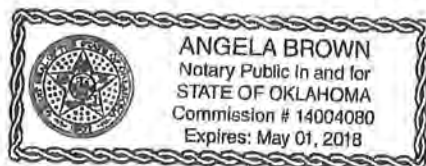
BEFORE ME, the undersigned authority, on this day personally appeared Shawwna Jones, who being by me first duly sworn, on oath, deposed and said the following:

1. My name is Shawwna Jones. I am of sound mind and capable of making this affidavit. The facts stated herein are correct based on my personal knowledge.
2. I am a Staff Regulatory consultant in the Regulated Pricing and Analysis Department of American Electric Power Service Corporation. I am testifying on behalf of the applicant in this proceeding, Southwestern Electric Power Company ("SWEPCO").
3. SWEPCO has prepared an application for authority from the Public Utility Commission of Texas to implement a distribution cost recovery factor (the "Application").
4. The Application complies with SWEPCO's tariff and 16 Texas Admin. Code § 25.243.
5. The Application is true and correct to the best of my knowledge, information, and belief."

Further affiant sayeth not.


Shawwna Jones

SUBSCRIBED AND SWORN TO BEFORE ME on this 11 day of March, 2016.




Notary Public in and for the State of
Oklahoma

PUC DOCKET NO. 45712

APPLICATION OF SOUTHWESTERN	§	PUBLIC UTILITY COMMISSION
ELECTRIC POWER COMPANY FOR	§	
APPROVAL OF A DISTRIBUTION	§	OF TEXAS
COST RECOVERY FACTOR	§	

PROTECTIVE ORDER

This Protective Order shall govern the use of all information deemed confidential (Protected Materials) or highly confidential (Highly Sensitive Protected Materials), including information whose confidentiality is currently under dispute, by a party providing information to the Public Utility Commission of Texas (Commission) or to any other party to this proceeding.

It is ORDERED that:

1. **Designation of Protected Materials.** Upon producing or filing a document, including, but not limited to, records on a computer disk or other similar electronic storage medium in this proceeding, the producing party may designate that document, or any portion of it, as confidential pursuant to this Protective Order by typing or stamping on its face "PROTECTED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. 45712" (or words to this effect) and consecutively Bates Stamping each page. Protected Materials and Highly Sensitive Protected Materials include the documents so designated, as well as the substance of the information contained in the documents and any description, report, summary, or statement about the substance of the information contained in the documents.
2. **Materials Excluded from Protected Materials Designation.** Protected Materials shall not include any information or document contained in the public files of the Commission or any other federal or state agency, court, or local governmental authority subject to the Public Information Act.¹ Protected Materials also shall not include documents or information which at the time of, or prior to disclosure in, a proceeding is or was public knowledge, or which becomes public knowledge other than through disclosure in violation of this Protective Order.

¹ TEX. GOV'T CODE ANN. §§ 552.001-552.353 (Vernon 2012 & Supp. 2013).

3. **Reviewing Party.** For the purposes of this Protective Order, a “Reviewing Party” is any party to this docket.
4. **Procedures for Designation of Protected Materials.** On or before the date the Protected Materials or Highly Sensitive Protected Materials are provided to the Commission, the producing party shall file with the Commission and deliver to each party to the proceeding a written statement, which may be in the form of an objection, indicating: (a) any exemptions to the Public Information Act claimed to apply to the alleged Protected Materials; (b) the reasons supporting the producing party’s claim that the responsive information is exempt from public disclosure under the Public Information Act and subject to treatment as protected materials; and (c) that counsel for the producing party has reviewed the information sufficiently to state in good faith that the information is exempt from public disclosure under the Public Information Act and merits the Protected Materials designation.
5. **Persons Permitted Access to Protected Materials.** Except as otherwise provided in this Protective Order, a Reviewing Party may access Protected Materials only through its “Reviewing Representatives” who have signed the Protective Order Certification Form (see Attachment A). Reviewing Representatives of a Reviewing Party include its counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by the Reviewing Party and directly engaged in this proceeding. At the request of the PUC Commissioners, copies of Protected Materials may be produced by Commission Staff. The Commissioners and their staff shall be informed of the existence and coverage of this Protective Order and shall observe the restrictions of the Protective Order.
6. **Highly Sensitive Protected Material Described.** The term “Highly Sensitive Protected Materials” is a subset of Protected Materials and refers to documents or information that a producing party claims is of such a highly sensitive nature that making copies of such documents or information or providing access to such documents to employees of the Reviewing Party (except as specified herein) would expose a producing party to unreasonable risk of harm. Highly Sensitive Protected Materials include but are not limited to: (a) customer-specific information protected by § 32.101(c) of the Public

Utility Regulatory Act;² (b) contractual information pertaining to contracts that specify that their terms are confidential or that are confidential pursuant to an order entered in litigation to which the producing party is a party; (c) market-sensitive fuel price forecasts, wholesale transactions information and/or market-sensitive marketing plans; and (d) business operations or financial information that is commercially sensitive. Documents or information so classified by a producing party shall bear the designation "HIGHLY SENSITIVE PROTECTED MATERIALS PROVIDED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. 45712" (or words to this effect) and shall be consecutively Bates Stamped. The provisions of this Protective Order pertaining to Protected Materials also apply to Highly Sensitive Protected Materials, except where this Protective Order provides for additional protections for Highly Sensitive Protected Materials. In particular, the procedures herein for challenging the producing party's designation of information as Protected Materials also apply to information that a producing party designates as Highly Sensitive Protected Materials.

7. **Restrictions on Copying and Inspection of Highly Sensitive Protected Material.**

Except as expressly provided herein, only one copy may be made of any Highly Sensitive Protected Materials except that additional copies may be made to have sufficient copies for introduction of the material into the evidentiary record if the material is to be offered for admission into the record. The Reviewing Party shall maintain a record of all copies made of Highly Sensitive Protected Material and shall send a duplicate of the record to the producing party when the copy or copies are made. The record shall specify the location and the person possessing the copy. Highly Sensitive Protected Material shall be made available for inspection only at the location or locations provided by the producing party, except as specified by Paragraph 9. Limited notes may be made of Highly Sensitive Protected Materials, and such notes shall themselves be treated as Highly Sensitive Protected Materials unless such notes are limited to a description of the document and a general characterization of its subject matter in a manner that does not state any substantive information contained in the document.

² Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001-66.016 (Vernon 2007 & Supp. 2013) (PURA).

8. **Restricting Persons Who May Have Access to Highly Sensitive Protected Material.** With the exception of Commission Staff, the Office of the Attorney General (OAG), and the Office of Public Utility Counsel (OPC), and except as provided herein, the Reviewing Representatives for the purpose of access to Highly Sensitive Protected Materials may be persons who are (a) outside counsel for the Reviewing Party, (b) outside consultants for the Reviewing Party working under the direction of Reviewing Party's counsel or, (c) employees of the Reviewing Party working with and under the direction of Reviewing Party's counsel who have been authorized by the presiding officer to review Highly Sensitive Protected Materials. The Reviewing Party shall limit the number of Reviewing Representatives that review Highly Sensitive Protected Materials to the minimum number of persons necessary. The Reviewing Party is under a good faith obligation to limit access to each portion of any Highly Sensitive Protected Materials to two Reviewing Representatives whenever possible. Reviewing Representatives for Commission Staff, OAG, and OPC, for the purpose of access to Highly Sensitive Protected Materials, shall consist of their respective counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by them and directly engaged in these proceedings.
9. **Copies Provided of Highly Sensitive Protected Material.** A producing party shall provide one copy of Highly Sensitive Protected Materials specifically requested by the Reviewing Party to the person designated by the Reviewing Party who must be a person authorized to review Highly Sensitive Protected Material under Paragraph 8. Representatives of the Reviewing Party who are authorized to view Highly Sensitive Protected Material may review the copy of Highly Sensitive Protected Materials at the office of the Reviewing Party's representative designated to receive the information. Any Highly Sensitive Protected Materials provided to a Reviewing Party may not be copied except as provided in Paragraph 7. The restrictions contained herein do not apply to Commission Staff, OPC, and the OAG when the OAG is representing a party to the proceeding.
10. **Procedures in Paragraphs 10-14 Apply to Commission Staff, OPC, and the OAG and Control in the Event of Conflict.** The procedures in Paragraphs 10 through 14 apply to responses to requests for documents or information that the producing party

designates as Highly Sensitive Protected Materials and provides to Commission Staff, OPC, and the OAG in recognition of their purely public functions. To the extent the requirements of Paragraphs 10 through 14 conflict with any requirements contained in other paragraphs of this Protective Order, the requirements of these Paragraphs shall control.

11. **Copy of Highly Sensitive Protected Material to be Provided to Commission Staff, OPC and the OAG.** When, in response to a request for information by a Reviewing Party, the producing party makes available for review documents or information claimed to be Highly Sensitive Protected Materials, the producing party shall also deliver one copy of the Highly Sensitive Protected Materials to the Commission Staff, OPC, and the OAG (if the OAG is representing a party) in Austin, Texas. Provided however, that in the event such Highly Sensitive Protected Materials are voluminous, the materials will be made available for review by Commission Staff, OPC, and the OAG (if the OAG is representing a party) at the designated office in Austin, Texas. The Commission Staff, OPC and the OAG (if the OAG is representing a party) may request such copies as are necessary of such voluminous material under the copying procedures specified herein.
12. **Delivery of the Copy of Highly Sensitive Protected Material to Commission Staff and Outside Consultants.** The Commission Staff, OPC, and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by them to the appropriate members of their staff for review, provided such staff members first sign the certification specified by Paragraph 15. After obtaining the agreement of the producing party, Commission Staff, OPC, and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by it to the agreed, appropriate members of their outside consultants for review, provided such outside consultants first sign the certification in Attachment A.
13. **Restriction on Copying by Commission Staff, OPC and the OAG.** Except as allowed by Paragraph 7, Commission Staff, OPC and the OAG may not make additional copies of the Highly Sensitive Protected Materials furnished to them unless the producing party agrees in writing otherwise, or, upon a showing of good cause, the presiding officer directs otherwise. Commission Staff, OPC, and the OAG may make limited notes of

Highly Sensitive Protected Materials furnished to them, and all such handwritten notes will be treated as Highly Sensitive Protected Materials as are the materials from which the notes are taken.

14. **Public Information Requests.** In the event of a request for any of the Highly Sensitive Protected Materials under the Public Information Act, an authorized representative of the Commission, OPC, or the OAG may furnish a copy of the requested Highly Sensitive Protected Materials to the Open Records Division at the OAG together with a copy of this Protective Order after notifying the producing party that such documents are being furnished to the OAG. Such notification may be provided simultaneously with the delivery of the Highly Sensitive Protected Materials to the OAG.
15. **Required Certification.** Each person who inspects the Protected Materials shall, before such inspection, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket, and that I have been given a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. 45712. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated herein shall not apply.

In addition, Reviewing Representatives who are permitted access to Highly Sensitive Protected Material under the terms of this Protective Order shall, before inspection of such material, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

The Reviewing Party shall provide a copy of each signed certification to Counsel for the producing party and serve a copy upon all parties of record.

16. **Disclosures between Reviewing Representatives and Continuation of Disclosure Restrictions after a Person is no Longer Engaged in the Proceeding.** Any Reviewing Representative may disclose Protected Materials, other than Highly Sensitive Protected Materials, to any other person who is a Reviewing Representative provided that, if the person to whom disclosure is to be made has not executed and provided for delivery of a signed certification to the party asserting confidentiality, that certification shall be executed prior to any disclosure. A Reviewing Representative may disclose Highly Sensitive Protected Material to other Reviewing Representatives who are permitted access to such material and have executed the additional certification required for persons who receive access to Highly Sensitive Protected Material. In the event that any Reviewing Representative to whom Protected Materials are disclosed ceases to be engaged in these proceedings, access to Protected Materials by that person shall be terminated and all notes, memoranda, or other information derived from the protected material shall either be destroyed or given to another Reviewing Representative of that party who is authorized pursuant to this Protective Order to receive the protected materials. Any person who has agreed to the foregoing certification shall continue to be bound by the provisions of this Protective Order so long as it is in effect, even if no longer engaged in these proceedings.
17. **Producing Party to Provide One Copy of Certain Protected Material and Procedures for Making Additional Copies of Such Materials.** Except for Highly Sensitive Protected Materials, which shall be provided to the Reviewing Parties pursuant to Paragraphs 9, and voluminous Protected Materials, the producing party shall provide a Reviewing Party one copy of the Protected Materials upon receipt of the signed certification described in Paragraph 15. Except for Highly Sensitive Protected Materials, a Reviewing Party may make further copies of Protected Materials for use in this proceeding pursuant to this Protective Order, but a record shall be maintained as to the documents reproduced and the number of copies made, and upon request the Reviewing Party shall provide the party asserting confidentiality with a copy of that record.

18. **Procedures Regarding Voluminous Protected Materials.** Tex. Admin. Code (TAC) § 22.144(h) will govern production of voluminous Protected Materials. Voluminous Protected Materials will be made available in the producing party's voluminous room, in Austin, Texas, or at a mutually agreed upon location, Monday through Friday, 9:00 a.m. to 5:00 p.m. (except on state or Federal holidays), and at other mutually convenient times upon reasonable request.
19. **Reviewing Period Defined.** The Protected Materials may be reviewed only during the Reviewing Period, which shall commence upon entry of this Protective Order and continue until the expiration of the Commission's plenary jurisdiction. The Reviewing Period shall reopen if the Commission regains jurisdiction due to a remand as provided by law. Protected materials that are admitted into the evidentiary record or accompanying the evidentiary record as offers of proof may be reviewed throughout the pendency of this proceeding and any appeals.
20. **Procedures for Making Copies of Voluminous Protected Materials.** Other than Highly Sensitive Protected Materials, Reviewing Parties may take notes regarding the information contained in voluminous Protected Materials made available for inspection or they may make photographic, mechanical or electronic copies of the Protected Materials, subject to the conditions in this Protective Order; provided, however, that before photographic, mechanical or electronic copies may be made, the Reviewing Party seeking photographic, mechanical or electronic copies must provide written confirmation of the receipt of copies listed on Attachment B of this Protective Order identifying each piece of Protected Materials or portions thereof the Reviewing Party will need.
21. **Protected Materials to be Used Solely for the Purposes of These Proceedings.** All Protected Materials shall be made available to the Reviewing Parties and their Reviewing Representatives solely for the purposes of these proceedings. Access to the Protected Materials may not be used in the furtherance of any other purpose, including, without limitation: (a) any other pending or potential proceeding involving any claim, complaint, or other grievance of whatever nature, except appellate review proceedings that may arise from or be subject to these proceedings; or (b) any business or competitive endeavor of

whatever nature. Because of their statutory regulatory obligations, these restrictions do not apply to Commission Staff or OPC.

22. **Procedures for Confidential Treatment of Protected Materials and Information**

Derived from Those Materials. Protected Materials, as well as a Reviewing Party's notes, memoranda, or other information regarding or derived from the Protected Materials are to be treated confidentially by the Reviewing Party and shall not be disclosed or used by the Reviewing Party except as permitted and provided in this Protective Order. Information derived from or describing the Protected Materials shall be maintained in a secure place and shall not be placed in the public or general files of the Reviewing Party except in accordance with the provisions of this Protective Order. A Reviewing Party must take all reasonable precautions to insure that the Protected Materials including notes and analyses made from Protected Materials that disclose Protected Materials are not viewed or taken by any person other than a Reviewing Representative of a Reviewing Party.

23. **Procedures for Submission of Protected Materials.** If a Reviewing Party tenders for filing any Protected Materials, including Highly Sensitive Protected Materials, or any written testimony, exhibit, brief, motion or other type of pleading or other submission at the Commission or before any other judicial body that quotes from Protected Materials or discloses the content of Protected Materials, the confidential portion of such submission shall be filed and served in sealed envelopes or other appropriate containers endorsed to the effect that they contain Protected Material or Highly Sensitive Protected Material and are sealed pursuant to this Protective Order. If filed at the Commission, such documents shall be marked "PROTECTED MATERIAL" and shall be filed under seal with the presiding officer and served under seal to the counsel of record for the Reviewing Parties. The presiding officer may subsequently, on his/her own motion or on motion of a party, issue a ruling respecting whether or not the inclusion, incorporation or reference to Protected Materials is such that such submission should remain under seal. If filing before a judicial body, the filing party: (a) shall notify the party which provided the information within sufficient time so that the producing party may seek a temporary sealing order; and (b) shall otherwise follow the procedures in Rule 76a, Texas Rules of Civil Procedure.

24. **Maintenance of Protected Status of Materials during Pendency of Appeal of Order Holding Materials are not Protected Materials.** In the event that the presiding officer at any time in the course of this proceeding finds that all or part of the Protected Materials are not confidential or proprietary, by finding, for example, that such materials have entered the public domain or materials claimed to be Highly Sensitive Protected Materials are only Protected Materials, those materials shall nevertheless be subject to the protection afforded by this Protective Order for three (3) full working days, unless otherwise ordered, from the date the party asserting confidentiality receives notice of the presiding officer's order. Such notification will be by written communication. This provision establishes a deadline for appeal of a presiding officer's order to the Commission. In the event an appeal to the Commissioners is filed within those three (3) working days from notice, the Protected Materials shall be afforded the confidential treatment and status provided in this Protective Order during the pendency of such appeal. Neither the party asserting confidentiality nor any Reviewing Party waives its right to seek additional administrative or judicial remedies after the Commission's denial of any appeal.
25. **Notice of Intent to Use Protected Materials or Change Materials Designation.** Parties intending to use Protected Materials shall notify the other parties prior to offering them into evidence or otherwise disclosing such information into the record of the proceeding. During the pendency of Docket No. 45712 at the Commission, in the event that a Reviewing Party wishes to disclose Protected Materials to any person to whom disclosure is not authorized by this Protective Order, or wishes to have changed the designation of certain information or material as Protected Materials by alleging, for example, that such information or material has entered the public domain, such Reviewing Party shall first file and serve on all parties written notice of such proposed disclosure or request for change in designation, identifying with particularity each of such Protected Materials. A Reviewing Party shall at any time be able to file a written motion to challenge the designation of information as Protected Materials.
26. **Procedures to Contest Disclosure or Change in Designation.** In the event that the party asserting confidentiality wishes to contest a proposed disclosure or request for change in designation, the party asserting confidentiality shall file with the appropriate

presiding officer its objection to a proposal, with supporting affidavits, if any, within five (5) working days after receiving such notice of proposed disclosure or change in designation. Failure of the party asserting confidentiality to file such an objection within this period shall be deemed a waiver of objection to the proposed disclosure or request for change in designation. Within five (5) working days after the party asserting confidentiality files its objection and supporting materials, the party challenging confidentiality may respond. Any such response shall include a statement by counsel for the party challenging such confidentiality that he or she has reviewed all portions of the materials in dispute and, without disclosing the Protected Materials, a statement as to why the Protected Materials should not be held to be confidential under current legal standards, or that the party asserting confidentiality for some reason did not allow such counsel to review such materials. If either party wishes to submit the material in question for in camera inspection, it shall do so no later than five (5) working days after the party challenging confidentiality has made its written filing.

27. **Procedures for Presiding Officer Determination Regarding Proposed Disclosure or Change in Designation.** If the party asserting confidentiality files an objection, the appropriate presiding officer will determine whether the proposed disclosure or change in designation is appropriate. Upon the request of either the producing or Reviewing Party or upon the presiding officer's own initiative, the presiding officer may conduct a prehearing conference. The burden is on the party asserting confidentiality to show that such proposed disclosure or change in designation should not be made. If the presiding officer determines that such proposed disclosure or change in designation should be made, disclosure shall not take place earlier than three (3) full working days after such determination unless otherwise ordered. No party waives any right to seek additional administrative or judicial remedies concerning such presiding officer's ruling.
28. **Maintenance of Protected Status during Periods Specified for Challenging Various Orders.** Any party electing to challenge, in the courts of this state, a Commission or presiding officer determination allowing disclosure or a change in designation shall have a period of ten (10) days from: (a) the date of an unfavorable Commission order; or (b) if the Commission does not rule on an appeal of an interim order, the date an appeal of an interim order to the Commission is overruled by operation of law, to obtain a favorable

ruling in state district court. Any party challenging a state district court determination allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from a state appeals court. Finally, any party challenging a determination of a state appeals court allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from the state supreme court, or other appellate court. All Protected Materials shall be afforded the confidential treatment and status provided for in this Protective Order during the periods for challenging the various orders referenced in this paragraph. For purposes of this paragraph, a favorable ruling of a state district court, state appeals court, Supreme Court or other appellate court includes any order extending the deadlines in this paragraph.

29. **Other Grounds for Objection to Use of Protected Materials Remain Applicable.** Nothing in this Protective Order shall be construed as precluding any party from objecting to the use of Protected Materials on grounds other than confidentiality, including the lack of required relevance. Nothing in this Protective Order constitutes a waiver of the right to argue for more disclosure, provided, however, that unless the Commission or a court orders such additional disclosure, all parties will abide by the restrictions imposed by the Protective Order.
30. **Protection of Materials from Unauthorized Disclosure.** All notices, applications, responses or other correspondence shall be made in a manner which protects Protected Materials from unauthorized disclosure.
31. **Return of Copies of Protected Materials and Destruction of Information Derived from Protected Materials.** Following the conclusion of these proceedings, each Reviewing Party must, no later than thirty (30) days following receipt of the notice described below, return to the party asserting confidentiality all copies of the Protected Materials provided by that party pursuant to this Protective Order and all copies reproduced by a Reviewing Party, and counsel for each Reviewing Party must provide to the party asserting confidentiality a letter by counsel that, to the best of his or her knowledge, information, and belief, all copies of notes, memoranda, and other documents regarding or derived from the Protected Materials (including copies of Protected

Materials) that have not been so returned, if any, have been destroyed, other than notes, memoranda, or other documents which contain information in a form which, if made public, would not cause disclosure of the substance of Protected Materials. As used in this Protective Order, “conclusion of these proceedings” refers to the exhaustion of available appeals, or the running of the time for the making of such appeals, as provided by applicable law. If, following any appeal, the Commission conducts a remand proceeding, then the “conclusion of these proceedings” is extended by the remand to the exhaustion of available appeals of the remand, or the running of the time for making such appeals of the remand, as provided by applicable law. Promptly following the conclusion of these proceedings, counsel for the party asserting confidentiality will send a written notice to all other parties, reminding them of their obligations under this Paragraph. Nothing in this Paragraph shall prohibit counsel for each Reviewing Party from retaining two (2) copies of any filed testimony, brief, application for rehearing, hearing exhibit or other pleading which refers to Protected Materials provided that any such Protected Materials retained by counsel shall remain subject to the provisions of this Protective Order.

32. **Applicability of Other Law.** This Protective Order is subject to the requirements of the Public Information Act, the Open Meetings Act,³ the Texas Securities Act⁴ and any other applicable law, provided that parties subject to those acts will notify the party asserting confidentiality, if possible under those acts, prior to disclosure pursuant to those acts. Such notice shall not be required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
33. **Procedures for Release of Information under Order.** If required by order of a governmental or judicial body, the Reviewing Party may release to such body the confidential information required by such order; provided, however, that: (a) the

³ TEX. GOV'T CODE ANN. § 551.001-551.146 (Vernon 2004 & Supp. 2008).

⁴ TEX. REV. CIV. STAT. ANN. arts. 581-1 to 581-43 (Vernon 1964 & Supp. 2008).

Reviewing Party shall notify the producing party of the order requiring the release of such information within five (5) calendar days of the date the Reviewing Party has notice of the order; (b) the Reviewing Party shall notify the producing party at least five (5) calendar days in advance of the release of the information to allow the producing party to contest any release of the confidential information; and (c) the Reviewing Party shall use its best efforts to prevent such materials from being disclosed to the public. The terms of this Protective Order do not preclude the Reviewing Party from complying with any valid and enforceable order of a state or federal court with competent jurisdiction specifically requiring disclosure of Protected Materials earlier than contemplated herein. The notice specified in this section shall not be required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.

34. **Best Efforts Defined.** The term “best efforts” as used in the preceding paragraph requires that the Reviewing Party attempt to ensure that disclosure is not made unless such disclosure is pursuant to a final order of a Texas governmental or Texas judicial body, the written opinion of the Texas Attorney General sought in compliance with the Public Information Act, or the request of governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials. The Reviewing Party is not required to delay compliance with a lawful order to disclose such information but is simply required to timely notify the party asserting confidentiality, or its counsel, that it has received a challenge to the confidentiality of the information and that the Reviewing Party will either proceed under the provisions of §552.301 of the Public Information Act, or intends to comply with the final governmental or court order. Provided, however, that no notice is required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.

35. **Notify Defined.** “Notify” for purposes of Paragraphs 32, 33 and 34 means written notice to the party asserting confidentiality at least five (5) calendar days prior to release; including when a Reviewing Party receives a request under the Public Information Act. However, the Commission, OAG, or OPC may provide a copy of Protected Materials to the Open Records Division of the OAG as provided herein.
36. **Requests for Non-Disclosure.** If the producing party asserts that the requested information should not be disclosed at all, or should not be disclosed to certain parties under the protection afforded by this Protective Order, the producing party shall tender the information for in camera review to the presiding officer within ten (10) calendar days of the request. At the same time, the producing party shall file and serve on all parties its argument, including any supporting affidavits, in support of its position of non-disclosure. The burden is on the producing party to establish that the material should not be disclosed. The producing party shall serve a copy of the information under the classification of Highly Sensitive Protected Material to all parties requesting the information that the producing party has not alleged should be prohibited from reviewing the information.
- Parties wishing to respond to the producing party’s argument for non-disclosure shall do so within five working days. Responding parties should explain why the information should be disclosed to them, including why disclosure is necessary for a fair adjudication of the case if the material is determined to constitute a trade secret. If the presiding officer finds that the information should be disclosed as Protected Material under the terms of this Protective Order, the presiding officer shall stay the order of disclosure for such period of time as the presiding officer deems necessary to allow the producing party to appeal the ruling to the Commission.
37. **Sanctions Available for Abuse of Designation.** If the presiding officer finds that a producing party unreasonably designated material as Protected Material or as Highly Sensitive Protected Material, or unreasonably attempted to prevent disclosure pursuant to Paragraph 36, the presiding officer may sanction the producing party pursuant to 16 TAC § 22.161.

38. **Modification of Protective Order.** Each party shall have the right to seek changes in this Protective Order as appropriate from the presiding officer.
39. **Breach of Protective Order.** In the event of a breach of the provisions of this Protective Order, the producing party, if it sustains its burden of proof required to establish the right to injunctive relief, shall be entitled to an injunction against such breach without any requirements to post bond as a condition of such relief. The producing party shall not be relieved of proof of any element required to establish the right to injunctive relief. In addition to injunctive relief, the producing party shall be entitled to pursue any other form of relief to which it is entitled.

ATTACHMENT A

Protective Order Certification

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket and that I have received a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. 45712. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated here shall not apply.

Signature

Party Represented

Printed Name

Date

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

Signature

Party Represented

Printed Name

Date

ATTACHMENT B

I request to view/copy the following documents:

Document Requested	# of Copies	Non-Confidential	Protected Materials and/or Highly Sensitive Protected Materials

Signature

Party Represented

Printed Name

Date

From: [Jennifer Harland](#)
To: dcockrell@atlantatexas.org; dporter@atlantatexas.org; cityofavery@yahoo.com; citysecretary@swat.coop; rthomasson@suddenlinkmail.com; hedmonson@classicnet.net; akb114@hotmail.com; citysec@aol.com; rcmansfield@windstream.net; city@hughessspringstxusa.com; burns7th@gmail.com; lindencity@outlook.com; terressajwall@yahoo.com; pymoore@windstream.net; maudclerk@windstream.net; michaelmiller@suddenlink.net; Mike Ahrens; masears@suddenlink.net; cityadm@comvtx.com; tarose@comvtx.com; cityofnaples@valornet.com; robertbunch@bwicompanies.com; dbowers@nashtx.org; jscott@nashtx.org; Darla Faulknor (darla.faulknor@nbcity.org); cityofomaha@prodigy.net; skenningtonmayor@pittsburgtexas.com; vianway@pittsburgtexas.com; CLINT HARDEMAN (chardeman@pittsburgtx.net); qcsec@earthlink.net; redlickmayor@aol.com; [TEX-Bruggeman, Bob \(Work\)](#); [TEX-Whitson, John](#); [TEX-Evans, Jennifer](#); [NBCH-Roberts, Jim](#); mike.burke@cityofwakevillage.com; stephanie.schutte@cityofwakevillage.com; winfield@suddenlinkmail.com; jhowell@winnsborotexas.com; sgriffin@winnsborotexas.com
Subject: SWEPCO Texas Rate Filings
Date: Monday, March 28, 2016 11:04:24 AM

City Partners:

Last week you should have received a copy of an application SWEPCO filed with the PUC in Texas for the company's first Texas Distribution Cost Recovery Factor (DCRF) and a request for an update to its existing Transmission Cost Recovery Factor (TCRF). For the DCRF, you can approve, deny or take no action. If you choose to do nothing on the DCRF, then you are deemed to have denied the increase, and it all moves to the Commission. The TCRF application is only required to be filed with the PUC and does not require any action by your city. The DCRF and TCRF are intended to be streamlined rate mechanisms approved by the Texas Legislature to allow an electric utility to periodically update its recovery of distribution and transmission related costs.

In summary, the **distribution** application seeks an overall revenue increase of approximately \$9.2 million for investments made from Jan. 1, 2012, to Dec. 31, 2015, to replace older infrastructure and to install new facilities to meet the needs of Texas retail customers. In the **transmission** application, SWEPCO is seeking an overall increase of approximately \$4.9 million for investments made during 2015 to improve transmission system infrastructure serving Texas retail customers.

A residential customer using an average 1,000 kWh per month would see a **combined** increase of \$2.66 or 2.9% per month. (That includes \$1.74 or 1.9 % for distribution and \$0.92 or 1% for transmission.)

These filings represent continued investments in the distribution and transmission systems and are a value to our customers for the delivery of safe and reliable electricity.

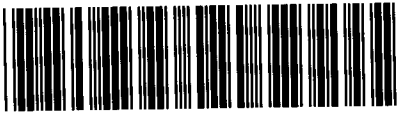
If you have any questions, please do not hesitate to call me.

Thank you,

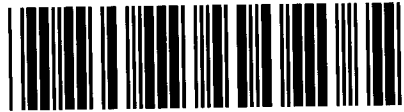
Jennifer K. Harland
 External Affairs Mgr. – NE Texas and SW Arkansas
 Southwestern Electric Power Company (SWEPCO)
 3708 W. 7th Street
 Texarkana, Texas 75501-6324

Email: jkharland@aep.com

Phone: 903-223-5880
www.SWEPCO.com



Control Number: 45712



Item Number: 23

Addendum StartPage: 0

SOAH DOCKET NO. 473-16-3306
PUC DOCKET NO. 45712

RECEIVED

2016 APR 20 AM 9:58

PUBLIC UTILITY COMMISSION
STAFF CLERK

APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE
ELECTRIC POWER COMPANY §
FOR APPROVAL OF A DISTRIBUTION § OF
COST RECOVERY FACTOR § ADMINISTRATIVE HEARINGS
§

**SOAH ORDER NO. 2
MEMORIALIZING PREHEARING CONFERENCE;
GRANTING INTERVENTIONS; AND ADOPTING PROCEDURAL SCHEDULE**

On April 14, 2016, the undersigned Administrative Law Judge (ALJ) convened a prehearing conference in this case. The following parties entered an appearance: Southwestern Electric Power, Company (SWEPCO), Public Utility Commission Staff (Staff), Cities Advocating for Reasonable Deregulation (CARD),¹ and Texas Industrial Energy Consumers (TIEC).

Interventions

At the time of the prehearing conference, CARD and TIEC had not been granted intervenor status. No objection was raised, so the motions to intervene of CARD and TIEC are **GRANTED**.

Notice

16 Texas Administrative Code § 25.243(e)(2) provides for notice in an application for approval of a distribution cost recover factor (DCRF). In Order No. 1, the ALJ required objections to notice to be filed by April 11, 2016. No objection was received. Therefore, the ALJ

¹ At the time of intervention, CARD included the Cities of Atlanta, Alba, Avery, Carthage, Center, Clarksville City, Daingerfield, Dekalb, Gladewater, Grand Saline, Hallsville, Hawkins, Henderson, Hughes Springs, Jefferson, Kilgore, Lakeport, Linden, Longview, Marshall, Mineola, Mt. Enterprise, Mt. Pleasant, Mt. Vernon, Naples, Nash, New Boston, New London, Pittsburg, Queen City, Tatum, Tenaha, Waskom, White Oak, Winona, and Winsboro.

finds that SWEPCO's notice of its application is sufficient and complies with 16 Texas Administrative Code § 25.243(e)(2).

Procedural Schedule

The parties agreed to the following procedural schedule, which the ALJ hereby adopts:

Deadline	Event
March 16, 2016	Application filed; notice provided
April 19, 2016 (<i>By rule 30 days after notice</i>)	Deadline to file Motions to Intervene (per SOAH Order No. 1)
April 26, 2016 (<i>5 working days after intervention deadline unless agreed to</i>)	Technical conference, if requested
April 25, 2016	Discovery deadline on SWEPCO Direct; deadline for objections to SWEPCO direct testimony
April 27, 2016	Intervenors file request for hearing and direct testimony
May 4, 2016	Staff files request for hearing and direct testimony, or recommendation on final disposition if no hearing requested
May 11, 2016	All parties file statements of position
May 13, 2016	Company files rebuttal testimony; or if no disputed issues exist, parties file proposed findings of fact, conclusions of law and ordering paragraphs
May 15, 2016 (<i>60 days after Application filed with cities</i>)	City Applications deemed denied, appealed and consolidated with this docket
May 17, 2016	Hearing on the merits, if requested
	Deadline for parties to file written initial briefs
	Deadline for parties to file reply briefs
June 29, 2016 and July 21, 2016	PUC Open Meetings
August 8, 2016	Effective Date – 145 th Day

Parties will provide the ALJ with a Word copy of all testimony filed in this case.

Rate Case Expenses

To address the issue of rate case expense raised in the Preliminary Order adopted by the Commission the same morning as the prehearing conference, SWEPCO proposed to document its rate case expenses in its rebuttal testimony, and proposed that cities document their recoverable rate case expenses in their direct testimony. Review of those rate case expenses would then

be deferred to a later proceeding where all parties could take whatever position they would like to take.² Staff concurred in SWEPCO's suggestion. In letters filed on April 15, 2016, CARD and TIEC also concurred in the process suggested by SWEPCO. Therefore, that process is adopted. Whether the issue should be severed into a separate proceeding or simply documented in this case is a matter that can be addressed in motion, testimony, or briefing, but need not be decided at this time.

Notice of Hearing

The ALJ will convene a hearing on the merits in this case on **9:00 a.m. on Tuesday, May 17, 2016, at the SOAH hearing facilities located at the William P. Clements State Office Building, 300 W. 15th Street, Fourth Floor, Austin, Texas.** The hearing is currently set for one day as the ALJ will be out of town beginning May 18, 2016. The parties are apprised that visitors to the William P. Clements State Office Building must clear security and receive visitor passes. Extra time should be set aside for that task.

SIGNED April 19, 2016.


FERNANDO RODRIGUEZ
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

² Tr. at 9.

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
 300 West 15th Street Suite 502
 Austin, Texas 78701
 Phone: (512) 475-4993
 Fax: (512) 322-2061

SERVICE LIST

AGENCY: Public Utility Commission of Texas (PUC)
 STYLE/CASE: SOUTHWESTERN ELECTRIC POWER COMPANY
 SOAH DOCKET NUMBER: 473-16-3306
 REFERRING AGENCY CASE: 45712

STATE OFFICE OF ADMINISTRATIVE
HEARINGSADMINISTRATIVE LAW JUDGE
ALJ FERDIE RODRIGUEZ

REPRESENTATIVE / ADDRESS

PARTIES

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 (512) 474-2507 (FAX)
 aherrera@herreraboylelaw.com

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 (CARD)

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 AEP SWEPCO

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TEXAS INDUSTRIAL ENERGY CONSUMERS

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PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION
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(CARD)

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(512) 481-4591 (FAX)
malong@aep.com

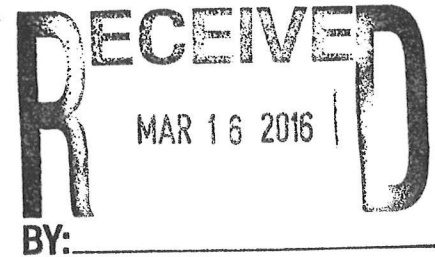
SOUTHWESTERN ELECTRIC POWER COMPANY



Southwestern Electric
Power Company
400 West 15th Street, Suite 1520
Austin, TX 78701
SWEPCO.com

March 15, 2016

Jennifer Evans
City Secretary, City of Texarkana
220 Texas Blvd.
Texarkana TX 75501-5625



Re: PUC Docket No. 45712- Application of Southwestern Electric Power Company for Approval of a Distribution Cost Recovery Factor

Dear City Secretary Evans:

On March 16, 2016, Southwestern Electric Power Company (SWEPCO) is filing for approval of a Distribution Cost Recovery Factor (DCRF) with the Public Utility Commission of Texas (PUCT). This filing has been assigned PUCT Docket No. 45712. Pursuant to the Commission rules, SWEPCO is required to simultaneously file with all cities that have retained original jurisdiction over SWEPCO's rates. For your convenience a list of cities that have retained original jurisdiction over SWEPCO's rates and those which have ceded that original jurisdiction to the PUCT are shown below. If your city has previously ceded its original rate-setting jurisdiction to the PUCT as shown below, this information is being provided to you as a courtesy and no action is required by you.

Alba	*Gary	Marshall	Scottsville
Atlanta	*Gilmer	Maud	*Shamrock
Avery	Gladewater	*Memphis	*Tatum
*Beckville	Grand Saline	Miller's Cove	Tenaha
Big Sandy	Hallsville	Mineola	Texarkana
Bloomburg	Hawkins	Mount Enterprise	*Union Grove
Carthage	*Hedley	Mount Pleasant	Wake Village
Center	*Henderson	Mount Vernon	Warren City
Childress	Hooks	Naples	Waskom
*Clarendon	*Hughes Springs	Nash	Wellington
Clarksville City	Jefferson	New Boston	White Oak
Daingerfield	Kilgore	New London	*Winfield
DeKalb	Lakeport	*Omaha	Winsboro
*Dodson	*Lakeview	Overton	Winona
East Mountain	Leary	Pittsburg	
Estelline	Linden	Queen City	
Fruitvale	Longview	Red Lick	

* Ceded original jurisdiction to the PUCT

(Over)

Per 16 Texas Admin. Code §25.243(c)(1)(B), cities that have retained original jurisdiction shall make a final decision on the application within 60 days after the application was filed. If the governing body does not make a final decision during that time, the application is deemed denied by the governing body. On the 60th day after the application is filed, the governing body's final decision is deemed to be appealed to the commission, regardless of whether the governing body approves or denies the application and the appeal will be at that time consolidated with SWEPCO's DCRF proceeding before the PUCT.

Provided with this letter is a copy of the Application and a CD including affidavits, testimonies, schedules and work papers filed along with the Application.

If you have any questions you can contact your local SWEPCO external affairs manager. Jennifer Harland can be reached at (903) 223-5880, Keith Honey at (903) 234-7351 and Tony Barley at (940) 937-3192.

Sincerely,



Jennifer J. Frederick
Regulatory Case Manager

(Over)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2016-055 Goals & Perspectives (1476 : 2016-055 RES final decision on SWEPCO distribution cost)

City of Texarkana, Texas

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

Subject:

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

Item Schedule

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

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

West Walton Drive & Pavilion Project
1002 Walton Drive

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

Potential Options:

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

Fiscal Implications:

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

Staff Recommendation:

City of Texarkana, Texas

Staff recommends approval.

Advisory Board/Committee Review:

Tax Increment Reinvestment Zone Board

Board/Committee Recommendation:

April 15, 2016

TIRZ Board recommends approval

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

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

Staff Coordination

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

Meeting History

04/25/16 City Council MOVED FORWARD Next: 05/09/16

RESOLUTION NO. 2016-048

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana
Economic Development

West Walton Drive & Pavilion Project
(1002 Walton Drive)

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

City of Texarkana - Bowie County

Tax Increment Reinvestment Zone

Walton Drive & Pavilion Pkwy Drainage

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

Gregg Orr Auto
Chrysler Jeep Dodge

Storm Drain Estimate
3-2-16

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

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

\$696.00

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

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

\$349,916.20

\$20,994.97

\$370,911.17

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

Revised budget
that includes items
to pay for with
TIRZ funds

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

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

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

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

Jennifer Evans
 City Secretary

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

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

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

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

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



City of Texarkana

Economic Development

220 Texas Blvd
PO Box 1967
Texarkana, TX 75504

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

West Walton Drive & Pavilion Project

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

City of Texarkana - Bowie County **Tax Increment Reinvestment Zone** **Walton Drive & Pavilion Pkwy Drainage**

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

Storm Drain Estimate
3-2-16

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

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

\$349,916.20

Revised budget that includes items to pay for with TIRZ funds

\$370,911.17

The Gregg Orr

AUTO COLLECTION

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

Exceeding Expectations Everyday

March 18, 2016

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

Re: TIRZ #1 Project List

Dear Mr. Sparks:

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

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

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

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

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

Sincerely,



Gregg Orr, Owner

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

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

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

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

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

Winstorm (STORM DRAIN DESIGN)
 Version 3.05, Jan. 25, 2002
 Run # 5/10/2006 7:55:06 PM
 PROJECT NAME : IH30
 JOB NUMBER : 022652
 PROJECT DESCRIPTION : CL 2277+48

OUTPUT FOR DESIGN FREQUENCY OF: 100 Years

Cumulative Junction Discharge Computations

Node I.D.	Node Type	Weighted C-Value	Cumulat. Dr. Area (acres)	Intens. (in/hr)	User Supply Q (cfs)	Additional Q in Node (cfs)	Total Disch. (cfs)
2	JunctBx	0.000	0.00	0.00	0.000	64.90	64.90
J1	JunctBx	0.000	0.00	0.00	0.000	71.70	71.70
J2	JunctBx	0.000	0.00	0.00	0.000	71.70	71.70
J3	JunctBx	0.000	0.00	0.00	0.000	105.40	105.40
3A	JunctBx	0.000	0.00	0.00	0.000	15.80	15.80
J4	JunctBx	0.000	0.00	0.00	0.000	27.60	27.60
J5	JunctBx	0.000	0.00	0.00	0.000	33.70	33.70
J6	JunctBx	0.000	0.00	0.00	0.000	33.70	33.70
J7	JunctBx	0.000	0.00	0.00	0.000	2.10	2.10
J8	JunctBx	0.000	0.00	0.00	0.000	105.40	105.40
OUT	Outlet	0.000	0.00	0.00	0.000	105.40	105.40

Conveyance Configuration Data

Run#	Node I.D.	Node Type	Flowline Elev. (ft)	DS	US	Shape	Span (ft)	Rise (ft)	Length (ft)	Slope (ft/ft)	n value
2	J1	JunctBx	306.60	303.96	Box	4.00	2.00	260.53	1.01	0.012	
J2	JunctBx	303.96	303.96	Box	4.00	2.00	297.74	0.80	0.012		
J3	JunctBx	303.96	303.96	Box	4.00	2.00	297.74	0.80	0.012		
3A	JunctBx	303.96	303.96	Circ	0.00	2.00	252.98	0.82	0.012		
J4	JunctBx	303.96	303.96	Circ	0.00	2.00	30.81	1.14	0.012		
J5	JunctBx	303.96	303.96	Circ	0.00	2.25	216.56	0.31	0.012		
J6	JunctBx	303.96	303.96	Circ	0.00	2.25	214.00	0.31	0.012		
J7	JunctBx	303.96	303.96	Circ	0.00	1.50	160.93	15.73	0.012		
J8	JunctBx	303.96	303.96	Circ	0.00	2.00	12.00	10.73	0.012		
OUT	Outlet	303.96	303.96	Circ	0.00	2.00	12.00	10.73	0.012		

Conveyance Hydraulic Computations. Tailwater = 0.000 (ft)

Run#	Node I.D.	Node Type	Flowline Elev. (ft)	DS	US	Fr. Slope	Depth (ft)	Velocity (ft/s)	Actual (ft/s)	Cap (cfs)	Junc Loss (ft)
2	J1	JunctBx	307.34	0.737	1.45	2.00	1.17	8.11	64.90	76.11	0.000
J2	JunctBx	307.25	0.899	1.73	2.00	1.34	8.98	71.70	66.48	0.000	
J3	JunctBx	307.25	0.899	1.73	2.00	1.34	8.98	71.70	66.48	0.000	
3A	JunctBx	307.25	0.899	1.73	2.00	1.34	8.98	71.70	66.48	0.000	
J4	JunctBx	307.25	0.899	1.73	2.00	1.34	8.98	71.70	66.48	0.000	
J5	JunctBx	307.25	0.899	1.73	2.00	1.34	8.98	71.70	66.48	0.000	
J6	JunctBx	307.25	0.899	1.73	2.00	1.34	8.98	71.70	66.48	0.000	
J7	JunctBx	307.25	0.899	1.73	2.00	1.34	8.98	71.70	66.48	0.000	
J8	JunctBx	307.25	0.899	1.73	2.00	1.34	8.98	71.70	66.48	0.000	
OUT	Outlet	307.25	0.899	1.73	2.00	1.34	8.98	71.70	66.48	0.000	

* Super critical flow.

Tailwater set to uniform depth elevation = 303.96 (ft)

Winstorm (STORM DRAIN DESIGN)
 Version 3.05, Jan. 25, 2002
 Run # 4/21/2006 10:16:27 AM
 PROJECT NAME : IH 30
 JOB NUMBER : 022652
 PROJECT DESCRIPTION : 2302+00

OUTPUT FOR DESIGN FREQUENCY OF: 10 Years

Cumulative Junction Discharge Computations

Node I.D.	Node Type	Weighted C-Value	Cumulat. Dr. Area (acres)	Intens. (in/hr)	User Supply Q (cfs)	Additional Q in Node (cfs)	Total Disch. (cfs)
J0	JunctBx	0.000	0.00	0.00	0.000	41.40	41.40
J1	JunctBx	0.000	0.00	0.00	0.000	41.40	41.40
J2	JunctBx	0.000	0.00	0.00	0.000	41.40	41.40
J3	JunctBx	0.000	0.00	0.00	0.000	70.70	70.70
J4	JunctBx	0.000	0.00	0.00	0.000	78.50	78.50
J5	JunctBx	0.000	0.00	0.00	0.000	78.50	78.50
J6	JunctBx	0.000	0.00	0.00	0.000	85.20	85.20
J7	JunctBx	0.000	0.00	0.00	0.000	95.20	95.20
J8	JunctBx	0.000	0.00	0.00	0.000	14.20	14.20
J9	JunctBx	0.000	0.00	0.00	0.000	9.00	9.00
J10	JunctBx	0.000	0.00	0.00	0.000	7.80	7.80
J11	JunctBx	0.000	0.00	0.00	0.000	4.80	4.80
J12	JunctBx	0.000	0.00	0.00	0.000	9.00	9.00
OUT	Outlet	0.000	0.00	0.00	0.000	195.20	195.20

Conveyance Configuration Data

Run#	Node I.D.	Node Type	Flowline Elev. (ft)	DS	US	Shape	Span (ft)	Rise (ft)	Length (ft)	Slope (ft/ft)	n value
16	J0	JunctBx	321.44	321.74	Box	7.00	7.00	3.00	194.00	1.35	0.012
J1	JunctBx	321.50	321.05	Box	7.00	7.00	3.00	104.12	0.33	0.012	
J2	JunctBx	321.05	320.63	Box	7.00	7.00	3.00	100.91	0.32	0.012	
J3	JunctBx	320.63	320.27	Box	7.00	7.00	3.00	30.57	0.20	0.012	
J4	JunctBx	320.27	320.05	Box	7.00	7.00	3.00	68.62	0.27	0.012	
J5	JunctBx	320.05	320.05	Box	7.00	7.00	3.00	119.00	0.07	0.012	
J6	JunctBx	320.05	319.25	Box	7.00	7.00	3.00	62.68	0.68	0.012	
J7	JunctBx	319.25	318.83	Box	7.00	7.00	3.00	29.20	0.47	0.012	
J8	JunctBx	318.83	318.59	Box	7.00	7.00	3.00	54.74	0.74	0.012	
J9	JunctBx	318.59	321.05	Circ	0.00	2.00	20.00	40.43	4.66	0.012	
J10	JunctBx	321.05	320.63	Circ	0.00	2.00	20.00	40.43	4.66	0.012	
J11	JunctBx	320.63	320.27	Circ	0.00	2.00	20.00	40.43	4.66	0.012	
J12	JunctBx	320.27	319.25	Circ	0.00	2.00	20.00	40.43	4.66	0.012	
OUT	Outlet	319.25	318.83	Circ	0.00	2.00	20.00	40.43	4.66	0.012	

Conveyance Hydraulic Computations. Tailwater = 0.000 (ft)

Run#	Node I.D.	Node Type	Flowline Elev. (ft)	DS	US	Fr. Slope	Depth (ft)	Velocity (ft/s)	Actual (ft/s)	Cap (cfs)	Junc Loss (ft)
16	J0	JunctBx	321.06	0.069	0.88	3.2	1.42	7.59	41.40	53.42	0.000
J1	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J2	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J3	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J4	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J5	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J6	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J7	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J8	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J9	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J10	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J11	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
J12	JunctBx	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	
OUT	Outlet	322.89	0.069	1.30	3.2	1.39	7.76	41.40	53.42	0.000	

* Super critical flow.

Tailwater set to uniform depth elevation = 320.24 (ft)



5-11-06

Carter-Burgess

Texas Department of Transportation
 ©2006

HYDRAULIC
 CALCULATIONS

WINSTORM

SHEET 11 OF 27	
DESIGN	HYDRAULIC
DATE	4/21/2006
PROJECT	ATLANTA
DISTRICT	ATLANTA
COUNTY	BOWIE
CITY	MEMPHIS
SECTION	0610, etc
JOB	065, etc

879

OUTPUT FOR DESIGN FREQUENCY OF: 100 Years

Node I.D.	Type	Weighted C-Value	Cumulat. Dr. Area (acres)	Tc (min)	Cumulat. Intens. (in/hr)	Supply Q (cfs)	Additional Q in Node (cfs)	Disch. (cfs)
J0	JncInBx	0.000	0.00	0.00	0.00	0.000	352.10	352.100
J1	JncInBx	0.000	0.00	10.00	0.00	0.000	377.40	377.400
J2	JncInBx	0.000	0.00	10.00	0.00	0.000	391.60	391.600
J3	JncInBx	0.000	0.00	10.00	0.00	0.000	304.10	304.100
J4	JncInBx	0.000	0.00	10.00	0.00	0.000	318.00	318.000
J5	JncInBx	0.000	0.00	10.00	0.00	0.000	318.00	318.000
J6	JncInBx	0.000	0.00	10.00	0.00	0.000	327.20	327.200
J7	JncInBx	0.000	0.00	10.00	0.00	0.000	347.80	347.800
J8	JncInBx	0.000	0.00	10.00	0.00	0.000	25.30	25.300
J9	JncInBx	0.000	0.00	0.00	0.00	0.000	14.20	14.200
J10	JncInBx	0.000	0.00	0.00	0.00	0.000	12.50	12.500
J11	JncInBx	0.000	0.00	0.00	0.00	0.000	1.30	1.300
J12	JncInBx	0.000	0.00	0.00	0.00	0.000	1.60	1.600
J13	JncInBx	0.000	0.00	0.00	0.00	0.000	16.00	16.000
J14	OutLit	0.000	0.00	10.00	0.00	0.000	345.80	345.800

Conveyance Configuration Data

Run	Node US	Node D.	Flow line US (ft)	Elev. US (ft)	Shape	Span (ft)	Rise (ft)	Length (ft)	Slope (%)	n value
1	16	J0	323.14	321.74	Box	7.00	3.00	104.00	1.35	0.012
2	17	J1	321.17	321.50	Box	7.00	3.00	56.83	0.42	0.012
3	18	J2	321.50	321.05	Box	7.00	3.00	104.32	0.42	0.012
4	20	J3	320.57	320.97	Box	7.00	3.00	100.11	0.42	0.012
5	21	J4	320.50	320.50	Box	7.00	3.00	100.52	0.57	0.012
6	22	J5	320.50	320.50	Box	7.00	3.00	66.87	0.67	0.012
7	23	J6	320.50	319.25	Box	7.00	3.00	119.00	0.67	0.012
8	24	J7	319.25	318.25	Box	7.00	3.00	62.68	0.67	0.012
9	25	OUT	318.69	318.69	Box	7.00	3.00	29.20	0.48	0.012
10	26	J8	318.69	318.69	CIRC	0.00	2.00	27.74	0.47	0.012
11	27	J9	318.69	318.69	CIRC	0.00	2.00	27.74	0.47	0.012
12	28	J10	320.57	320.57	CIRC	0.00	2.00	40.33	0.22	0.012
13	29	J11	320.57	320.57	CIRC	0.00	2.00	40.33	0.22	0.012
14	30	J12	319.57	319.25	CIRC	0.00	2.00	20.00	1.50	0.012
15	31	J13	319.57	319.25	CIRC	0.00	2.00	20.00	1.50	0.012

Conveyance Hydraulic Computations. Tailwater = 0.000 (ft)

Run#	Hydraulic Grade Line US Elev (ft)	Depth Unif. (ft)	Velocity Unif. (ft/s)	Actual (ft/s)	Q (cfs)	Cop	Loss (ft)
16	324.24	0.00	3.37	3.37	0.00	3.37	0.00
17	324.24	0.00	3.37	3.37	0.00	3.37	0.00
18	324.24	0.00	3.37	3.37	0.00	3.37	0.00
19	324.24	0.00	3.37	3.37	0.00	3.37	0.00
20	324.24	0.00	3.37	3.37	0.00	3.37	0.00
21	324.24	0.00	3.37	3.37	0.00	3.37	0.00
22	324.24	0.00	3.37	3.37	0.00	3.37	0.00
23	324.24	0.00	3.37	3.37	0.00	3.37	0.00
24	324.24	0.00	3.37	3.37	0.00	3.37	0.00
25	324.24	0.00	3.37	3.37	0.00	3.37	0.00
26	324.24	0.00	3.37	3.37	0.00	3.37	0.00
27	324.24	0.00	3.37	3.37	0.00	3.37	0.00
28	324.24	0.00	3.37	3.37	0.00	3.37	0.00
29	324.24	0.00	3.37	3.37	0.00	3.37	0.00
30	324.24	0.00	3.37	3.37	0.00	3.37	0.00
31	324.24	0.00	3.37	3.37	0.00	3.37	0.00
32	324.24	0.00	3.37	3.37	0.00	3.37	0.00
33	324.24	0.00	3.37	3.37	0.00	3.37	0.00
34	324.24	0.00	3.37	3.37	0.00	3.37	0.00
35	324.24	0.00	3.37	3.37	0.00	3.37	0.00
36	324.24	0.00	3.37	3.37	0.00	3.37	0.00
37	324.24	0.00	3.37	3.37	0.00	3.37	0.00
38	324.24	0.00	3.37	3.37	0.00	3.37	0.00
39	324.24	0.00	3.37	3.37	0.00	3.37	0.00
40	324.24	0.00	3.37	3.37	0.00	3.37	0.00
41	324.24	0.00	3.37	3.37	0.00	3.37	0.00
42	324.24	0.00	3.37	3.37	0.00	3.37	0.00
43	324.24	0.00	3.37	3.37	0.00	3.37	0.00
44	324.24	0.00	3.37	3.37	0.00	3.37	0.00
45	324.24	0.00	3.37	3.37	0.00	3.37	0.00
46	324.24	0.00	3.37	3.37	0.00	3.37	0.00
47	324.24	0.00	3.37	3.37	0.00	3.37	0.00
48	324.24	0.00	3.37	3.37	0.00	3.37	0.00
49	324.24	0.00	3.37	3.37	0.00	3.37	0.00
50	324.24	0.00	3.37	3.37	0.00	3.37	0.00
51	324.24	0.00	3.37	3.37	0.00	3.37	0.00
52	324.24	0.00	3.37	3.37	0.00	3.37	0.00
53	324.24	0.00	3.37	3.37	0.00	3.37	0.00
54	324.24	0.00	3.37	3.37	0.00	3.37	0.00
55	324.24	0.00	3.37	3.37	0.00	3.37	0.00
56	324.24	0.00	3.37	3.37	0.00	3.37	0.00
57	324.24	0.00	3.37	3.37	0.00	3.37	0.00
58	324.24	0.00	3.37	3.37	0.00	3.37	0.00
59	324.24	0.00	3.37	3.37	0.00	3.37	0.00
60	324.24	0.00	3.37	3.37	0.00	3.37	0.00
61	324.24	0.00	3.37	3.37	0.00	3.37	0.00
62	324.24	0.00	3.37	3.37	0.00	3.37	0.00
63	324.24	0.00	3.37	3.37	0.00	3.37	0.00
64	324.24	0.00	3.37	3.37	0.00	3.37	0.00
65	324.24	0.00	3.37	3.37	0.00	3.37	0.00
66	324.24	0.00	3.37	3.37	0.00	3.37	0.00
67	324.24	0.00	3.37	3.37	0.00	3.37	0.00

* Super critical flow.

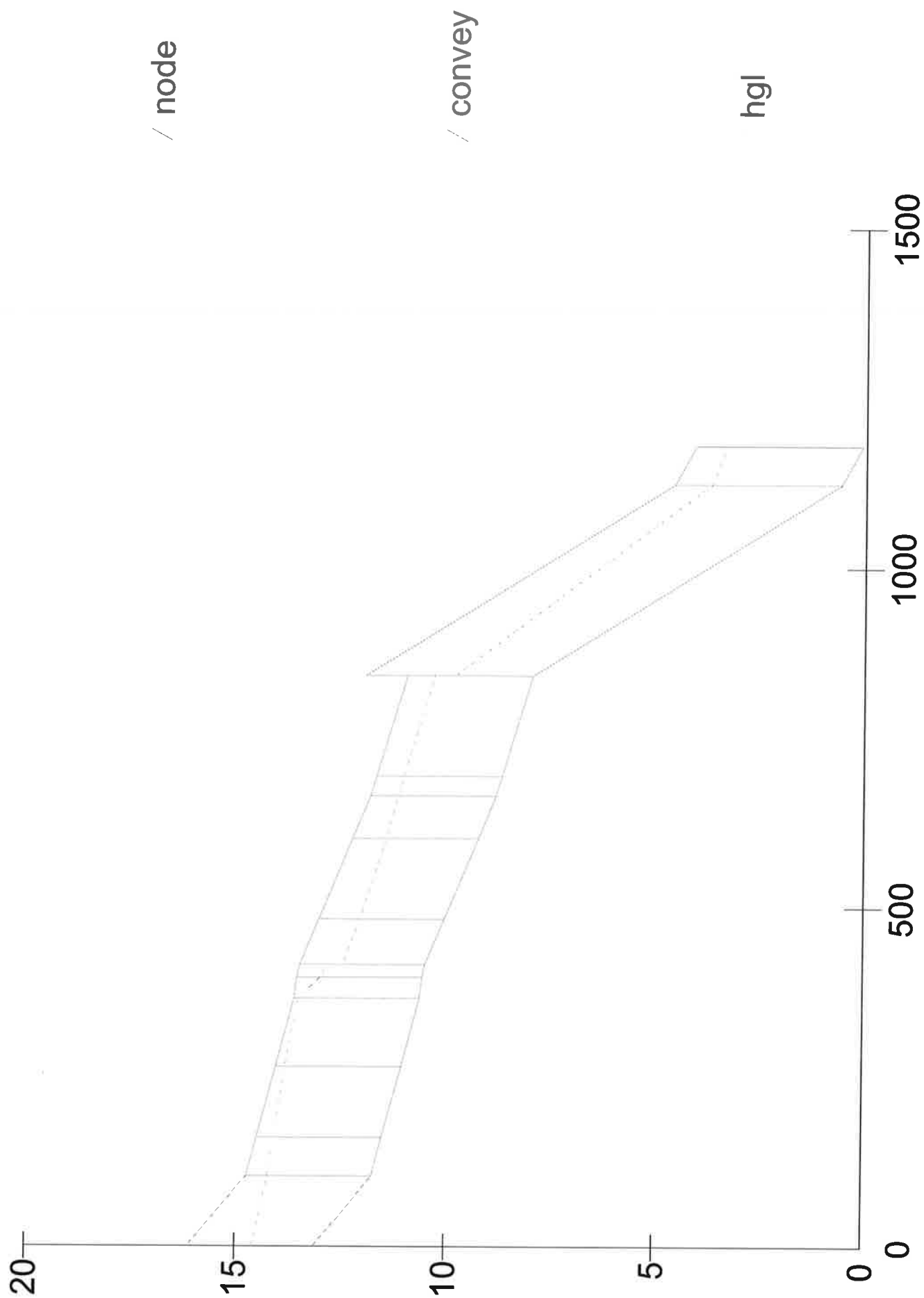
Tailwater set to uniform depth elevation = 321.01 (ft)

HYDRAULIC
CALCULATIONS

WINSY TORDM

DESIGN	DATE	FEDERAL AID PROJECT NO.	SHEET 12 OF 27
RTM	CHECK	6	HIGHWAY
RTM	CHECK	STATE	1430, etc
GRAPHICS	CHECK	TEXAS	530, etc
MEM	CHECK	DISTRICT	NO.
DFN	CHECK	ATLANTA	
		SECTION	
		CONTROL	
		0610, etc	
		JOB	
		07, etc	
		085, etc	

HGL Path: (J0,V1,J1,J2,J3,J4,J5,J6,J7,J8,J9,J10,J11,J12,OUT)



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

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



www.tatumexcavating.com

Budgetary- PROPOSAL

Tatum Excavating Company, Inc.

2416 South Lake Drive

Texarkana, Texas 75501

(903) 792-3971 (P) – (903) 792-4593 (F)

Date: 3/2/2016

MTG Engineers and Surveyors

Attn: Kayla Wood, P.E.

Phone: 903-838-8533

E-Mail: kwood@mtgengineers.com

Job Name: Orr Chrysler, Jeep Dodge- Drainage Improvements

Job Location: Texarkana, TX

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

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

Exclusions:

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



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Budgetary- PROPOSAL

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Payment to be made as follows:

Due upon approved monthly pay estimates.

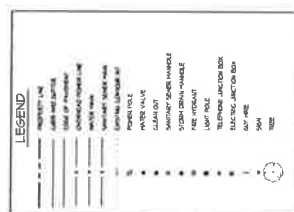
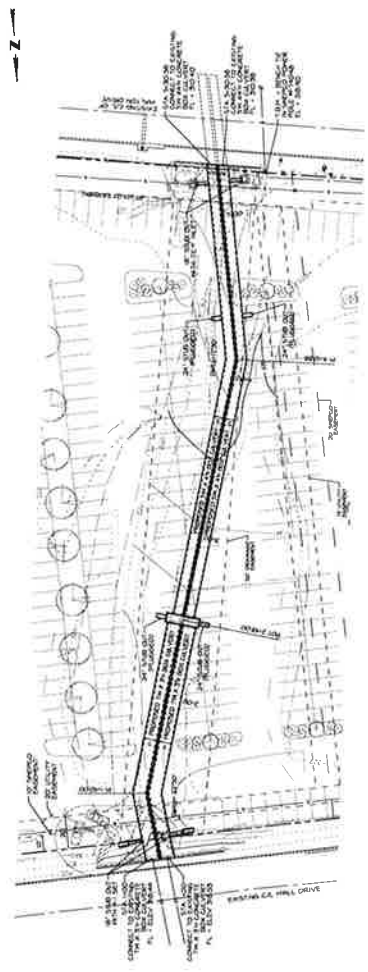
All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner, according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the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

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

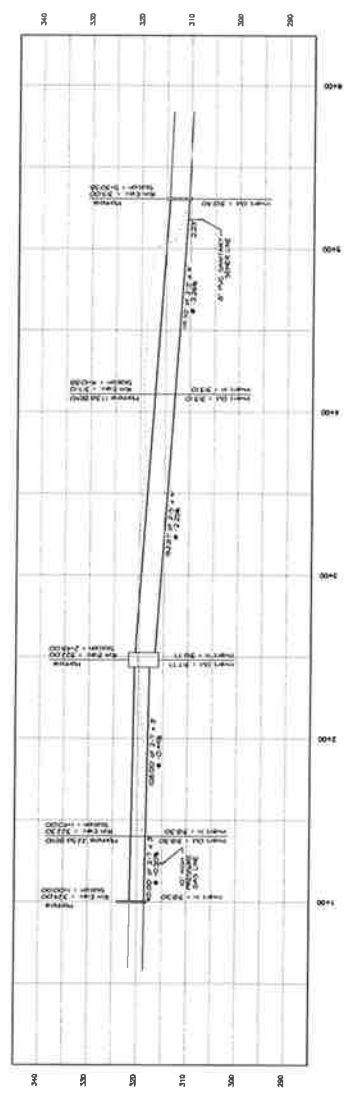
TEC, Inc. Authorized Signature: _____

MElhamy / 3/2/2016

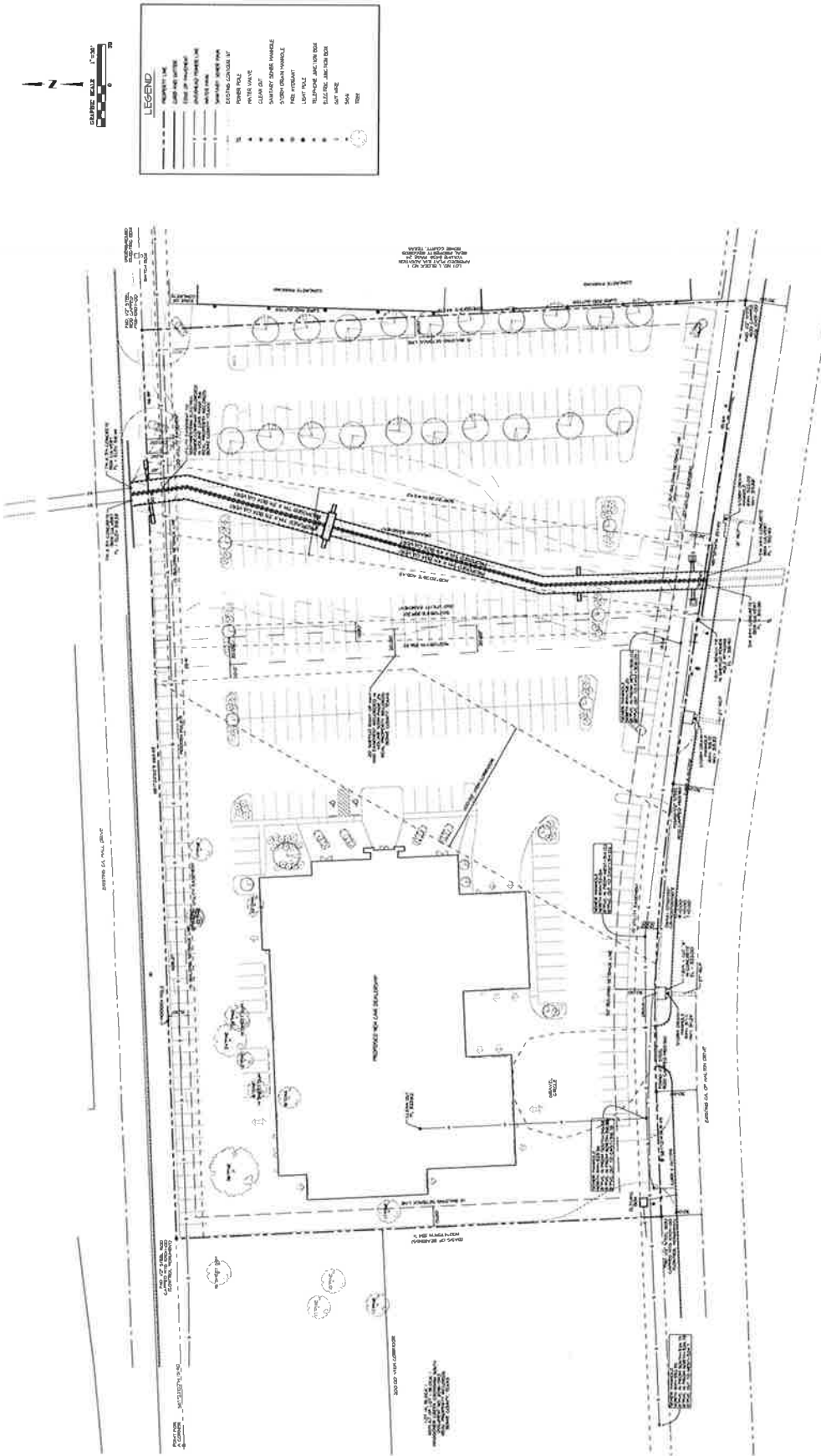
Acceptance of Proposal: The above process, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outline above.

[illegible]

PLAN VIEW
Scale: 1" = 30'



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





Sheet Calculation for Drainage Area A

Station	Area (sq ft)	Area (acres)	Flow (cfs)	Velocity (ft/s)	Time (min)
1+00	10000	0.23	1.0	1.0	1.0
1+10	11000	0.25	1.1	1.1	1.1
1+20	12000	0.28	1.2	1.2	1.2
1+30	13000	0.30	1.3	1.3	1.3
1+40	14000	0.32	1.4	1.4	1.4
1+50	15000	0.34	1.5	1.5	1.5
1+60	16000	0.37	1.6	1.6	1.6
1+70	17000	0.39	1.7	1.7	1.7
1+80	18000	0.41	1.8	1.8	1.8
1+90	19000	0.44	1.9	1.9	1.9
2+00	20000	0.46	2.0	2.0	2.0
2+10	21000	0.48	2.1	2.1	2.1
2+20	22000	0.51	2.2	2.2	2.2
2+30	23000	0.53	2.3	2.3	2.3
2+40	24000	0.55	2.4	2.4	2.4
2+50	25000	0.58	2.5	2.5	2.5
2+60	26000	0.60	2.6	2.6	2.6
2+70	27000	0.62	2.7	2.7	2.7
2+80	28000	0.65	2.8	2.8	2.8
2+90	29000	0.67	2.9	2.9	2.9
3+00	30000	0.69	3.0	3.0	3.0
3+10	31000	0.72	3.1	3.1	3.1
3+20	32000	0.74	3.2	3.2	3.2
3+30	33000	0.76	3.3	3.3	3.3
3+40	34000	0.79	3.4	3.4	3.4
3+50	35000	0.81	3.5	3.5	3.5
3+60	36000	0.83	3.6	3.6	3.6
3+70	37000	0.86	3.7	3.7	3.7
3+80	38000	0.88	3.8	3.8	3.8
3+90	39000	0.90	3.9	3.9	3.9
4+00	40000	0.92	4.0	4.0	4.0
4+10	41000	0.95	4.1	4.1	4.1
4+20	42000	0.97	4.2	4.2	4.2
4+30	43000	0.99	4.3	4.3	4.3
4+40	44000	1.02	4.4	4.4	4.4
4+50	45000	1.04	4.5	4.5	4.5
4+60	46000	1.06	4.6	4.6	4.6
4+70	47000	1.09	4.7	4.7	4.7
4+80	48000	1.11	4.8	4.8	4.8
4+90	49000	1.13	4.9	4.9	4.9
5+00	50000	1.15	5.0	5.0	5.0
5+10	51000	1.18	5.1	5.1	5.1
5+20	52000	1.20	5.2	5.2	5.2
5+30	53000	1.22	5.3	5.3	5.3
5+40	54000	1.25	5.4	5.4	5.4
5+50	55000	1.27	5.5	5.5	5.5
5+60	56000	1.29	5.6	5.6	5.6
5+70	57000	1.32	5.7	5.7	5.7
5+80	58000	1.34	5.8	5.8	5.8
5+90	59000	1.36	5.9	5.9	5.9
6+00	60000	1.38	6.0	6.0	6.0
6+10	61000	1.41	6.1	6.1	6.1
6+20	62000	1.43	6.2	6.2	6.2
6+30	63000	1.45	6.3	6.3	6.3
6+40	64000	1.48	6.4	6.4	6.4
6+50	65000	1.50	6.5	6.5	6.5
6+60	66000	1.52	6.6	6.6	6.6
6+70	67000	1.55	6.7	6.7	6.7
6+80	68000	1.57	6.8	6.8	6.8
6+90	69000	1.59	6.9	6.9	6.9
7+00	70000	1.61	7.0	7.0	7.0
7+10	71000	1.64	7.1	7.1	7.1
7+20	72000	1.66	7.2	7.2	7.2
7+30	73000	1.68	7.3	7.3	7.3
7+40	74000	1.71	7.4	7.4	7.4
7+50	75000	1.73	7.5	7.5	7.5
7+60	76000	1.75	7.6	7.6	7.6
7+70	77000	1.78	7.7	7.7	7.7
7+80	78000	1.80	7.8	7.8	7.8
7+90	79000	1.82	7.9	7.9	7.9
8+00	80000	1.84	8.0	8.0	8.0
8+10	81000	1.87	8.1	8.1	8.1
8+20	82000	1.89	8.2	8.2	8.2
8+30	83000	1.91	8.3	8.3	8.3
8+40	84000	1.94	8.4	8.4	8.4
8+50	85000	1.96	8.5	8.5	8.5
8+60	86000	1.98	8.6	8.6	8.6
8+70	87000	2.01	8.7	8.7	8.7
8+80	88000	2.03	8.8	8.8	8.8
8+90	89000	2.05	8.9	8.9	8.9
9+00	90000	2.07	9.0	9.0	9.0
9+10	91000	2.10	9.1	9.1	9.1
9+20	92000	2.12	9.2	9.2	9.2
9+30	93000	2.14	9.3	9.3	9.3
9+40	94000	2.17	9.4	9.4	9.4
9+50	95000	2.19	9.5	9.5	9.5
9+60	96000	2.21	9.6	9.6	9.6
9+70	97000	2.24	9.7	9.7	9.7
9+80	98000	2.26	9.8	9.8	9.8
9+90	99000	2.28	9.9	9.9	9.9
10+00	100000	2.30	10.0	10.0	10.0

Sheet Calculation for Drainage Area B

Station	Area (sq ft)	Area (acres)	Flow (cfs)	Velocity (ft/s)	Time (min)
1+00	10000	0.23	1.0	1.0	1.0
1+10	11000	0.25	1.1	1.1	1.1
1+20	12000	0.28	1.2	1.2	1.2
1+30	13000	0.30	1.3	1.3	1.3
1+40	14000	0.32	1.4	1.4	1.4
1+50	15000	0.34	1.5	1.5	1.5
1+60	16000	0.37	1.6	1.6	1.6
1+70	17000	0.39	1.7	1.7	1.7
1+80	18000	0.41	1.8	1.8	1.8
1+90	19000	0.44	1.9	1.9	1.9
2+00	20000	0.46	2.0	2.0	2.0
2+10	21000	0.48	2.1	2.1	2.1
2+20	22000	0.51	2.2	2.2	2.2
2+30	23000	0.53	2.3	2.3	2.3
2+40	24000	0.55	2.4	2.4	2.4
2+50	25000	0.58	2.5	2.5	2.5
2+60	26000	0.60	2.6	2.6	2.6
2+70	27000	0.62	2.7	2.7	2.7
2+80	28000	0.65	2.8	2.8	2.8
2+90	29000	0.67	2.9	2.9	2.9
3+00	30000	0.69	3.0	3.0	3.0
3+10	31000	0.72	3.1	3.1	3.1
3+20	32000	0.74	3.2	3.2	3.2
3+30	33000	0.76	3.3	3.3	3.3
3+40	34000	0.79	3.4	3.4	3.4
3+50	35000	0.81	3.5	3.5	3.5
3+60	36000	0.83	3.6	3.6	3.6
3+70	37000	0.86	3.7	3.7	3.7
3+80	38000	0.88	3.8	3.8	3.8
3+90	39000	0.90	3.9	3.9	3.9
4+00	40000	0.92	4.0	4.0	4.0
4+10	41000	0.95	4.1	4.1	4.1
4+20	42000	0.97	4.2	4.2	4.2
4+30	43000	0.99	4.3	4.3	4.3
4+40	44000	1.02	4.4	4.4	4.4
4+50	45000	1.04	4.5	4.5	4.5
4+60	46000	1.06	4.6	4.6	4.6
4+70	47000	1.09	4.7	4.7	4.7
4+80	48000	1.11	4.8	4.8	4.8
4+90	49000	1.13	4.9	4.9	4.9
5+00	50000	1.15	5.0	5.0	5.0
5+10	51000	1.18	5.1	5.1	5.1
5+20	52000	1.20	5.2	5.2	5.2
5+30	53000	1.22	5.3	5.3	5.3
5+40	54000	1.25	5.4	5.4	5.4
5+50	55000	1.27	5.5	5.5	5.5
5+60	56000	1.29	5.6	5.6	5.6
5+70	57000	1.32	5.7	5.7	5.7
5+80	58000	1.34	5.8	5.8	5.8
5+90	59000	1.36	5.9	5.9	5.9
6+00	60000	1.38	6.0	6.0	6.0
6+10	61000	1.41	6.1	6.1	6.1
6+20	62000	1.43	6.2	6.2	6.2
6+30	63000	1.45	6.3	6.3	6.3
6+40	64000	1.48	6.4	6.4	6.4
6+50	65000	1.50	6.5	6.5	6.5
6+60	66000	1.52	6.6	6.6	6.6
6+70	67000	1.55	6.7	6.7	6.7
6+80	68000	1.57	6.8	6.8	6.8
6+90	69000	1.59	6.9	6.9	6.9
7+00	70000	1.61	7.0	7.0	7.0
7+10	71000	1.64	7.1	7.1	7.1
7+20	72000	1.66	7.2	7.2	7.2
7+30	73000	1.68	7.3	7.3	7.3
7+40	74000	1.71	7.4	7.4	7.4
7+50	75000	1.73	7.5	7.5	7.5
7+60	76000	1.75	7.6	7.6	7.6
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8+10	81000	1.87	8.1	8.1	8.1
8+20	82000	1.89	8.2	8.2	8.2
8+30	83000	1.91	8.3	8.3	8.3
8+40	84000	1.94	8.4	8.4	8.4
8+50	85000	1.96	8.5	8.5	8.5
8+60	86000	1.98	8.6	8.6	8.6
8+70	87000	2.01	8.7	8.7	8.7
8+80	88000	2.03	8.8	8.8	8.8
8+90	89000	2.05	8.9	8.9	8.9
9+00	90000	2.07	9.0	9.0	9.0
9+10	91000	2.10	9.1	9.1	9.1
9+20	92000	2.12	9.2	9.2	9.2
9+30	93000	2.14	9.3	9.3	9.3
9+40	94000	2.17	9.4	9.4	9.4
9+50	95000	2.19	9.5	9.5	9.5
9+60	96000	2.21	9.6	9.6	9.6
9+70	97000	2.24	9.7	9.7	9.7
9+80	98000	2.26	9.8	9.8	9.8
9+90	99000	2.28	9.9	9.9	9.9
10+00	100000	2.30	10.0	10.0	10.0



Budgetary- PROPOSAL

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

Date: 3/2/2016

MTG Engineers and Surveyors

Attn: Kayla Wood, P.E.

Phone: 903-838-8533

E-Mail: kwood@mtgengineers.com

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

Job Location: **Texarkana, TX**

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

Item No.	Description	Quantity	Unit	Unit Price	Total
1	MOBILIZATION	1.00	LS	\$8,100.00	\$8,100.00
2	RIGHT OF WAY PREP	4.30	STA	\$1,600.00	\$6,880.00
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Grand Total:					\$356,607.00

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



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Budgetary- PROPOSAL

Tatum Excavating Company, Inc.

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Texarkana, Texas 75501

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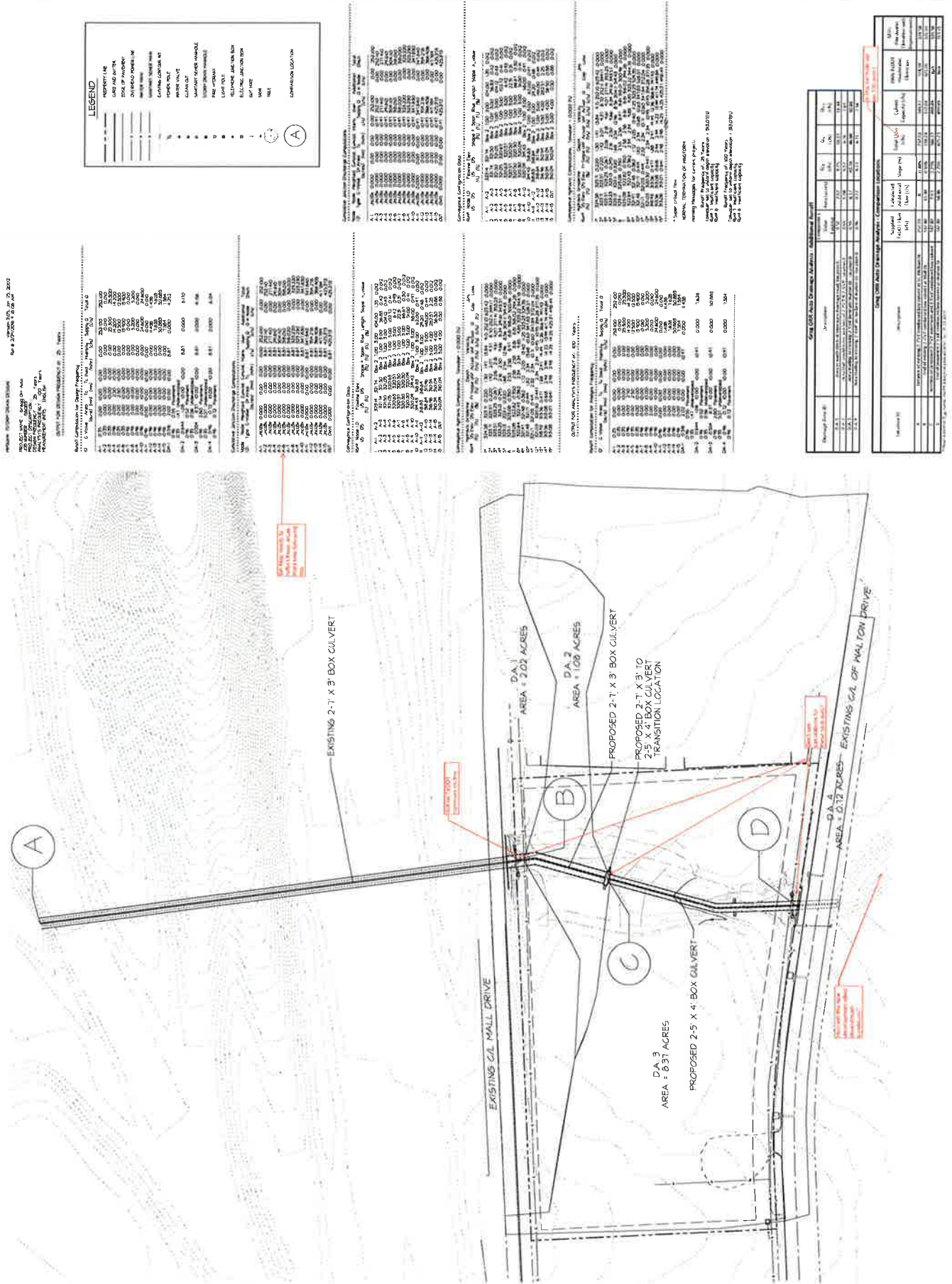
Note: We reserve the right to withdraw this proposal if not accepted within 30 calendar days.

TEC, Inc. Authorized Signature: _____

M Elhamy / 3/2/2016

Acceptance of Proposal: The above process, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outline above.





Fund 116 - TIRZ #1 Future Projection								
	2016	2017	2018	2019	2020	2021		
Beginning Fund Balance	483,038.83	1,026,062.62	1,578,062.91	2,132,746.78	2,692,424.50	3,262,414.51		
Ending Fund Balance	1,026,062.62	1,578,062.91	2,132,746.78	2,692,424.50	3,262,414.51	3,712,430.85		
2012 TIRZ Bond available balance	\$ 1,671,385.22	62,597.22	62,597.22	62,597.22	62,597.22	62,597.22		
AVAILABLE FUNDING	2,697,447.84	1,640,660.13	2,195,344.00	2,755,021.72	3,325,011.73	3,775,028.07		
Projected Obligations:								
2016-Caldera East reimbursement	1,000,000.00							
2016-Linear Park	508,788.00							
Ending available funds (2016)	1,188,659.84							
			2012 Bond Funding Approved (\$3.8M)	2012 Bond Funds Expended	2016 Potential Expenditure	Status		
Approved for bond/	Approved for Project List	Completed & Funded						
1 unallocated			\$ 100,000		\$ 100,000	Potential FY16 start; requires Council action; budget amendment		
2			\$ 500,000			No project start date		
3 57072			\$ 1,000,000		\$ 107,773	Adjusted estimate		
4 57076					\$ 508,788	Projected expenditures		
			\$ 9,000,000			Projected-Phase 1 @ \$3M approved; may require Council OK for bond expenditure		
5						No project start date		
6 57075			\$ 1,000,000	\$ 1,002,885	\$ 1,002,885	Complete 2015; legal fees \$32K		
7			\$ 2,000,000			No project start date		
8 57071			\$ 800,000	\$800,000		Completed		
9 57076			\$ 212,000	\$211,750	\$217,957	Completed; legal fees \$6.2K		
10			\$ 406,000			No project start date; possible FY17		
11			\$ 2,500,000			Added to list Jan 2016; Potential FY16		
12			\$ 213,000			Added to list Jan 2016		
			\$ 19,731,000	\$2,014,635	\$3,167,750	\$ 1,608,788		

\$2M remaining

Attachment: 2016-048 ATTH 5-Aerial view (1468 : 2016-048 RES amending the Approved Project List for TIRZ#1 and authorizing neogiated

Texarkana Water Utility - GIS



City of Texarkana, Texas

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

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

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

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

Potential Options:

- None

Fiscal Implications:

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

Staff Recommendation:

Utility staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

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

Staff Coordination

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

Meeting History

04/25/16	City Council	MOVED FORWARD	Next: 05/09/16
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RESOLUTION NO. 2016-050

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

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

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

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

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

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

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

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

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Bid Tabulation**McKnight Road
Water & Sewer Relocations****2:00 P.M. Tuesday, April 12, 2016**

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

Time First Bid Opened:	2:00 P.M
Number of Bidders:	2
Apparent Low Bidder:	RBIS, LLC

Bid Tabulation
MCKNIGHT ROAD
WATER SEWER RELOCATIONS

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

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

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Lead Department: Finance Department **Action Officer:** Kristin Peeples,
Subject: Resolution No. 2016-051 authorizing the City Manager to write-off
uncollectible accounts receivable.

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

Item Schedule

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

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

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

Potential Options:

- Approve or Deny

Fiscal Implications:

City of Texarkana, Texas

Elimination of uncollectible balances from the accounts receivable module

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

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

Staff Coordination

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

Meeting History

04/25/16	City Council	MOVED FORWARD	Next: 05/09/16
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RESOLUTION NO. 2016 - 051

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

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

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

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

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

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

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

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

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

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

Processing Weed Lot and Demolition Billing Through My Gov Software

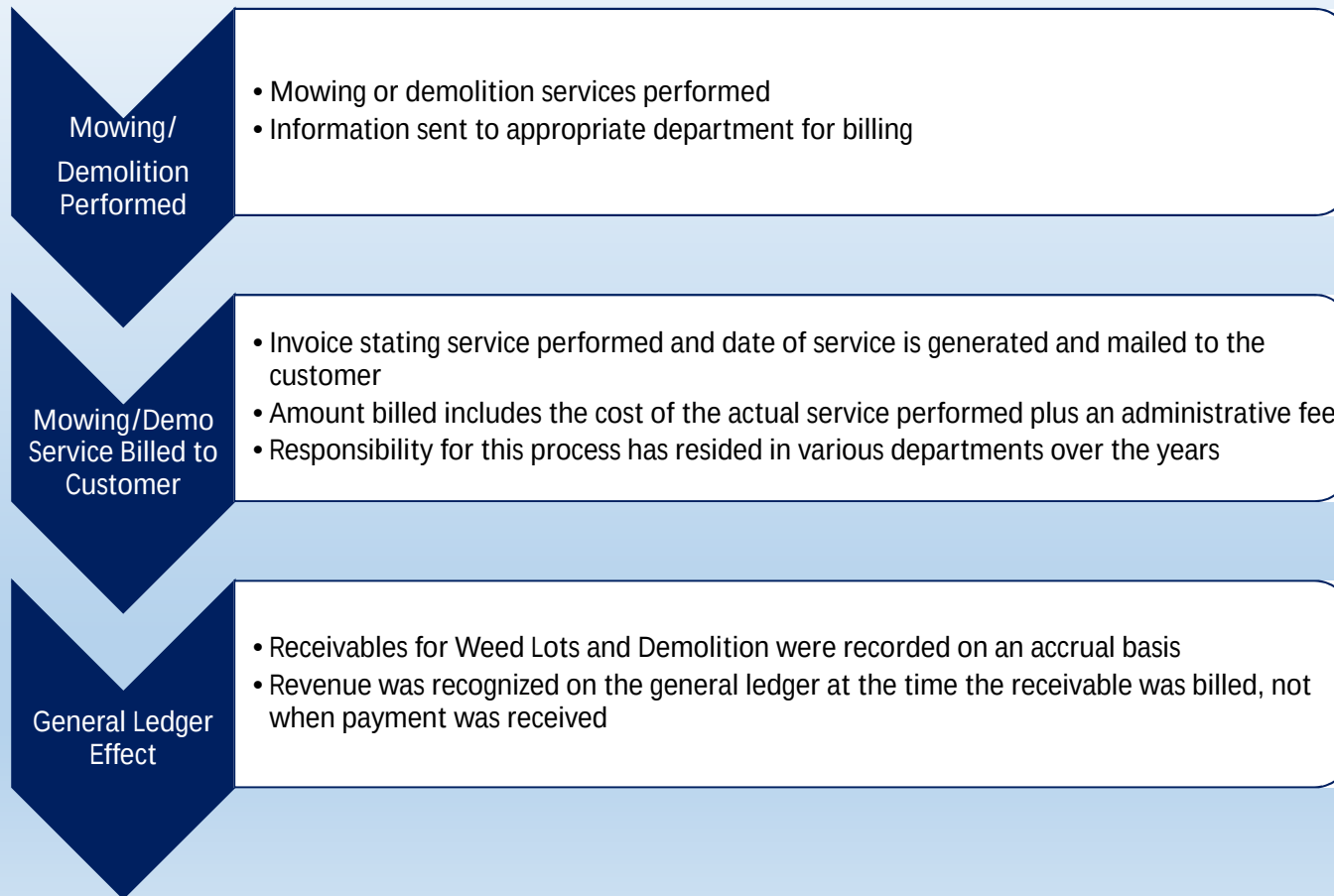
April 25, 2016



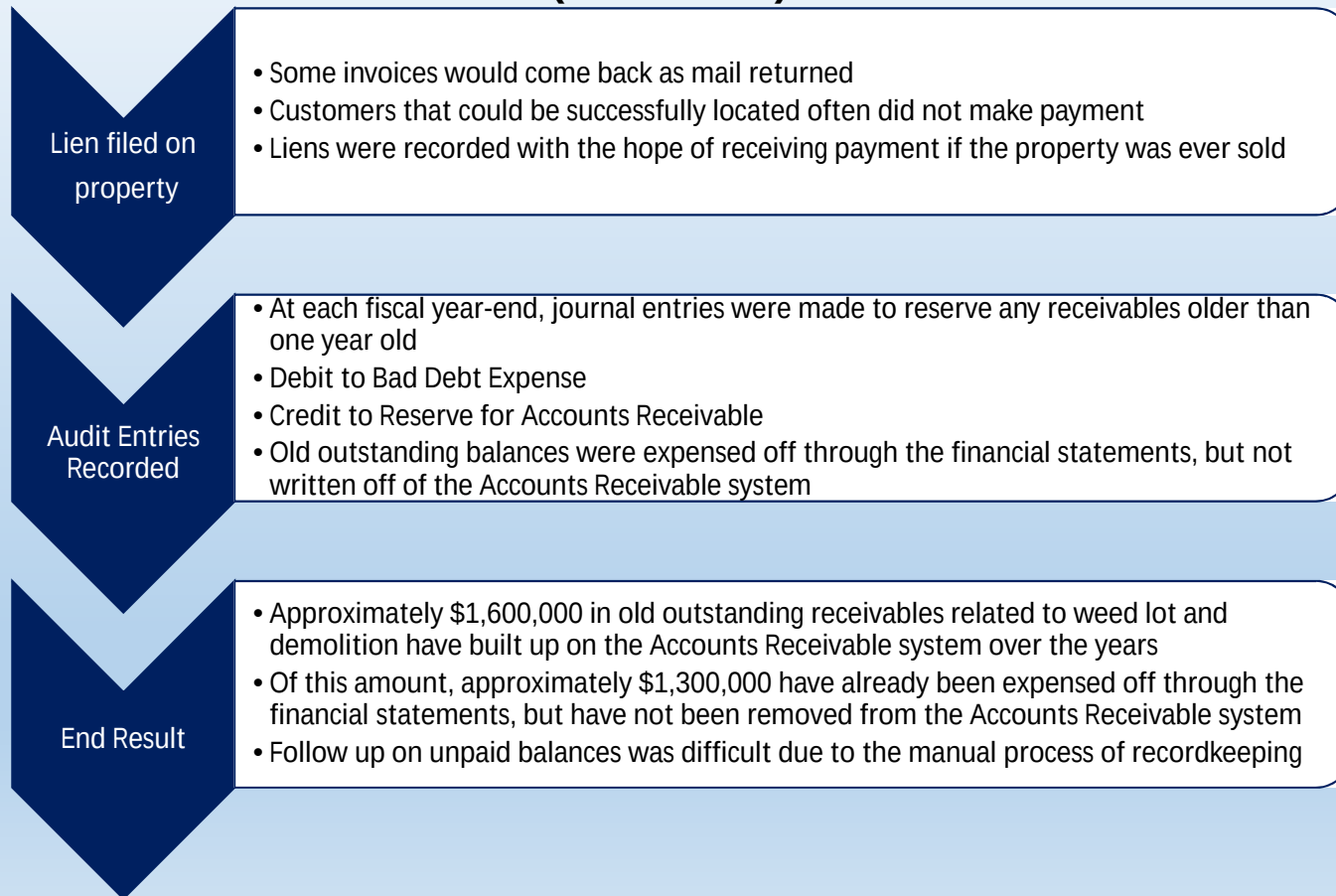
Springbrook Software

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

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



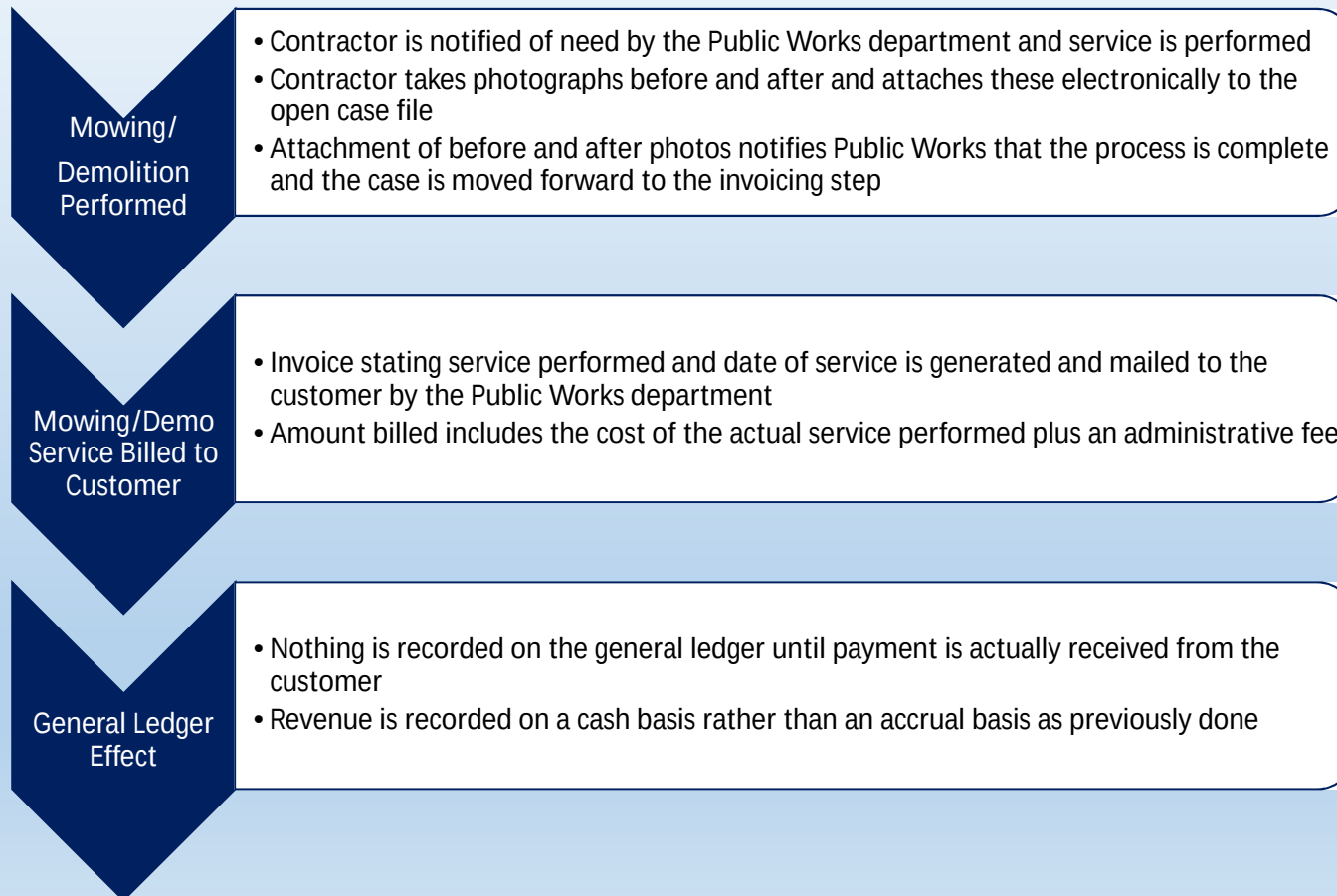
Former Process of Billing Weed Lots and Demolition Through Accounts Receivable Module in Springbrook (Continued)



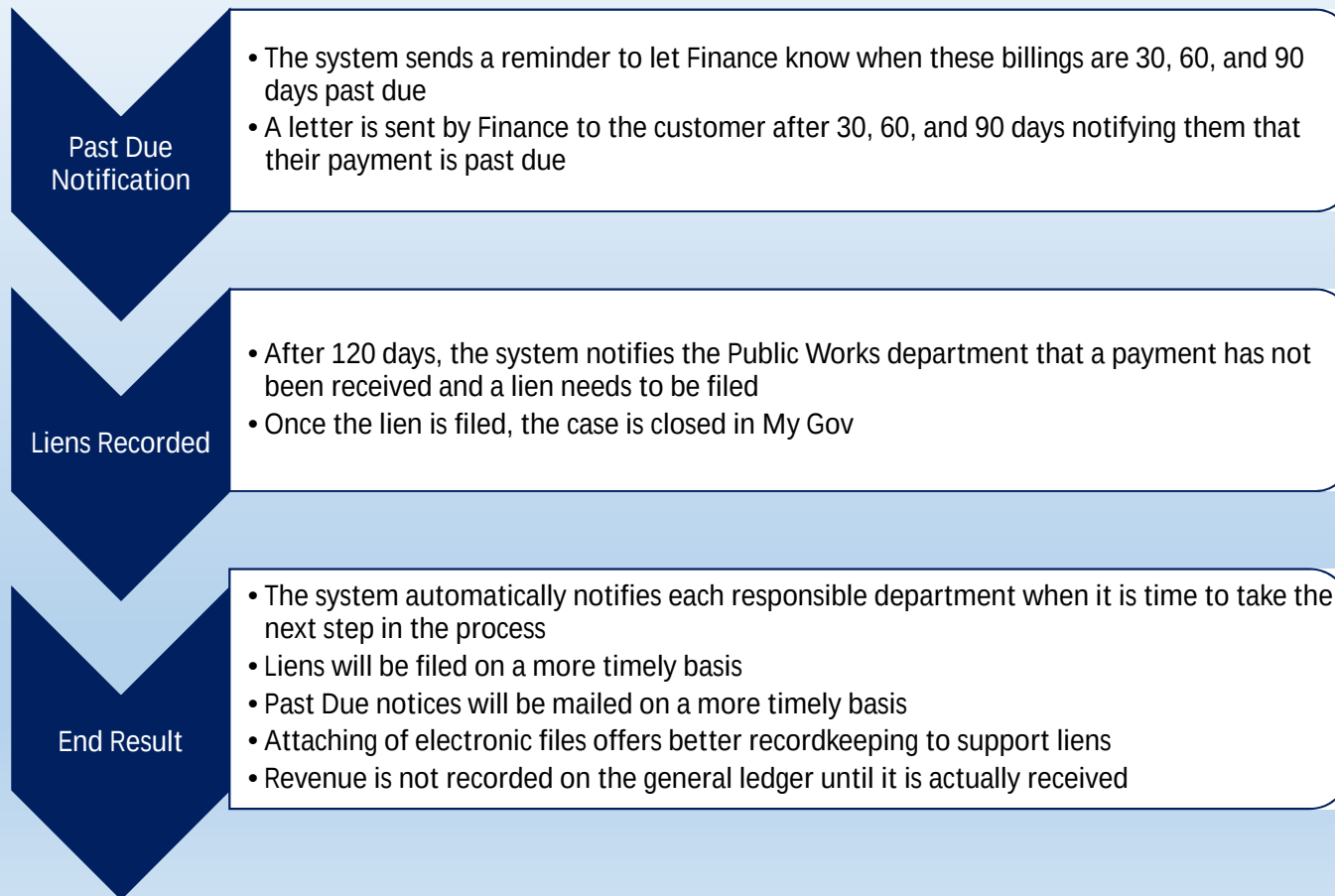
My Gov Software

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

New Process of Billing Weed Lots and Demolition Through My Gov



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



Accounts Receivable Aging Report Recap							
3/31/2016							
	Total	Available Credits	Under 30 Days	30 - 60 Days	60 - 90 Days	90-120 Days	Over 120 Days
Weed Lot	1,346,601.88	-	31,234.49	-	-	1,000.00	1,314,367.39
Demolition	232,032.48	-	10,854.77	46,686.53	-	27,150.82	147,340.36
Bowie County	659,567.11	-	6,245.42	-	-	-	653,321.69
Bowie Central Appraisal	131,279.72	-	14,997.28	-	-	-	116,282.44
Other	217,198.37	-	208,168.72	5,875.55	380.96	819.50	1,953.64
Total Receivables	2,586,679.56	-	271,500.68	52,562.08	380.96	28,970.32	2,233,265.52

Proposal For Write-Off**3/31/2016**

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

Accounts Receivable Aging Report Recap

3/31/2016

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

Proposal For Write-Off

3/31/2016

Total Receivable Balance as of 3/31/16	2,586,679.56
Under 30 Days	(271,500.68)
30-60 Days	(52,562.08)
60- 90 Days	(380.96)
90-120 Days	(28,970.32)
Bowie County	(653,321.69)
Receivables over 120 days and proposed for write-off	<u>1,579,943.83</u>

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

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: High

Other Potential Impacts:

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

Public Information Plan:

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

Other:

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

Accounts Receivable Aging Report Recap

3/31/2016

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

Proposal For Write-Off

3/31/2016

Total Receivable Balance as of 3/31/16	2,586,679.56
Under 30 Days	(271,500.68)
30-60 Days	(52,562.08)
60- 90 Days	(380.96)
90-120 Days	(28,970.32)
Bowie County	(653,321.69)
Receivables over 120 days and proposed for write-off	1,579,943.83

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

City of Texarkana, Texas

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

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

Item Schedule

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

Updates/History of Briefing:

Not applicable.

Executive Summary and Background Information:

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

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

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

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

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

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

City of Texarkana, Texas

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

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

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

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

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

Advisory Board/Committee Meeting Date and Minutes:

April 4, 2016

Attachments

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

Staff Coordination

Planning and Community Development
Completed

Daphnea Ryan
04/14/2016 1:59 PM

Department Head Review

City of Texarkana, Texas

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

Meeting History

04/25/16	City Council	MOVED FORWARD	Next: 05/09/16
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Z-16-6

ORDINANCE NO. 2016-052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 15, 16 & 17, BLOCK 2, COWHORN PLAZA II SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF GALLERIA OAKS DRIVE AND CHRISTUS DRIVE IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-2 TO PLANNED DEVELOPMENT-OFFICE; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Office**; and

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

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

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

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

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Planned Development-Office**.

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

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

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

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

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



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

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

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

Preamble

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

Recitals

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

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

All that certain tract or parcel of land situated in the J.M. Goffe Headright Survey A-244, Bowie County, Texas, being a portion of Lot No. 3 of the Subdivision of said Goffe Headright Survey, subject tract being a portion of a certain 19.408 acre tract of land conveyed from Lawrence A. Crutcher, to Aven C. Williamson, by deed dated March 16, 1999, of record in Volume 3029, page 253, Real Property Records, Bowie County, Texas, all of a certain 1.342 acre tract of land conveyed from Austin L. Whiteside, to Aven C. Williamson, by deed dated March 17, 1999, of record in Volume 3029, page 248, Real Property Records, Bowie County, Texas and all of a certain 1.854 acre tract of land conveyed from Francine Ethridge Huckabee, to Aven C. Williamson, by deed dated May 20, 1999, of record in Volume 3064, page 141, Real Property Records, Bowie County, Texas, being more particularly described by metes and bounds as follows:

COMMENCING at an axle found at the Southeast corner of said Goffe Headright Survey;
THENCE: N 89°12' 43" W, 1642.46 feet to a 1/2" iron pin found at the Southeast corner of the above referenced 19.408 acre tract, said point being the Southwest corner of Northwood Revised Addition, a subdivision of a part of the J.M. Goffe Headright Survey A-244, and Section 11, of the

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M.E.P. & P. Railway Company Survey A-428, Bowie County, Texas, according to the plat thereof recorded in Volume 532, page 456, Plat Records, Bowie County, Texas, said point being on the South line of said Lot No. 3;

THENCE: N 00°127'01" 06" W, with the East line of said 19.408 acre tract, same being the West line of said Northwood Revised Addition, 30.00 feet to a 1/2" iron pin set at the POINT OF BEGINNING for the herein described tract of land;

THENCE: N 89°127'15" 05" W, 30.00 North of and Parallel to the South line of said 19.408 acre tract, 796.00 feet to a 1/2" iron pin set for corner on the West line of said 19.408 acre tract, said point being on the East line of Block No. 1 of Cowhorn Plaza Subdivision, a part of the J.M. Goffe Headright Survey A-244, Bowie County, Texas, according to the plat thereof recorded in Volume 2939, page 318, Real Property Records, Bowie County, Texas;

THENCE: N 00°127'14" 42" E, with the West line of said 19.408 acre tract, same being the East line of said Block No. 1 of Cowhorn Plaza Subdivision, 1054.42 feet to a 1/2" iron pin found for corner at the Southwest corner of a certain tract of land conveyed to Mark Smithers by deed of record in Volume 2024, page 187, Real Property Records, Bowie County, Texas;

THENCE: S 89°127'33" 23" E, with the South line of said Smithers Tract, 132.50 feet to a 1/2" iron pin found at the Southwest corner of said Smithers Tract;

THENCE: N 00°127'26" 38" E, with the East line of said Smithers tract, 186.00 feet to a 1/2" iron pin found at the Northeast corner of said Smithers tract, said point being the upper Northwest corner of said 19.408 acre tract, said point also being in the South Right of Way line Farm to Market Road No. 2240 (Moore's Lane);

THENCE: S 89°127'33" 22" E, with the North line of said 19.408 acre tract, same being the South Right of Way line of said Farm to Market Road No. 2240, at 132.50 feet past the Northwest corner of the above referenced 1.854 acre Huckabee tract and continuing at 332.50 feet past its Northeast corner, same being the Northwest corner of the above referenced 1.342 acre Whiteside Tract and continuing at 477.30 feet past its Northeast corner and continuing in all a total distance of 657.11 feet to a 1" iron pin found at the Northeast corner of said 19.408 acre tract, said point being the Northwest corner of said Northwood Revised Subdivision;

THENCE: S 00°127'01" 06" E, with the East line of said 19.408 acre tract, same being the West line of said Northwood Revised Subdivision, 1244.69 feet to the PLACE OF BEGINNING and containing 22.056 acres of land more or less.

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

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

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

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

ARTICLE I

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Restrictions for Cowhorn Plaza II - Page 4

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

ARTICLE II

DEVELOPMENT AND ANNEXATION OF LAND

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

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

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

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

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

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

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Restrictions for Cowhorn Plaza II - Page 5

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

ARTICLE III

BUILDING AND USE RESTRICTIONS

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

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

(A) Office, commercial and financial related activities.

(B) Business services or any other commercial use.

(C) Storage and warehousing.

(D) Wholesale distribution.

(E) Manufacturing or processing where conducted as follows:

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

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

(F) Health related facilities.

(G) Restaurants.

(H) Retail.

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

(A) Industrial uses.

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

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

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

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

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

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

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Restrictions for Cowhorne Plaza II - Page 7

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

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

3.09 Repairs and Maintenance.

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

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

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

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5. Keeping exterior lighting and mechanical facilities in working order.
6. Keeping lawn and landscaped areas alive, free of weeds and attractive.
7. Keeping parking areas, driveways and roads in good repair.
8. Complying with all government, health and police requirements.
9. Striping of parking areas and repainting of Improvements.
10. Repair of exterior damage, and wear and tear to Improvements.

3.10 Construction Standards.

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

1. A detailed site plan.
2. Elevations showing all sides of the proposed Improvement.
3. A detailed landscape plan including a sprinkler system plan which specifies the species, size and number of all vegetation to be utilized in performing the landscaping.
4. A detailed description, including exterior finish colors, and roof materials, of all building materials to be utilized in the construction.
5. Detailed Plans and Specifications.

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

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Restrictions for Cowhorn Plaza II - Page 9

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

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

1. Provide adequate fire protections systems;
2. Provide for all underground utilities (public and private); and
3. Preserve the quality and atmosphere of the Property and do not detract from adjacent portions of the Property

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

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

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

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

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

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Restrictions for Cowhorn Plaza II - Page 10

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

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

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

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

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

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

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

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Restrictions for Cowhorn Plaza II - Page 11

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

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

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

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

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

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Restrictions for Cowboro Plaza II - Page 12

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ARTICLE IV

ARCHITECTURAL COMMITTEE

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

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

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

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

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

- (A) Construction of any building, fence, wall, or other structure.
- (B) Any exterior addition, change, or alteration in any building, fence, wall, or other structure.
- (C) Any landscaping or grading of any Lot or Lots.

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

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Restrictions for Cowborn Plaza II - Page 13

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

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

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

ARTICLE V

EASEMENTS

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

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

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

ARTICLE VI

MISCELLANEOUS

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

6.02 Amendment.

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

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

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

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Restrictions for Cowhoro Plaza II - Page 15

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

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

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

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

6.08 Enforcement and Non-waiver.

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

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

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

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

6.09 Construction.

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

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

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

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

EXECUTED this the 20th day of December, 2001.

DECLARANT/DEVELOPER:


AVEN C. WILLIAMSON

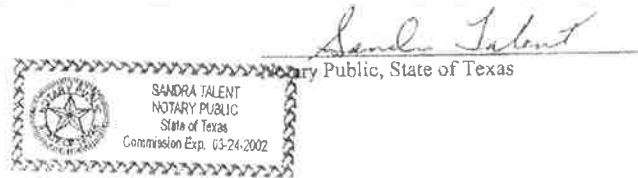
Declaration of Covenants, Conditions, and
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ACKNOWLEDGMENT

STATE OF TEXAS)
)
 COUNTY OF BOWIE)

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



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City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

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

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

Item Schedule

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

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

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

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

The site plan presented shows the following:

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

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

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

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

City of Texarkana, Texas

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

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

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

Advisory Board/Committee Meeting Date and Minutes:

April 4, 2016

Attachments

- a. 2016-053 ORD amending PD-16-2 (PDF)
- b. 2016-053 ORD ATTH 01 Site Plan (PDF)
- c. 2016-053 ORD ATTH 02 Aerial Site Plan (PDF)
- d. 2016-053 ORD ATTH 03 Maps (PDF)
- e. Goals & Perspectives (PDF)

Staff Coordination

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

Meeting History

04/25/16 City Council MOVED FORWARD Next: 05/09/16

ORDINANCE NO. 2016-053

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

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

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

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

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

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

SECTION 1: That the site plan (**Exhibit 'A'**) submitted to allow for the construction an office building on Lots 15, 16 & 17, Bock 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive in the City of Texarkana, Texas, Bowie County, Texas, be and is hereby approved and hereby amends PD-16-2(O).

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

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

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

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

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

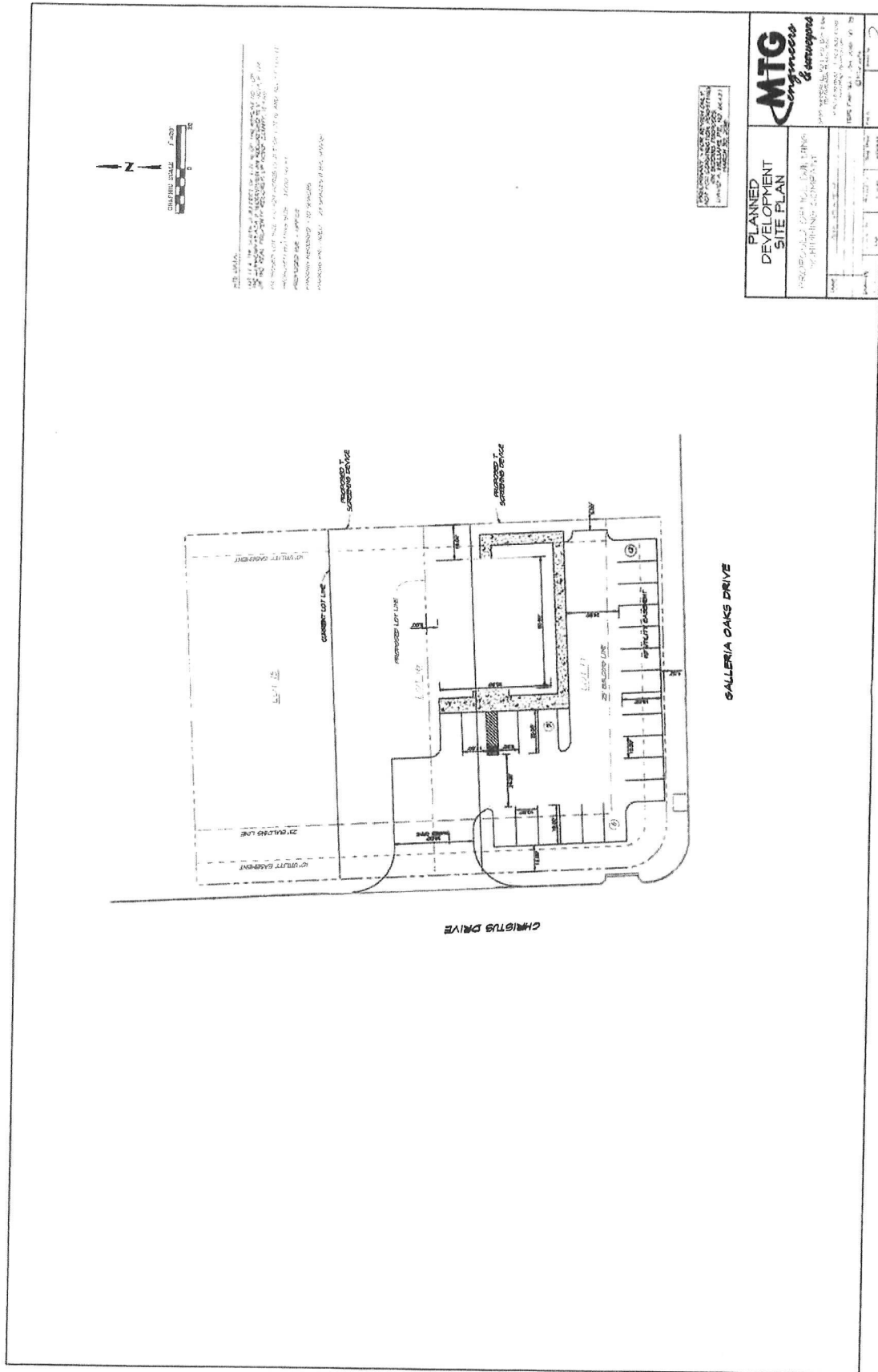
PASSED AND APPROVED in Regular Council Session on this the **13th day of June, 2016.**

ATTEST:

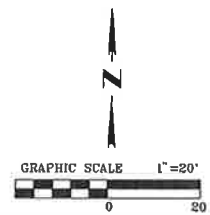
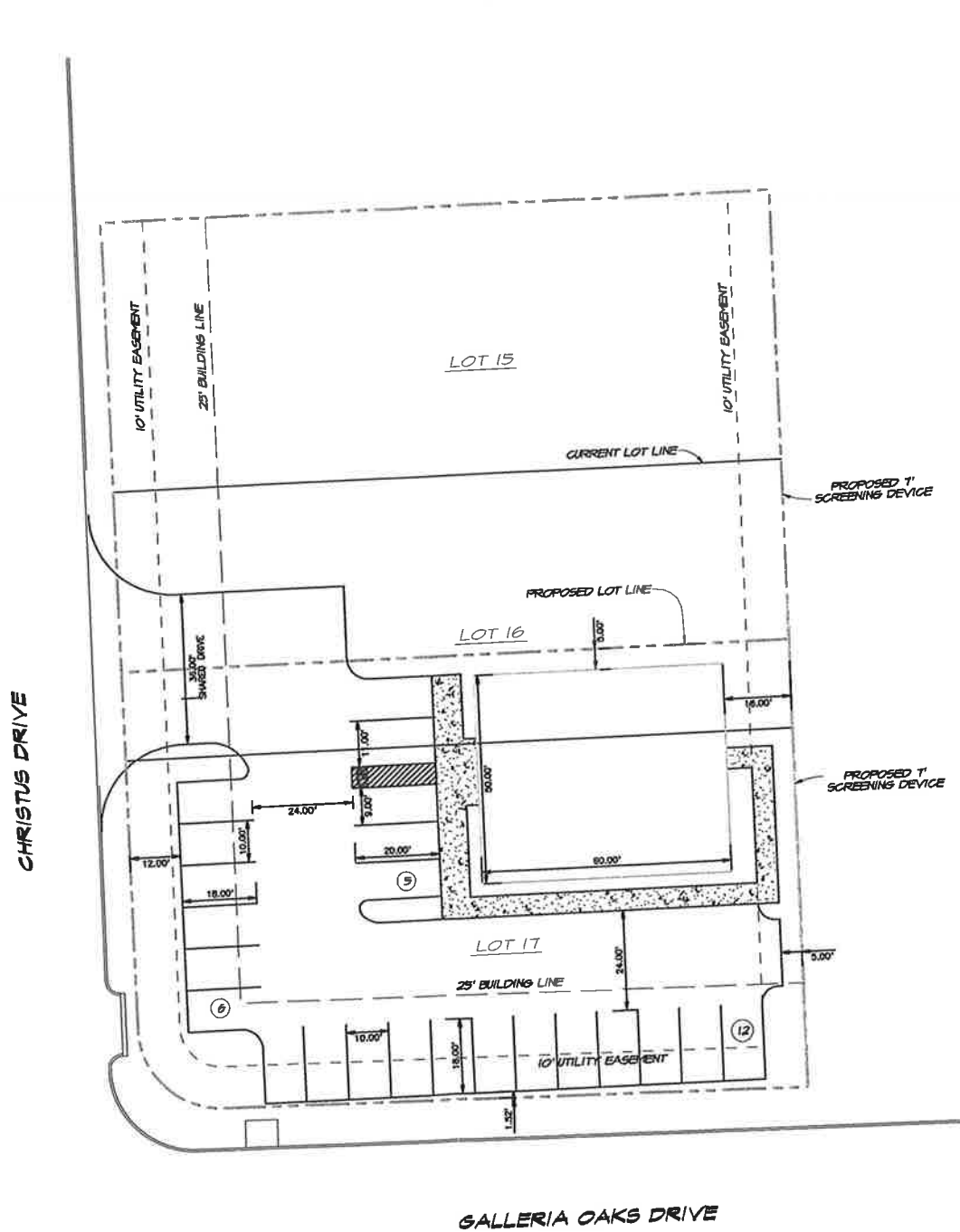
JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT 'A'



X:\2016 Projects\2016 New Jobs\Ken Schimming\Concept_02.dwg
Mon Apr 4, 2016 3:55PM

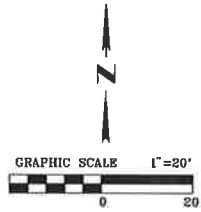


SITE DATA:
LOT 17 & THE SOUTH 21.30 FEET OF LOT 16 OF THE REPLAT NO. 1 OF THE GONHORN PLAZA II SUBDIVISION AS RECORDED IN V. 4014, P. 124 OF THE REAL PROPERTY RECORDS OF BOHME COUNTY, TEXAS
PROPOSED LOT SIZE = 0.429 ACRES (5 21.3' OF LOT 16 AND ALL OF LOT 17)
PROPOSED BUILDING SIZE = 3,000 SQ FT
PROPOSED USE = OFFICE
PARKING REQUIRED = 10 SPACES
PARKING PROVIDED = 23 SPACES (1 W/C SPACE)

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

PLANNED DEVELOPMENT SITE PLAN				MTG <i>engineers & surveyors</i>	
PROPOSED OFFICE BUILDING SCHIMMING COMPANY					
Date	Revision/Description			5430 SUMMERHILL RD. P.O. BOX 3186 TEXARKANA, TEXAS 75501 P 409.836.8533 F 409.832.4100 www.mtgengineers.com TBPE FIRM NO. F-354 ASBL NO. 125 © MTG 2016	
Drawn By	Checked By	Project No.	Orig. Date	File No.	Sheet No.
XXX	XXX	XXXXXX	XX/XX/XX		2

\\s015\Projects\2016 New Jobs\Aerial Site Plan\Schimming\Concept_02.dwg
Mon Apr 4, 2016 3:55pm



SITE DATA:

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

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

PROPOSED BUILDING SIZE = 3,000 SQ FT

PROPOSED USE = OFFICE

PARKING REQUIRED = 10 SPACES

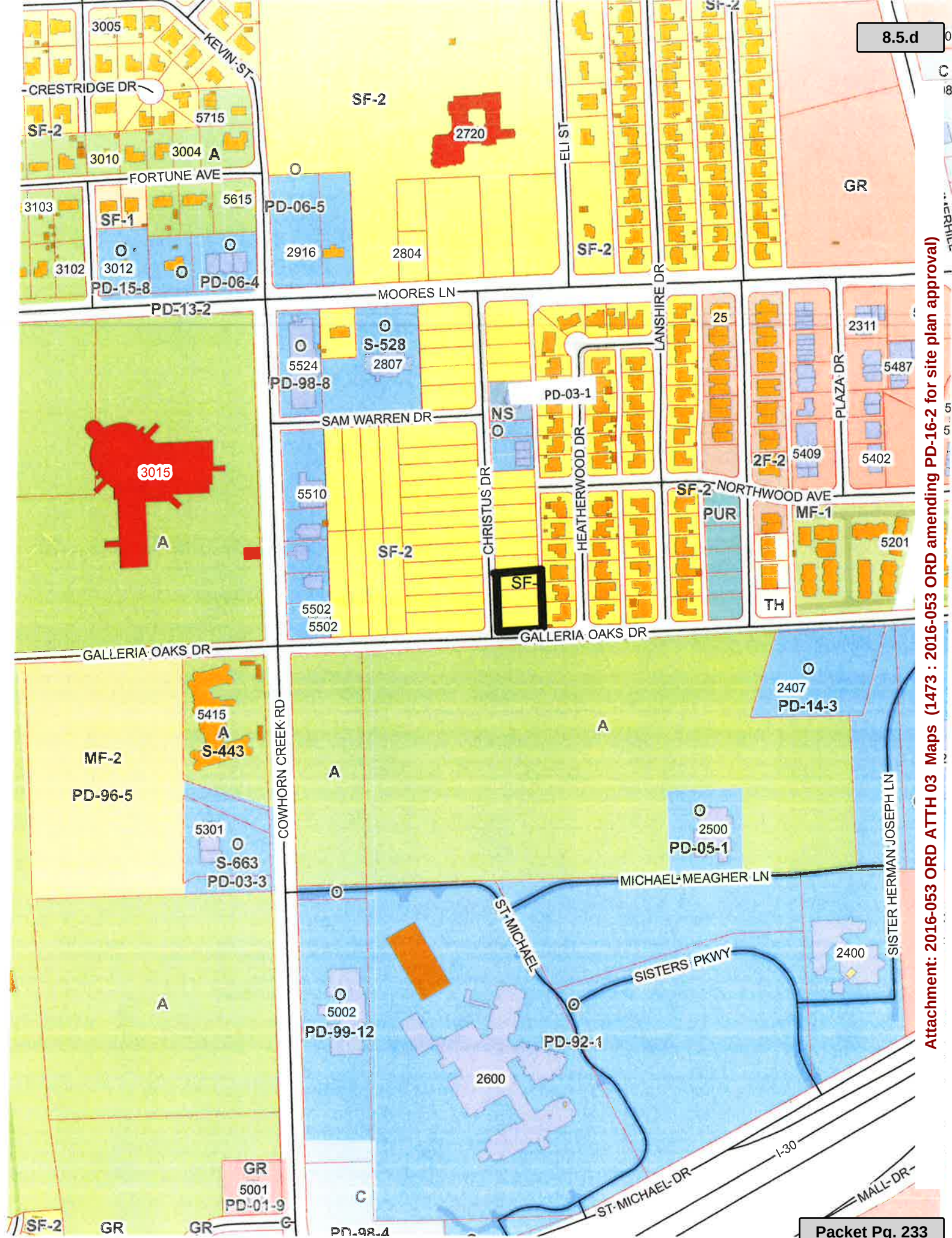
PARKING PROVIDED = 23 SPACES (11 HC SPACE)

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

PLANNED DEVELOPMENT SITE PLAN			
PROPOSED OFFICE BUILDING SCHIMMING COMPANY			
Date	Revision/Description		
Drawn By XXX	Checked By XXX	Project No. XXXXXX	Dwg. Date XX/XX/XX
File No.		Sheet No. 2	

5930 SUMMERHILL RD | P.O. BOX 3706
TEXARKANA, TEXAS 75501
P 903.550.8553 | F 903.532.4100
www.mtgengineers.com

TBPE FIRM NO. F-354 | ASBL NO. 125
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Attachment: 2016-053 ORD ATTH 03 Maps (1473 : 2016-053 ORD amending PD-16-2 for site plan approval)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

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

City of Texarkana, Texas

Lead Department: Finance Department**Action Officer:** Kristin Peeples,**Subject:** Resolution No. 2016-054 establishing a General Fund Balance Policy.

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

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

Not Applicable

Executive Summary and Background Information:

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

**Your
Score****Analytical Guidance****8 - 16**

You face minimal risk to retain through reserves. Consider a target equal to the GFOA minimum recommended reserve of 16.6% of revenues/expenditures.

17-24

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

City of Texarkana, Texas

25-31 You face a moderate to high level of risk to retain through reserves. Consider adopting a target amount of reserves significantly higher than the GFOA recommended minimum (e.g., 26 - 35%). Consider a short, informal benchmarking survey as a starting point, but then analyze your most significant risk factors to make sure they are adequately covered by what the survey suggests is reasonable.

32 - 40 You face a high level of risk to retain through reserves. Consider adopting a much higher target than the GFOA minimum (e.g., greater than 35%). Consider performing a more in depth analysis of the risks you face to arrive at target level of reserved that provides sufficient coverage.

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

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

Potential Options:

- Approve
- Deny

Fiscal Implications:

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

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

Not Applicable

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

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

City of Texarkana, Texas

Staff Coordination

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

Meeting History

04/25/16	City Council	MOVED FORWARD	Next: 05/09/16
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RESOLUTION NO. 2016 - 054**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER
TO ESTABLISH A GENERAL FUND BALANCE POLICY; AND
ESTABLISHING AN EFFECTIVE DATE.**

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

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

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

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

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas General Fund Balance Policy

Purpose

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

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

Definitions

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

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

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

EXHIBIT 'A'

Policy**Committed Fund Balance**

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

Assigned Fund Balance

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

Unassigned Fund Balance

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

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

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

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

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

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

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

EXHIBIT 'A'

Order of Expenditure of Funds

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

Monitoring and Reporting

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

City of Texarkana, Texas

General Fund Balance Policy

Purpose

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Guiding Your Selection of a Fund Balance Target

Step 1. Determine your total score from the risk factors

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

Step 2. Preliminary Analysis

Compare your score from Step 1 to the guidelines below.

Your Score

Analytical Guidance

8 - 16

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17-24

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32 - 40

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

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

2 Government Size

- +2 We are under 50,000 in population
- 0 We are between 50,000 and 300,000 in population
- 4 We are over 300,000 in population

-3 Budget Practices

- 3 The budget has a formal contingency beyond what is being considered for this reserve.
- 2 The budget has informal contingencies beyond what is being considered for the reserve.
- 0 The budget is lean and has no contingencies in it.

-2 Borrowing Capacity

- 3 We have excellent external and internal borrowing capacity, including a good rating, little existing debt, and political will to use it.
- 2 We have some external and/or internal borrowing capacity and political will could be mobilized to use it.

0 We have little or no borrowing capacity.

Step 4. Consider Impact of Commitments/Assignments, Outsider Perceptions & Political Support

Place an "X" next to each statement that applies to you.

Commitments and Assignments

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

Outsider Perceptions

☐ Rating agencies have given us a target level of reserve for getting a good rating. If so, use that target in place of or in addition to a benchmarking survey to provide guidance on starting point for your target.

☒ The public is likely to question reserve levels as too high. If so, be sure to document your analysis findings in the other sheets.

Political Support

☐ The governing board places great weight on the policies of comparable jurisdictions. If so, conduct a benchmarking survey that includes governments the board preceives as relevant.

☐ The board places great weight on rating agency recommendations. If so, tie the reserve target recommendation to rating agency recommendations or standards.

☐ The board places great weight on GFOA recommendations. If so, use this analysis and GFOA's Best Practices to support your recommendation.

Step 5. Putting it All Together

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

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

B. Review results of Step 4.

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

C. Proceed with finalizing target

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

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

General Fund Balance By Fiscal Year

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

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
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Manage the Resources	☒ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

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

Public Information Plan:

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

Other: