



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • MAY 24, 2021

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

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

Staff Present: Interim City Manager David Orr, Vicky Coopwood, Jennifer Evans, Karey Parker, Robby Robertson, Eric Schlotter, Vashil Fernandez, Kristin Peebles, Mashell Daniel, Sherry Jackson Hawkins, J. D. Phillips, Gary Smith, Shanna Whiseant, Lisa Thompson and Dusty Henslee.

Legal Counsel: Jeff Lewis.

II. INVOCATION BY COUNCIL MEMBER JAY DAVIS

The Eagle Patrol of Boy Scout Troop 16 led the Pledge of Allegiance.

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, June 14, 2021 at 6:00 p.m. (Summer schedule)

Monday, July 12, 2021 at 6:00 p.m. (Summer schedule)

Monday, August 9, 2021 at 6:00 p.m.

Monday, August 23, 2021 at 6:00 p.m.

The Intergovernmental Advisory Committee (IAC) for the Bi-State building will meet on Thursday, June 10, 2021, at 10:30 a.m. This meeting will be held at the Bi-State Justice Center, 100 North State Line Avenue, Texarkana, Arkansas, in the TAPD Training Room 101 - First Floor.

Texarkana Farmers Market - Summer 2021

305 Texas Blvd. - Every Saturday - 7:00 a.m. Until Sold Out

May 29 Live Music

June 5 National Egg Day

June 12 Be Healthy with Bren Gonzales

Parks & Recreation Events:

June 1	Rotary Splash Opens	Spring Lake Park
June 5-6	USSSA Baseball Tournament	Spring Lake Park
June 10-12	Dixie All-Star Tournament	Spring Lake Park
June 14	High School Softball League begins	Karrh/Wallace Parks
June 21	Summer Camp begins	Southwest Center

Movies in Spring Lake Park - *Movies begin at dusk and concession stand will be open.*

Thursday, May 27 - "Wonder Woman 1984" - across from the Lockheed T-33A airplane

Thursday, June 3 - "Field of Dreams" - Dobson Field

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

The Mayor reminded everyone of the groundbreaking for the new airport terminal project at Texarkana Regional Airport on Saturday, June 12th at 11:30 a.m..

IV. SPECIAL RECOGNITION

Eagle Scout Playground Project

The Eagle Patrol, part of Boy Scout Troop 16, has selected a project involving the construction of an all inclusive playground that will be located in Spring Lake Park. The playground will be designed for children with disabilities covering all spectrums.

The Eagle Patrol consists of six members: Alex Orr, Marshall Hackworth, Dolan Graham, Ben Maxey, Frank Delk, and Damon Whiseant. Joel Orr is the troop leader.

Miss Texarkana Pageant

Mike and Donna Berry were recognized for their 41 years of hosting the Miss Texarkana and Miss America programs. They have been instrumental in bringing these programs to the community and opportunities for local young women. The Berrys thanked the city and community for all of their support throughout the years.

V. WASTE MANAGEMENT RECYCLING UPDATE - BY DOUG SIMS

Waste Management has received TCEQ approval for transfer station modifications at the West 7th Street facility. The start-up date will be July 1st and will reflect a small increase on the water bill. There will be no changes in the type of recyclable items.

(WM 10-1-2021 Pricing Sheet document)

RESULT:	CLOSE ACTION
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VI. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

Jimmy Young addressed council about inadequate customer support and increased traffic flow at the Texarkana Water Utilities office.

Cylestine Thornton expressed concern over the projected boundaries for the proposed creation of the Downtown Entertainment District.

Rose Cruson spoke about unsafe conditions near her home due to nuisance tenants and disinterested property owners.

VII. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Council Member Hart recommended the appointments of Vashil Fernandez to the MPO Technical Board and David Orr to the MPO Policy Board.

Council Member Davis recommended the reappointment of Denis Washington to the Housing Finance Corporation.

1. Council confirmation of appointments/reappointments to MPO boards and the Housing Finance Corporation.

(6:44 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Harp, Davis
ABSENT:	Williams, Page

VIII. ITEMS FOR CONSIDERATION***Consent Items***

(6:46 pm)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on April 26, 2021 at 6:00 PM.
2. Consider approval of the minutes of the Regular Meeting of the City Council held on May 10, 2021 at 6:00 PM.
3. Resolution No. 2021-037 assembling a Budget Advisory Committee to advise the City Council on the proposed fiscal year 2021-22 city budget.

Public Hearing:

Council Vote: May 24, 2021

4. Resolution No. 2021-038 authorizing the Interim City Manager to execute a contract with Smith Ready Mix, Inc. of Texarkana, Texas, in an amount not to exceed \$430,350, with funds available in the fiscal year 2021 Street Maintenance General Fund, to supply concrete materials used in the construction and maintenance of streets, alleys, bridges and storm drains.

Public Hearing:

Council Vote: May 24, 2021

5. Resolution No. 2021-039 authorizing the Interim City Manager to execute a contract with Kampco Inc. of Texarkana, Arkansas, in an amount not to exceed \$168,320.21, with funds available in the 2020-21 Texas Capitol Improvement Fund, for the Moores Lane Gin Road 8" Water Main Extension Project.

Public Hearing:

Council Vote: May 24, 2021

6. Resolution No. 2021-040 authorizing the Interim City Manager to execute a contract with Kampco, Inc. of Texarkana, Arkansas, in an amount not to exceed \$117,430.18, with funds available in the 2020-21 Texas Capitol Improvement Fund, for the Gin Road Lift Station and 8" Sewer Main Extension Project.

Public Hearing:

Council Vote: May 24, 2021

*Action Items - None***IX. FIRST BRIEFINGS**

1. Ordinance No. 2021-030 rezoning a 1.38-acre tract of land (being Tract 63) in the M. E. P. & P. RWY CO. HRS, A-434, located north of 100 Gazola Street. Single Family-2 to Multiple Family-2. Cody Barling, owner.

Public Hearing: June 14, 2021
Council Vote: June 14, 2021

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 6/14/2021 6:00 PM
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2. Ordinance No. 2021-031 rezoning Lots 11, 12, 13 and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street. Single Family-2 to Single Family-3. Angelica Archie, owner.

Public Hearing: June 14, 2021
Council Vote: June 14, 2021

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 6/14/2021 6:00 PM
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3. Ordinance No. 2021-032 granting a Specific Use Permit to allow the location of a double-wide HUD code manufactured home on Lots 11, 12, 13 and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street. Angelica Archie, owner.

Public Hearing: June 14, 2021
Council Vote: June 14, 2021

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 6/14/2021 6:00 PM
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4. Ordinance No. 2021-033 amending PD-20-1 (GR) for site plan approval on a 1.182-acre tract of land being part of Lot 1, Block 1, Marriott Subdivision, located at 3100 St. Michael Drive. Ray Walsh, owner. Yuri Hawley and Richard Reynolds, agents.

Public Hearing: June 14, 2021
Council Vote: June 14, 2021

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 6/14/2021 6:00 PM
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5. Ordinance No. 2021-034 rezoning Lots 19 and 20, Block, 5 Greater Texarkana Addition, located at 605 Ward Avenue. Single Family-2 to Single Family-3. Gregory London, owner.

Public Hearing: June 14, 2021
Council Vote: June 14, 2021

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 6/14/2021 6:00 PM
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6. Ordinance No. 2021-035 granting a Specific Use Permit to allow the location of a double-wide HUD code manufactured home on Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue. Gregory London, owner.

Public Hearing: June 14, 2021
Council Vote: June 14, 2021

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 6/14/2021 6:00 PM
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7. Ordinance No. 2021-041 amending Chapter 21 "Alcoholic Beverages" of the Code of Ordinances by adding Section 21-5 "Creating a Downtown Entertainment District, providing for Open Container in said District at prescribed times.

Public Hearing: June 14, 2021
Council Vote: June 14, 2021

Lisa Thompson briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 6/14/2021 6:00 PM
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8. Resolution No. 2021-042 supporting a grant application to the Texas Department of Transportation for the 2019 Transportation Set-Aside (TASA) and Safe Routes to Schools (SRTS) Call for Projects for Kennedy Lane.

Public Hearing:
Council Vote: June 14, 2021

Vashil Fernandez briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 6/14/2021 6:00 PM
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9. Resolution No. 2021-043 supporting a grant application to the Texas Department of Transportation for the 2021 Transportation Set-Aside (TASA) and Safe Routes to Schools (SRTS) Call for Projects for Leopard Dr.

Public Hearing:

Council Vote: June 14, 2021

Vashil Fernandez briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 6/14/2021 6:00 PM
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X. PUBLIC HEARINGS

1. Resolution No. 2021-036 accepting and approving a proposal with Texarkana Symphony Orchestra for management services for the Perot Theatre.

Public Hearing: May 24, 2021

Council Vote: May 24, 2021

(7:11 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jay Davis, Ward 6
AYES:	Bruggeman, Matlock, Hart, Harp, Davis
ABSENT:	Williams, Page

XI. ITEMS FOR DISCUSSION

Staff Updates

Interim City Manager Orr said the Fort Worth District of the U. S. Army Corp of Engineers will hold a virtual meeting on June 3rd to discuss the City's and Riverbend's request to raise the lake to the ultimate rule curve and related environmental studies. The meeting is from 6:00 p.m. - 8:00 p.m.

Citizens were encouraged to provide feedback and complete a survey regarding the CDBG program, Community Development Block Grant, and the annual action plan. Surveys are available online and at City Hall.

Vashil Fernandez has been named as the Planning and Community Development Interim Director.

XII. ADMINISTRATIVE COMMENTS

1. City Council

Council had no administrative comments for staff.

2. City Staff

Staff had no administrative comments for Council.

XIII. CLOSED SESSION

The City Council convened into closed session pursuant to the following sections of the Texas Government Code:

A. Section 551.071 (Consultation with Attorney)

B. Section 551.074 (Personnel Matters) to discuss or deliberate the Interim City Manager's duties, responsibilities, and stipend, and authorization of an Interim City Manager contract.

C. Section 551.087 (Economic Development Negotiations)

(1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations:

a. Project E-Phoenix

(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1):

a. Project Lloyd Aqua

The City Council convened into open session to take any final action, decision, or vote on a matter deliberated in closed session.

XIV. RECONVENED INTO OPEN SESSION

XV. ACTION ITEM

1. Resolution No. 2021-045 authorizing the Interim City Manager Contract.

Public Hearing:

Council Vote: May 24, 2021

(8:14 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Harp, Davis
ABSENT:	Williams, Page

XVI. ADJOURNMENT

A motion was made to adjourn the meeting.

(8:14 p.m.)

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



Vicky Coopwood
Asst. City Secretary



Bob Bruggeman
Mayor

Briefing Sheet

Version:
Update Date: 5/20/2021 2:23 PM

Lead Department: City Manager

Action Officer: Jennifer Evans, City Secretary

Subject: (WM 10-1-2021 Pricing Sheet document)

Attachments

- a. WM 10_1_2021 Pricing Sheet (PDF)

City of Texarkana, TX

10/1/2021

FOR THE CUSTOMER TAB

RESIDENTIAL RATES (Includes 10% Franchise Fee)

Residential Rates	\$23.15	Residential Rate is \$21.44 + Recycling Add-On Rate of \$1.71
Extra Trash Cart	\$12.22	
Recycling Add-On	\$1.71	

Included in Residential Rate

COMMERCIAL HAND COLLECT (Includes 10% Franchise Fee)

	1XWK	2XWK	Additional totes over four must be approved by district manager and will be charged an extra \$19.82 per month per toter over and above the four toter charge.
Hand-PU (1-5 Bags)	N/A	N/A	
Hand-PU (6-10 Bags)	N/A	N/A	
Poly Cart-PU (1 Toter)	\$30.01	N/A	
Poly Cart-PU (2 Toter)	\$50.43	N/A	
Poly Cart-PU (3 Toter)	\$70.84	N/A	
Poly Cart-PU (4 Toter)	\$91.26	N/A	
Recycling PU (1 toter)	\$5.61	N/A	

COMMERCIAL RATES (Includes 10% Franchise Fee)

Container Size / Type	FREQUENCY PER WEEK							
	1XWK	2XWK	3XWK	4XWK	5XWK	6XWK	7XWK	EXTRA P
2 Yard FEL Container	\$113.96	\$170.87	\$199.37	\$227.97	\$256.35	\$313.54	N/A	\$74.02
3 Yard FEL Container	\$136.73	\$205.21	\$239.30	\$273.62	\$307.72	\$365.65	N/A	\$88.84
4 Yard FEL Container	\$159.60	\$239.30	\$279.28	\$319.18	\$359.09	\$438.86	N/A	\$103.60
6 Yard FEL Container	\$207.29	\$312.76	\$361.84	\$414.53	\$467.36	\$569.12	N/A	\$137.30
8-Yard FEL Container	\$239.24	\$319.18	\$414.61	\$599.49	\$653.87	\$755.89	N/A	\$155.40

See Other Charges Or Notes Below

Delivery	\$0.00
Lock Bar, One-Time	\$93.67
Casters, One Time	\$93.67
Redelivery Charge for non payment **	N/A
Snapshot Charge	Non-Exempt

COMMERCIAL FRONT LOAD COMPACTORS* (Includes 10% Franchise Fee)

Size	1x	2x	3x	4x	5x	6x	7x	XPU
2 yard FEL Compactor	\$267.65	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 Yard FEL Compactor	\$279.42	\$558.84	\$838.22	\$1,117.65	\$1,397.08	\$1,688.96	N/A	N/A
6 Yard FEL Compactor	\$329.48	\$659.00	\$988.49	\$1,318.00	\$1,647.50	\$1,894.60	N/A	N/A
8 Yard FEL Compactor	\$378.94	\$757.83	\$1,136.77	\$1,515.67	\$1,894.60	\$2,273.52	N/A	N/A

See Other Charges Or NotesBelow

Delivery	\$0.00	*Compactor Rate Does Not Include Rental (Choose one and delete the other)
Lock Bar, MONTHLY	N/A	
Casters	N/A	*Compactor Rate Includes Rental
Redelivery Fee for non payment	N/A	
Gate or Enclosure Fee	N/A	
Snapshot Charge	Non-Exempt	
Additional Charge	N/A	

Attachment: WM 10_1_2021 Pricing Sheet (2485 : WM Pricing Sheet)

COMMERCIAL FRONT LOAD RECYCLING CONTAINERS (Includes 10% Franchise Fee)

Size	1x	2x	3x	4x	5x	6x	7x	XPU
2 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 Yard FEL Container	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6 Yard FEL (Cardboard)	\$64.43	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 Yard FEL Cardboard	\$77.31	N/A	N/A	N/A	N/A	N/A	N/A	N/A
See Other Charges Or Notes Below								

Delivery	\$0.00
Lock Bar, MONTHLY	\$93.67
Casters MONTHLY	\$93.67
Redelivery Fee for non payment	N/A
Gate or Enclosure Fee	N/A
Snapshot Charge	Non-Exempt
Additional Charge	N/A

ROLL-OFF RATES (Includes 10% Franchise Fee)

Container Size / Type	Delivery Rate	Rental Rate	BY Month or Day Rate	Hauling Charge (Per Pull + Disp)	Haul Rate per Pull	Disposal Rate per ton
20 Yard (Open-Top)	\$130.66	\$6.13	Day	N/A	\$348.70	\$43.60
30 Yard (Open-Top)	\$130.66	\$6.13	Day	N/A	\$375.55	\$43.60
40 Yard (Open-Top)	\$130.66	\$6.13	Day	N/A	\$406.97	\$43.60
30 Yard (Compactor)	\$130.66	NEGOTIATED	Month	N/A	\$377.78	\$43.60
33 Yard (Compactor)	\$130.66	NEGOTIATED	Month	N/A	\$406.83	\$43.60
34 Yard (Compactor)	\$130.66	NEGOTIATED	Month	N/A	\$406.83	\$43.60
35 Yard (Compactor)	\$130.66	NEGOTIATED	Month	N/A	\$406.83	\$43.60
40 Yard (Compactor)	\$130.66	NEGOTIATED	Month	N/A	\$406.83	\$43.60
42 Yard (Compactor)	\$130.66	NEGOTIATED	Month	N/A	\$406.83	\$43.60
TRIP CHARGE RATE:			N/A			

NOTES / FREE SERVICES

City is exempt from fuel, environmental and RCR charges

Attachment: WM 10_1_2021 Pricing Sheet (2485 : WM Pricing Sheet)



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • APRIL 26, 2021

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

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

Staff Present: City Manager Shirley Jaster, Vicky Coopwood, David Orr, Jennifer Evans, Karey Parker, Mashell Daniel, Lisa Thompson, Eric Schlotter, Robby Robertson, Ross Cowling, J. D. Phillips, Gary Smith, and Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JEAN MATLOCK

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, May 10, 2021 at 6:00 p.m.

Monday, May 24, 2021 at 6:00 p.m.

Monday, June 14, 2021 at 6:00 p.m.

Parks & Recreation Events:

May 1 st	Sixth Annual Wine Fest	Spring Lake Park
May 1 st	Walk for Life	Spring Lake Park
May 3 rd	Commercial Softball League begins	Wallace Park
May 7 th - 9 th	Softball Tournament	Karrh Park
May 8 th	Community Wide Yard Sale & Electronics Recycling	Spring Lake Park

Minutes Acceptance: Minutes of Apr 26, 2021 6:00 PM (Consent Items)

Ribbon cutting for the Spring Lake Park Walk Through History, Wednesday April 28th at 11:30 a.m. 4303 North Park Road, park entry on the south end of the park, off Lynn Street.

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

The National Professional Fishing League (NPFL) held a tournament last week at Lake Wright Patman. The City was presented a plaque for its participation in hosting the event. The League complimented the City and other supporting sponsors for the community's hospitality. Council Member Harp thanked Natalie Haywood, of the Chamber of Commerce, and Ross Cowling, of the Parks and Recreation Department, for their hard work and efforts in coordinating this event.

IV. SPECIAL PRESENTATION - 9-1-1 TELECOMMUNICATOR OF THE YEAR AWARD

Megan McBain was the recipient of the 9-1-1 Telecommunicator of the Year Award presented by Rea Allen and Merle Luster of Ark-Tex Council of Governments. Ms. McBain was nominated by Tearkana Texas Police Officer Chris Nelson and was selected from 120 dispatchers across nine counties. She is truly a hidden hero for the citizens of Texarkana while also keeping our police officers safe. KUDOS to Megan!

V. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

Julie Ray Harrison, Fred Norton, Ruth Ellen Whitt, Van Alexander, and Kelly Mitchell addressed council in support of the appointment of David Orr as Interim City Manager.

Gary Gathright thanked the city for its continued support of the annual Wine Festival and he especially thanked Robby Robertson, Kenny Jordan, and Jerry Tittle of the Parks and Recreation Department.

VI. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Bruggeman reappointed Denis Washington to the TexAmericas Center Board.

1. Council confirmation of Mayoral reappointment of Denis Washington to TexAmericas Center Board.

(6:31 p.m.)

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

VII. ITEMS FOR CONSIDERATION

Consent Items

(6:33 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on April 12, 2021 at 6:00 PM.
2. Resolution No. 2021-021 authorizing the City Manager to execute a contract with Denali Water Solutions of Russellville, Arkansas, for the Millwood Water Treatment Plant Cleaning of the Sludge Ponds Project, with budgeted funds, in an amount with the Texas portion not to exceed \$168,708.19 and the total amount not to exceed \$267,197.00.

Public Hearing:
Council Vote: April 26, 2021

Action Items

3. Ordinance No. 2021-029 appointing David Orr, Ph.D., as an Interim City Manager with an effective date of May 1, 2021.

Public Hearing:
Council Vote: April 26, 2021

(6:35 p.m.)

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

VIII. FIRST BRIEFINGS

1. Ordinance No. 2021-022 rezoning a 0.33-acre tract of land (being Tract 34) in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road. Single Family-2 to General Retail. Shanna Andrews, owner.

Public Hearing: May 10, 2021
Council Vote: May 10, 2021

Mashell Daniel briefed this item.

RESULT:	MOVED FORWARD	Next: 5/10/2021 6:00 PM
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2. Ordinance No. 2021-023 rezoning a 0.92-acre tract of land (being Tract 66) in the M. E. P. & P. RWY CO. HRS, A-434, located at the northeast corner of Gazola Street and Hatton Street. Single Family-2 to Multiple Family-2. Barbara Stoker representing Mt. Sinai House of Prayer Church, owner.

Public Hearing: May 10, 2021
Council Vote: May 10, 2021

Mashell Daniel briefed this item.

RESULT:	MOVED FORWARD	Next: 5/10/2021 6:00 PM
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3. Ordinance No. 2021-024 rezoning a 1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434, located west of 100 Gazola Street. Single Family-2 to Multiple Family-2. Barbara Stoker representing Mt. Sinai House of Prayer Church, owner.

Public Hearing: May 10, 2021
Council Vote: May 10, 2021

Mashell Daniel briefed this item.

RESULT:	MOVED FORWARD
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Next: 5/10/2021 6:00 PM

4. Ordinance No. 2021-025 rezoning Lots 3-10, Block 9, Greater Texarkana Addition, located in the 2700 block of Austin Street. Industrial-1 to Single Family-2. James Cannon, owner.

Public Hearing: May 10, 2021

Council Vote: May 10, 2021

Mashell Daniel briefed this item.

RESULT:	MOVED FORWARD
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Next: 5/10/2021 6:00 PM

5. Ordinance No. 2021-026 granting a Specific Use Permit to allow a tattoo studio in a tenant space on part of a 1.338-acre tract of land (being Tracts 1 and 1A) located at 3201 Kennedy Lane. Brad Carlow, owner. Caleb McCombs, agent.

Public Hearing: May 10, 2021

Council Vote: May 10, 2021

Mashell Daniel briefed this item.

RESULT:	MOVED FORWARD
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Next: 5/10/2021 6:00 PM

6. Ordinance No. 2021-028 amending Chapter 42, "Water and Sewers" Article III, "Nondomestic Waste", Division 1, "Publicly-owned Treatment Works" of the Code of Ordinances of the City of Texarkana, Texas.

Public Hearing: May 10, 2021

Council Vote: May 10, 2021

J. D. Phillips briefed this item.

RESULT:	MOVED FORWARD
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Next: 5/10/2021 6:00 PM

IX. PUBLIC HEARINGS - NONE

X. ITEMS FOR DISCUSSION

Staff Updates

Robby Robertson added that the NPFL tournament was a three-day event and was attended by visitors from several states. He thanked Jack Daugherty, of the Texarkana Convention Center, and Mike Malone, of the Texarkana Chamber of Commerce, for their

participation in such a successful event. Ross Cowling and Natalie Howard shared a PowerPoint presentation highlighting many fun activities during the three days.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Harp asked about timing for the payroll true-up to be completed. David Orr said staff is still on target for the final true-up to be on the May 14th payroll.

2. City Staff

Staff had no administrative comments for Council.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:06 p.m.)

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



Vicky Coopwood
Asst. City Secretary



Bob Bruggeman
Mayor



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • MAY 10, 2021

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

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

Staff Present: Interim City Manager David Orr, Jennifer Evans, J.D. Phillips, Gary Smith, Sherry Jackson Hawkins, Mashell Daniel, Karey Parker, and Lisa Thompson.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER BILL HARP

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, May 24, 2021 at 6:00 p.m.

Monday, June 14, 2021 at 6:00 p.m. (Summer schedule)

Monday, July 12, 2021 at 6:00 p.m. (Summer schedule)

Texarkana Farmers Market - Summer 2021

305 Texas Blvd. - Every Saturday - 7:00 a.m. Until Sold Out

May 15 Cultural Day & Night Market (**Night Hours: 5:00 p.m. - 8:00 p.m.**)

May 22 Cooking Demonstration

Parks & Recreation Events:

May 10 Summer Camp Registration Begins Southwest Center

May 15-16 SDFA Softball Tournament Karrh/Wallace Parks

Minutes Acceptance: Minutes of May 10, 2021 6:00 PM (Consent Items)

May 15-16 USSSA Baseball Tournament Spring Lake Park

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

The 63rd annual Kiwanis Club of Texarkana Pancake Day will be held on Saturday, May 15th from 7:00 a.m. to 2:00 p.m. Tickets are \$5.00 in advance or \$7.00 at the door. The "all-you-can-eat" pancake breakfast will be served in the Truman Arnold Center located at Texarkana College. This year's proceeds will benefit youth related opportunities, agencies, and organizations throughout the community.

IV. SPECIAL PRESENTATIONS FOR SPRING OF 2021

Public Service Internship

Sara Kalem was born and raised in Germany. She is currently studying at Texas A&M - Texarkana and will graduate in December. Since February, her intern duties have included being responsible for the Economic Impact Study for the Hotel Grim. She also planned the city's recent *Don't Mess With Texas Trash-off* event and helped in the process of nominating the Grim for a Historical Preservation Award. The Mayor presented Ms. Kalem with a certificate in recognition of outstanding public service.

Foreign Exchange Students

Adele Sylvie Claire Dauviau is from Paris, France. She is quiet, soft spoken, and loves animals. Both of her sisters were exchange students, so Adele wanted to be an exchange student to have her own experiences. She said even though she misses her French food, she is very happy to be in Texarkana! (Hosts: Ed & Loretta Williams)

Riccardo Nieddu is from Tortoli, Italy, which is located on the island of Sardinia. He is very outgoing and has a love for cooking. He has dreamed of being an exchange student since he was a child. In his opinion, the school system is better in America. (Hosts: Ed & Loretta Williams)

Marta Gastadello is from Tombolo, Italy. She is outgoing, cheerful, and very sociable. Marta has wanted to be an exchange student since she was 10 years old because her older brother was an exchange student. Like Adele, Marta says the food is better in her country, but she has experienced a great year in the states! (Hosts: Doug & Christina Dietz)

The Mayor presented each student with a city lapel pin and thanked them for spending their "school days" in Texarkana, Texas.

V. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

There were no public comments made at Open Forum.

VI. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Council Member Davis recommended the appointment of Lauren Callaway to the Historic Landmark Preservation Committee to replace Travistene Turner whose term expired.

Motion to confirm a new appointment to the Historic Landmark Preservation Committee.

(6:23 p.m.)

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

VII. ITEMS FOR CONSIDERATION

Consent Items - None

RESULT:	NO CONSENT ITEMS
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Action Items - None

VIII. FIRST BRIEFINGS

- Resolution No. 2021-036 accepting and approving a proposal with Texarkana Symphony Orchestra for management services for the Perot Theatre.

Public Hearing: May 24, 2021

Council Vote: May 24, 2021

Interim City Manager Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 5/24/2021 6:00 PM
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IX. PUBLIC HEARINGS

- Ordinance No. 2021-022 rezoning a 0.33-acre tract of land (being Tract 34) in the W. W. Wooten HRS, A-652, located at 2321 Summerhill Road. Single Family-2 to General Retail. Shanna Andrews, owner.

Public Hearing: May 10, 2021
 Council Vote: May 10, 2021

There were no public comments made at this hearing.
 (6:28 p.m.)

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

2. Ordinance No. 2021-023 rezoning a 0.92-acre tract of land (being Tract 66) in the M. E. P. & P. RWY CO. HRS, A-434, located at the northeast corner of Gazola Street and Hatton Street. Single Family-2 to Multiple Family-2. Barbara Stoker representing Mt. Sinai House of Prayer Church, owner.

Public Hearing: May 10, 2021
 Council Vote: May 10, 2021

There were no public comments made at this hearing.
 (6:30 p.m.)

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

3. Ordinance No. 2021-024 rezoning a 1.38-acre tract of land (being Tract 69) in the M. E. P. & P. RWY CO. HRS, A-434, located west of 100 Gazola Street. Single Family-2 to Multiple Family-2. Barbara Stoker representing Mt. Sinai House of Prayer Church, owner.

Public Hearing: May 10, 2021
 Council Vote: May 10, 2021

There were no public comments made at this hearing.
 (6:31 p.m.)

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

4. Ordinance No. 2021-025 rezoning Lots 3-10, Block 9, Greater Texarkana Addition, located in the 2700 block of Austin Street. Industrial-1 to Single Family-2. James Cannon, owner.

Public Hearing: May 10, 2021

Council Vote: May 10, 2021

There were no public comments made at this hearing.
(6:33 p.m.)

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

5. Ordinance No. 2021-026 granting a Specific Use Permit to allow a tattoo studio in a tenant space on part of a 1.338-acre tract of land (being Tracts 1 and 1A) located at 3201 Kennedy Lane. Brad Carlow, owner. Caleb McCombs, agent.

Public Hearing: May 10, 2021

Council Vote: May 10, 2021

There were no public comments made at this hearing.
(6:34 p.m.)

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

6. Ordinance No. 2021-028 amending Chapter 42, "Water and Sewers" Article III, "Nondomestic Waste", Division 1, "Publicly-owned Treatment Works" of the Code of Ordinances of the City of Texarkana, Texas.

Public Hearing: May 10, 2021

Council Vote: May 10, 2021

There were no public comments made at this hearing.
(6:35 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

X. ITEMS FOR DISCUSSION

Staff Updates

Interim City Manager Orr said the resolution for assembling the 2021-22 Budget Advisory Committee will be placed on the May 24th agenda. He asked each council member to send the name of his or her appointed representative so the City Manager's office can prepare the committee list.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council had no administrative comments for staff.

2. City Staff

Staff had no administrative comments for council.

XII. CLOSED SESSION

The City Council convened into closed session pursuant to Texas Government Code Section 551.074 (Personnel Matters) to discuss or deliberate the Interim City Manager's duties and responsibilities.

XIII. RECONVENED INTO OPEN SESSION

XIV. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:14 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

Minutes Finalized - City Secretary & Mayor



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/21/2021 9:39 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2021-037 assembling a Budget Advisory Committee to advise the City Council on the proposed fiscal year 2021-22 city budget.

Briefing: 5/24/2021 **Public Hearing:** **Council Vote:** 5/24/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This resolution provides for Council authorization to assemble a budget advisory committee composed of seven citizens to advise the council on the fiscal year 2021-22 city budget.

Potential Options:

- To adopt the resolution as presented.
- To not adopt the resolution as presented.

Fiscal Implications:

None. The seven appointed citizen members to the committee would volunteer their time and services.

Staff Recommendation:

Staff recommends the adoption of this resolution.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- 2021-037 RES Assembling a Budget Advisory Committee (DOCX)
- 2021-037 ATTH 01 2021-22 BAC List (PDF)
- 2021-037 Goals & Perspectives (DOCX)

City of Texarkana, Texas

d. 2021-037 RES Assembling a Budget Advisory Comm SIGNED (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	05/21/2021 9:39 AM		
City Manager	David Orr	City Manager Review Completed	05/21/2021
3:12 PM			
City Council	Vicky Coopwood	Meeting	Completed
6:00 PM			05/24/2021

Meeting History

RESOLUTION NO. 2021-037

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, ASSEMBLING A BUDGET ADVISORY
COMMITTEE TO ADVISE THE CITY COUNCIL ON THE FISCAL YEAR
2021-22 CITY BUDGET; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Section 2-55 of the Code of Ordinances of the City of Texarkana, Texas, the City Council desires to assemble a budget advisory committee to advise the City Council on the fiscal year 2021-22 city budget, with the Mayor and each Councilmember appointing, respectively, one person to said committee, as named on **ATTH 01**.

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

SECTION 1: That the City Council assembles a budget advisory committee to advise the City Council regarding the fiscal year 2021-22 city budget. The Mayor and each Councilmember shall designate, respectively, one person to said committee, as named on **ATTH 01**.

SECTION 2: That the budget advisory committee may make recommendations to the Council but shall neither control nor supervise public business or policy.

SECTION 3: That the committee shall be dissolved upon the adoption of the fiscal year 2021-22 city budget.

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 **24th day of May, 2021**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2021-037 ATTH 01**2021-22 Budget Advisory Committee**

	Citizen Appointed	Phone Number	Email Address
Mayor	Van Alexander	903.244.5871	Vanalexander1@aol.com
Ward 1	Charlotte Bradley	870.703.9595	bradleycaal@sbcglobal.net
Ward 2	Carolyn Nance	903.255.7738	carolyn.nance@envolvellc.com
Ward 3	George Lavender	903.276.2800	george1lavender@gmail.com
Ward 4	Pam Hamilton	903.244.1608	Pam.hamilton@txkisd.net
Ward 5	Kelly Mitchell	903.276.9253	Kellym@gotexar.com
Ward 6	Steve Mayo	903.293.0450	stevemayo@mayofurniture.com

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2021-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ASSEMBLING A BUDGET ADVISORY COMMITTEE TO ADVISE THE CITY COUNCIL ON THE FISCAL YEAR 2021-22 CITY BUDGET; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2-55 of the Code of Ordinances of the City of Texarkana, Texas, the City Council desires to assemble a budget advisory committee to advise the City Council on the fiscal year 2021-22 city budget, with the Mayor and each Councilmember appointing, respectively, one person to said committee, as named on **ATTH 01**.

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

SECTION 1: That the City Council assembles a budget advisory committee to advise the City Council regarding the fiscal year 2021-22 city budget. The Mayor and each Councilmember shall designate, respectively, one person to said committee, as named on **ATTH 01**.

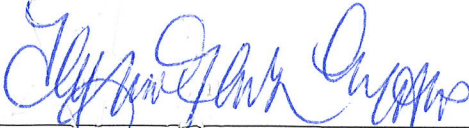
SECTION 2: That the budget advisory committee may make recommendations to the Council but shall neither control nor supervise public business or policy.

SECTION 3: That the committee shall be dissolved upon the adoption of the fiscal year 2021-22 city budget.

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 **24th** day of May, 2021.

ATTEST:



 JENNIFER EVANS, CITY SECRETARY
6:46 p.m.



 BOB BRUGGEMAN, MAYOR

2021-037 ATTH 01

2021-22 Budget Advisory Committee			
	Citizen Appointed	Phone Number	Email Address
Mayor	Van Alexander	903.244.5871	Vanalexander1@aol.com
Ward 1	Charlotte Bradley	870.703.9595	bradleycaal@sbcglobal.net
Ward 2	Carolyn Nance	903.255.7738	carolyn.nance@envolvellc.com
Ward 3	George Lavender	903.276.2800	george1lavender@gmail.com
Ward 4	Pam Hamilton	903.244.1608	Pam.hamilton@txkisd.net
Ward 5	Kelly Mitchell	903.276.9253	Kellym@gotexar.com
Ward 6	Steve Mayo	903.293.0450	stevemayo@mayofurniture.com

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/14/2021 12:21 PM

Lead Department: Public Works Department **Action Officer:** Amanda Freeland,
Resolution No. 2021-038 authorizing the Interim City Manager to execute a
contract with Smith Ready Mix, Inc. of Texarkana, Texas, in an amount not to
exceed \$430,350, with funds available in the fiscal year 2021 Street
Subject: Maintenance General Fund, to supply concrete materials used in the
construction and maintenance of streets, alleys, bridges and storm drains.

Briefing: 5/24/2021 **Public Hearing:** **Council Vote:** 5/24/2021

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Date of Invitation for Bid (IFB 21-1901-02) posted on website: April 16, 2021
 Dates published in Texarkana Gazette: April 18, 2021 and April 25, 2021
 Opened Bids: May 4, 2021
 Bids received: Smith Ready Mix, Inc.; Red River Mix, LLC.; and New Boston Concrete
 Lowest Responsive Bidder: Smith Ready Mix, Inc. See EXH "A"
 Budget: FY21 Street Maintenance General Fund
 Policy Exceptions: None
 Scope of Work: Providing Concrete Materials for our Street Department for purpose of making roadway repairs. (1) one-year renewal up to (5) five years.

Potential Options:

- Approve CM to enter into Contract
- Not approve CM to enter into Contract

Fiscal Implications:

FY21 Street Maintenance General Fund

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NONE

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-038 RES Concrete Materials Contract (DOCX)
- b. 2021-038 Exhibit 'A' (PDF)
- c. 2021-038 Goals & Perspectives (DOCX)
- d. 2021-038 RES Concrete materials contract SIGNED (PDF)

Staff Coordination

Public Works Department	Amanda Freeland	Reviewer	Completed
05/12/2021 11:06 AM			
Public Works Department	Dusty Henslee	Department Head Review	
Completed	05/12/2021 4:48 PM		
Finance Department	Jennifer Evans	Review	Skipped
1:27 PM			05/21/2021
City Manager	Jennifer Evans	City Manager Review	Completed
1:27 PM			05/21/2021
City Council	Vicky Coopwood	Meeting	Completed
6:00 PM			05/24/2021

Meeting History

RESOLUTION NO. 2021-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SMITH READY MIX, INC. OF TEXARKANA, TEXAS, IN THE AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTEEN THOUSAND THREE HUNDRED FIFTY DOLLARS (\$413,350.00), TO BE PAID FROM STREET MAINTENANCE GENERAL FUNDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas uses Concrete Materials throughout the year conducting maintenance operations of streets, sidewalks, and other infrastructure: and

WHEREAS, since these maintenance operations require various amounts of concrete materials on a varied schedule the City announced a request for Bid for unit pricing of different materials to be purchased by the City as needed to support its annual maintenance program; and

WHEREAS, on May 4, 2021, three (3) Bids were received with Smith Ready Mix, Inc. of Texarkana, Texas, being the lowest and most responsible Bid as summarized on the Bid Tab Sheet on the attached; **Exhibit “A”**; and

WHEREAS, the bidder met the specifications for a one (1) year Contract with four (4) additional one (1) year renewal options; and

WHEREAS, funds are available in the FY 2021 budget Street Maintenance General Fund.

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

Section 1: That the lowest most responsible Bidder for Concrete Materials for the City of Texarkana, Texas, is hereby declared to be Smith Ready Mix, Inc. of Texarkana, Texas.

Section 2: That the City Manager be and is hereby authorized to enter into a one (1) year Contract with four (4) additional one (1) year renewal options with Smith Ready Mix, Inc.

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

PASSED AND APPROVED in Regular Council Session on this the **24th** day of May, 2021.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2021-038 RES Concrete Materials Contract (2473 : 2021-038 RES Concrete Materials Contract)

TABULATION - CONCRETE MATERIALS CONTRACT

RFP #21-1901-01 (Closing Tuesday, May 04, 2021 @ 10:00am)
ORIGINAL BIDS TURNED IN

Smith Ready Mix, Inc. 7750 W. New Boston Rd Texarkana, Tx 75501 870-703-9052 matt@smithreadymix.net	Red River Ready Mix, LLC 101 Braswell Rd Shreveport, La 71106 903-794-6161 buck.page@rrrmix.com	New Boston Concrete 1800 N. FM 2148 Texarkana, Tx 75501 903-838-4622 jonathanwhite@newbostonconcrete. com
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	Est. Yearly Average	Unit	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
Class A Concrete	100	C.Y.	\$105.00	\$10,500.00	\$104.00	\$10,400.00	\$105.00	\$10,500.00
Class C Concrete	2500	C.Y.	\$111.00	\$277,500.00	\$108.00	\$270,000.00	\$108.00	\$270,000.00
K-Modified	150	C.Y.	\$125.00	\$18,750.00	\$0.00	\$0.00	\$112.00	\$16,800.00
Type III Flowable Fill Dry	500	C.Y.	\$80.00	\$40,000.00	\$95.00	\$47,500.00	\$98.00	\$49,000.00
Type III Flowable Fill Wet	500	C.Y.	\$80.00	\$40,000.00	\$95.00	\$47,500.00	\$100.00	\$50,000.00
Dry Cement (City will pick up)	140	Ton	\$190.00	\$26,600.00	\$185.00	\$25,900.00	\$250.00	\$35,000.00
	3 CY Minimum Load				5 CY Minimum Load		4 CY Minimum Load	
Total				\$413,350.00		\$401,300.00		\$431,300.00
					***Red River Ready Mix, LLC did not Bid on the "K-Modified."**			

Attachment: 2021-038 Exhibit 'A' (2473 : 2021-038 RES Concrete Materials Contract)

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2021-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH SMITH READY MIX, INC. OF TEXARKANA, TEXAS, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THIRTEEN THOUSAND THREE HUNDRED FIFTY DOLLARS (\$413,350), TO BE PAID FROM THE STREET MAINTENANCE GENERAL FUND; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, uses concrete materials throughout the year conducting maintenance operations of streets, sidewalks, and other infrastructure; and

WHEREAS, these maintenance operations require various amounts of concrete materials on a varied schedule, the City announced a request for bid for unit pricing of different materials to be purchased by the City as needed to support its annual maintenance program; and

WHEREAS, on May 4, 2021, three (3) bids were received and Smith Ready Mix, Inc. of Texarkana, Texas, submitted the lowest and most responsible bid summarized on the Bid Tab Sheet as **Exhibit "A"**; and

WHEREAS, the bidder met the specifications for a one (1) year contract with four (4) additional one (1) year renewal options; and

WHEREAS, funds are available in the FY 2021 budget Street Maintenance General Fund.

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

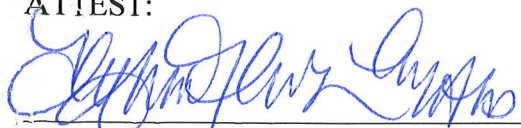
SECTION 1: That the lowest most responsible bidder for concrete materials for the City is hereby declared to be Smith Ready Mix, Inc. of Texarkana, Texas.

SECTION 2: That the Interim City Manager be and is hereby authorized to execute a one (1) year contract with four (4) additional one (1) year renewal options with Smith Ready Mix, Inc. of Texarkana, Texas.

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

PASSED AND APPROVED in Regular Council Session on this the **24th** day of **May, 2021**.

ATTEST:


JENNIFER EVANS, CITY SECRETARY

6:46 p.m.


BOB BRUGGEMAN, MAYOR

Attachment: 2021-038 RES Concrete materials contract SIGNED (2473 : 2021-038 RES Concrete Materials Contract)

Exhibit A

TABULATION - CONCRETE MATERIALS CONTRACT

RFP #21-1901-01 (Closing Tuesday, May 04, 2021 @ 10:00am)

ORIGINAL BIDS TURNED IN

Smith Ready Mix, Inc.
7750 W. New Boston Rd
Texarkana, Tx 75501
870-703-9052
matt@smithreadymix.net

Red River Ready Mix, LLC
101 Braswell Rd
Shreveport, La 71106
903-794-6161
buck.page@rrrmix.com

New Boston Concrete
1800 N. FM 2148 Texarkana,
Tx 75501 903-838-4622
jonathanwhite@newbostonconcrete.
com

	Est. Yearly Average	Unit	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
Class A Concrete	100	C.Y.	\$105.00	\$10,500.00	\$104.00	\$10,400.00	\$105.00	\$10,500.00
Class C Concrete	2500	C.Y.	\$111.00	\$277,500.00	\$108.00	\$270,000.00	\$108.00	\$270,000.00
K-Modified	150	C.Y.	\$125.00	\$18,750.00	\$0.00	\$0.00	\$112.00	\$16,800.00
Type III Flowable Fill Dry	500	C.Y.	\$80.00	\$40,000.00	\$95.00	\$47,500.00	\$98.00	\$49,000.00
Type III Flowable Fill Wet	500	C.Y.	\$80.00	\$40,000.00	\$95.00	\$47,500.00	\$100.00	\$50,000.00
Dry Cement (City will pick up)	140	Ton	\$190.00	\$26,600.00	\$185.00	\$25,900.00	\$250.00	\$35,000.00
			3 CY Minimum Load		5 CY Minimum Load		4 CY Minimum Load	
Total				\$413,350.00		\$401,300.00		\$431,300.00
					***Red River Ready Mix, LLC did not Bid on the "K-Modified.**			

Attachment: 2021-038 RES Concrete materials contract SIGNED (2473 : 2021-038 RES Concrete Materials Contract)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/14/2021 12:27 PM

Lead Department: Water Utilities **Action Officer:** Pam White,
Resolution No. 2021-039 authorizing the Interim City Manager to execute a
contract with Kampco Inc. of Texarkana, Arkansas, in an amount not to exceed
\$168,320.21, with funds available in the 2020-21 Texas Capitol Improvement
Subject: Fund, for the Moores Lane Gin Road 8" Water Main Extension Project.

Briefing: 5/24/2021 **Public Hearing:** **Council Vote:** 5/24/2021

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Bids were received Tuesday, May 4, 2021 for the Moores Lane Gin Road 8" Water Main Extension Project. Two (2) contractors bid on the project. Kampco, Inc. of Texarkana, Arkansas was the apparent low bidder with a low Base Bid of \$168,320.21. This project consists of the placement of approximately 2,278 linear feet of eight-inch (8") water main along Gin Road from Moores Lane to just south of Richmond Road. The project will eliminate two (2) dead end mains.

Potential Options:

- None

Fiscal Implications:

Funds are available for this project in the Utility's 2020-2021 Budget in the Texas Capitol Improvement Fund at \$150,000 from a project that was cancelled. A developer will be paying \$34,300 of this project leaving the City's portion at \$134,020.21.

Staff Recommendation:

Utility staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

City of Texarkana, Texas

Attachments

- a. 2021-039 RES Moores Lane Gin Road WL Ext (DOCX)
- b. 2021-039 ATTH 01 Bid Summary (DOCX)
- c. 2021-039 ATTH 02 Bid Tabulation (PDF)
- d. 2021-039 Goals and Perspectives (DOCX)
- e. 2021-039 RES Moores Ln Gin Rd water main exy SIGNED (PDF)

Staff Coordination

Water Utilities	Gary Smith 05/13/2021 1:27 PM	Department Head Review	Completed	
Water Utilities	JD Phillips 05/13/2021 1:28 PM	Water Utilities Review	Completed	
Water Utilities 4:55 PM	Tricia Briggs	Review	Completed	05/13/2021
City Manager 5:38 PM	David Orr	City Manager Review	Completed	05/13/2021
City Council 6:00 PM	Vicky Coopwood	Meeting	Completed	05/24/2021

Meeting History

RESOLUTION NO. 2021-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ACCEPT THE BID AND EXECUTE A CONTRACT WITH KAMPCO, INC. OF TEXARKANA, ARKANSAS, IN AN AMOUNT NOT TO EXCEED \$168,320.21 FOR THE MOORES LANE GIN ROAD 8" WATER MAIN EXTENSION PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 4, 2021, two (2) bids were received, a summary of which is attached hereto as **ATTH 01**, by Texarkana Water Utilities for the Moores Lane Gin Road Water Main Extension Project; and

WHEREAS, the project will consist of the placement of approximately 2,278 linear feet of eight-inch (8") water main along Gin Road from Moores Lane to just south of Richmond Road; and

WHEREAS, the lowest and best bid by a responsible vendor for this project was submitted by Kampco, Inc. of Texarkana, Arkansas, a copy of which is attached hereto as **ATTH 02** in an amount not to exceed \$168,320.21; and

WHEREAS, funds are available in the Texarkana Water Utilities 2020-2021 Budget in the Texas Capitol Improvement Fund in an amount of \$150,000.00 from a cancelled project. The developer will be paying \$34,300 of this project leaving the City's portion at \$134,020.21.

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

SECTION 1: That the lowest and best bid by a responsible vendor, submitted by Kampco, Inc. of Texarkana, Arkansas, a copy of which is attached hereto as **ATTH 02** be and is hereby approved in an amount not to exceed \$168,320.21 for the placement of approximately 2,278 linear feet of eight-inch (8") water main along Gin Road from Moores Lane to just south of Richmond Road.

SECTION 2: That the Interim City Manager be and is authorized to contract with Kampco, Inc. 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 Regular Council Session on this the **24th day of May, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Bid Summary

The Moores Lane Gin Road
8" Water Main Extension

2:00 P.M. Tuesday, May 4, 2021

Base Bid

- | | |
|--|---------------|
| 1. RBIS, LLC
Texarkana, Texas | \$ 233,477.25 |
| 2. Kampco, Inc.
Texarkana, Arkansas | \$ 168,320.21 |

Time First Bid Opened:	2:00 P.M
Number of Bidders:	1
Apparent Low Bidder:	Kampco, Inc.

Bid Tabulation
THE MOORES LANE GIN ROAD
8" WATER MAIN EXTENSION
Project No. 62-000-135111-T122125
May 4, 2021

BASE BID:			Kampco, Inc.		RBIS, LLC	
			Texarkana, AR		Texarkana, TX	
Item	Quantity	Unit	Description		Unit Price	Total Bid
1	1	LS	Mobilization, Bonds, & Submittals		\$2,256.60	\$2,256.60
2	19.7	STA	Right of Way Preparation		\$193.06	\$3,803.28
3	1776.75	LF	8" PVC C-900 Water Pipe by Open Cut		\$31.03	\$55,132.55
4	110	LF	8" PVC C-900 Water Pipe by Bore		\$79.79	\$8,776.90
5	120	LF	8" Ductile Iron Water Pipe by Bore		\$105.22	\$12,626.40
6	272	LF	8" PVC Certa-Lok Water Pipe by Bore		\$80.65	\$21,936.80
7	1	EA	6" x 6" Tapping Sleeve and Valve		\$2,390.00	\$2,390.00
8	1	EA	8" x 6" Reducer		\$758.31	\$758.31
9	1	EA	Connect New 8" Water Main to Existing 8" Water Main		\$3,163.92	\$3,163.92
10	5	EA	8" Gate Valve		\$1,846.26	\$9,231.30
11	1	EA	8" x 8" x 8" Tee		\$956.88	\$956.88
12	2	EA	5/8" Long Service Water Meter		\$1,933.16	\$3,866.32
13	2	EA	Remove Existing Water Meter Box and Assembly		\$361.99	\$723.98
14	2	EA	New Fire Hydrant & Assembly		\$3,243.42	\$6,486.84
15	1	LS	Clean and Test Water Main		\$3,217.69	\$3,217.69
16	1	EA	Cut, Plug, & Abandon Existing 3" Water Main		\$1,489.62	\$1,489.62
17	1	LS	Trench Protection		\$2,068.51	\$2,068.51
18	1	LS	Traffic Control, Signage, & Barricades		\$965.31	\$965.31
19	2063	SY	Bermuda Block Sod		\$8.27	\$17,061.01
20	2996	SY	Cellulose Fiber Mulch & Seed		\$1.66	\$4,973.36
21	533	LF	Silt Fence		\$6.35	\$3,384.55
22	15	EA	Hay Bales		\$164.56	\$2,468.40
23	1	LS	Erosion Control Measures		\$581.68	\$581.68
TOTAL BASE BID						\$168,320.21
						\$233,477.25

Prepared by Gary L. Smith, P.E.
Certified Correct

Gary L. Smith, P.E., Assistant Director, TWU

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2021-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ACCEPT THE BID AND EXECUTE A CONTRACT WITH KAMPCO, INC. OF TEXARKANA, ARKANSAS, IN AN AMOUNT NOT TO EXCEED \$168,320.21 FOR THE MOORES LANE GIN ROAD 8" WATER MAIN EXTENSION PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 4, 2021, two (2) bids were received, a summary of which is attached hereto as **ATTH 01**, by Texarkana Water Utilities for the Moores Lane Gin Road Water Main Extension Project; and

WHEREAS, the project will consist of the placement of approximately 2,278 linear feet of eight-inch (8") water main along Gin Road from Moores Lane to just south of Richmond Road; and

WHEREAS, the lowest and best bid by a responsible vendor for this project was submitted by Kampco, Inc. of Texarkana, Arkansas, a copy of which is attached hereto as **ATTH 02** in an amount not to exceed \$168,320.21; and

WHEREAS, funds are available in the Texarkana Water Utilities 2020-2021 Budget in the Texas Capitol Improvement Fund in an amount of \$150,000.00 from a cancelled project. The developer will be paying \$34,300 of this project leaving the City's portion at \$134,020.21.

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

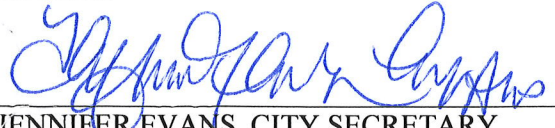
SECTION 1: That the lowest and best bid by a responsible vendor, submitted by Kampco, Inc. of Texarkana, Arkansas, a copy of which is attached hereto as **ATTH 02** be and is hereby approved in an amount not to exceed \$168,320.21 for the placement of approximately 2,278 linear feet of eight-inch (8") water main along Gin Road from Moores Lane to just south of Richmond Road.

SECTION 2: That the Interim City Manager be and is authorized to contract with Kampco, Inc. 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 Regular Council Session on this the **24th** day of May, 2021.

ATTEST:


JENNIFER EVANS, CITY SECRETARY
6:46 p.m.


BOB BRUGGEMAN, MAYOR

Bid Summary

The Moores Lane Gin Road
8" Water Main Extension

2:00 P.M. Tuesday, May 4, 2021

	<u>Base Bid</u>
1. RBIS, LLC Texarkana, Texas	\$ 233,477.25
2. Kampco, Inc. Texarkana, Arkansas	\$ 168,320.21

Time First Bid Opened: 2:00 P.M

Number of Bidders: 1

Apparent Low Bidder: Kampco, Inc.

Bid Tabulation
THE MOORES LANE GIN ROAD
8" WATER MAIN EXTENSION
Project No. 62-000-135111-1122125
May 4, 2021

RES 2021-039
ATTN: 02

BASE BID:

		Kampco, Inc. Texarkana, AR		RBIS, LLC Texarkana, TX	
Item	Quantity	Unit	Description	Unit Price	Total Bid
1	1	LS	Mobilization, Bonds, & Submittals	\$2,256.60	\$2,256.60
2	19.7	STA	Right of Way Preparation	\$193.06	\$3,803.28
3	1776.75	LF	8" PVC C-900 Water Pipe by Open Cut	\$31.03	\$55,132.55
4	110	LF	8" PVC C-900 Water Pipe by Bore	\$79.79	\$8,776.90
5	120	LF	8" Ductile Iron Water Pipe by Bore	\$105.22	\$12,626.40
6	272	LF	8" PVC Ceta-Lok Water Pipe by Bore	\$80.65	\$21,936.80
7	1	EA	6" x 6" Tapping Sleeve and Valve	\$2,390.00	\$2,390.00
8	1	EA	8" x 6" Reducer	\$758.31	\$758.31
9	1	EA	Connect New 8" Water Main to Existing 8" Water Main	\$3,163.92	\$3,163.92
10	5	EA	8" Gate Valve	\$1,846.26	\$9,231.30
11	1	EA	8" x 8" x 8" Tee	\$956.88	\$956.88
12	2	EA	5/8" Long Service Water Meter	\$1,933.16	\$3,866.32
13	2	EA	Remove Existing Water Meter Box and Assembly	\$361.99	\$723.98
14	2	EA	New Fire Hydrant & Assembly	\$3,243.42	\$6,486.84
15	1	LS	Clean and Test Water Main	\$3,217.69	\$3,217.69
16	1	EA	Cut, Plug, & Abandon Existing 3" Water Main	\$1,489.62	\$1,489.62
17	1	LS	Trench Protection	\$2,068.51	\$2,068.51
18	1	LS	Traffic Control, Signage, & Barricades	\$965.31	\$965.31
19	2063	SY	Bermuda Block Sod	\$8.27	\$17,061.01
20	2996	SY	Cellulose Fiber Mulch & Seed	\$1.66	\$4,973.36
21	533	LF	Silt Fence	\$6.35	\$3,384.55
22	15	EA	Hay Bales	\$164.56	\$2,468.40
23	1	LS	Erosion Control Measures	\$581.68	\$581.68
TOTAL BASE BID				\$168,320.21	\$233,477.25

Prepared by Gary L. Smith, P.E.
Certified Correct

Gary L. Smith, P.E., Assistant Director, TWU

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/14/2021 12:27 PM

Lead Department: Water Utilities **Action Officer:** Pam White,
Resolution No. 2021-040 authorizing the Interim City Manager to execute a
contract with Kampco, Inc. of Texarkana, Arkansas, in an amount not to exceed
\$117,430.18, with funds available in the 2020-21 Texas Capitol Improvement
Subject: Fund, for the Gin Road Lift Station and 8" Sewer Main Extension Project.

Briefing: 5/24/2021 **Public Hearing:** **Council Vote:** 5/24/2021

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Bids were received Tuesday, May 11, 2021 for the Gin Road Lift Station and 8" Sewer Main Extension Project. Two (2) contractors bid on the project. Kampco, Inc. of Texarkana, Arkansas was the apparent low bidder with a low Base Bid of \$117,430.18. This project consists of the placement of approximately 324 linear feet of eight-inch (8") sewer main, 400 linear feet of two-inch (2") force main, and one lift station along the north end Gin Road.

Potential Options:

- None

Fiscal Implications:

Funds are available for this project in the Utility's 2020-2021 Budget in the Texas Capitol Improvement Fund in the amount of \$117,430.18 by transferring budgeted funds from a project that will be partially completed this budget cycle.

Staff Recommendation:

Utility staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- 2021-040 RES Gin Road Sewer Ext (DOCX)

City of Texarkana, Texas

- b. 2021-040 ATTH 01 Bid Summary (DOCX)
- c. 2021-040 ATTH 02 Bid Tab (PDF)
- d. 2021-040 Goals and Perspectives (DOCX)
- e. 2021-040 RES Gin Rd lift station and sewer main SIGNED (PDF)

Staff Coordination

Water Utilities	Gary Smith	Department Head Review	Completed	
	05/13/2021 1:28 PM			
Water Utilities	JD Phillips	Water Utilities Review	Completed	
	05/13/2021 1:34 PM			
Water Utilities	Tricia Briggs	Review	Completed	05/13/2021
4:56 PM				
City Manager	David Orr	City Manager Review	Completed	05/21/2021
3:08 PM				
City Council	Vicky Coopwood	Meeting	Completed	05/24/2021
6:00 PM				

Meeting History

RESOLUTION NO. 2021-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ACCEPT THE BID AND EXECUTE A CONTRACT WITH KAMPCO, INC. OF TEXARKANA, ARKANSAS, IN AN AMOUNT NOT TO EXCEED \$117,430.18 FOR THE GIN ROAD LIFT STATION AND 8" SEWER MAIN EXTENSION PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 11, 2021, two (2) bids were received, a summary of which is attached hereto as **ATTH 01**, by Texarkana Water Utilities for the Gin Road Lift Station and Sewer Main Extension Project; and

WHEREAS, the project will consist of the placement of approximately 324 linear feet of eight-inch (8") sewer main, 400 linear feet of two-inch (2") force main, and one lift station along the north end of Gin Road; and

WHEREAS, the lowest and best bid by a responsible vendor for this project was submitted by Kampco, Inc. of Texarkana, Arkansas, a copy of which is attached hereto as **ATTH 02** in an amount not to exceed \$117,430.18; and

WHEREAS, funds are available in the Texarkana Water Utilities 2020-2021 Budget in the Texas Capitol Improvement Fund in the amount of \$117,430.18 by transferring budgeted funds from a project that will be partially completed this budget cycle.

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

SECTION 1: That the lowest and best bid by a responsible vendor, submitted by Kampco, Inc. of Texarkana, Arkansas, a copy of which is attached hereto as **ATTH 02** be and is hereby approved in an amount not to exceed \$117,430.18 for the placement of approximately 324 linear feet of eight-inch (8") sewer main, 400 linear feet of two-inch (2") force main, and one lift station along the north end of Gin Road.

SECTION 2: That the Interim City Manager be and is authorized to contract with Kampco, Inc. 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 Regular Council Session on this the **24th** day of May, 2021.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2021-040 RES Gin Road Sewer Ext (2478 : 2021-040 RES Gin Rd Lift Sta and 8" Sewer Main Ext. Project)

Bid Summary

Gin Road Lift Station and
8" Sewer Main Extension

2:00 P.M. Tuesday, May 11, 2021

Base Bid

- | | |
|--|---------------|
| 1. RBIS, LLC
Texarkana, Texas | \$ 198,785.00 |
| 2. Kampco, Inc.
Texarkana, Arkansas | \$ 117,430.18 |

Time First Bid Opened:	2:00 P.M
Number of Bidders:	2
Apparent Low Bidder:	Kampco, Inc.

Bid Tabulation
GIN ROAD LIFT STATION AND
8" SEWER MAIN EXTENSION
Project No. 62-000-135131-1122142
May 11, 2021

BASE BID:									
				Kampco, Inc. Texarkana, AR		RBIS, LLC Texarkana, TX			
Item	Quantity	Unit	Description	Unit Price	Total Bid				
1	1	LS	Mobilization, Bonds, & Submittals	\$11,492.81	\$11,492.81	\$14,750.00	\$14,750.00		
2	4	STA	Right of Way Preparation	\$965.31	\$3,861.24	\$6,250.00	\$25,000.00		
3	227	LF	8" PVC SDR-26 Sewer Pipe by Open Cut	\$36.12	\$8,199.24	\$65.00	\$14,755.00		
4	45	LF	8" PVC SDR-26 Sewer by Bore	\$84.35	\$3,795.75	\$125.00	\$5,625.00		
5	426	LF	2" PVC SDR-21, Class 200 Force Main by Open Cut	\$31.14	\$13,265.64	\$40.00	\$17,040.00		
6	85	LF	2" PVC SDR-21, Class 200 Force Main by Bore	\$17.77	\$1,510.45	\$90.00	\$7,650.00		
7	51.55	LF	8" Ductile Iron Sewer Pipe by Bore	\$106.18	\$5,473.58	\$100.00	\$5,155.00		
8	1	EA	Duplex Grinder Pump Station	\$31,167.81	\$31,167.81	\$55,000.00	\$55,000.00		
9	1	EA	Concrete Manhole	\$2,856.47	\$2,856.47	\$6,250.00	\$6,250.00		
10	1	EA	Cleanout	\$500.28	\$500.28	\$1,700.00	\$1,700.00		
11	1	LS	Trench Protection	\$965.31	\$965.31	\$4,000.00	\$4,000.00		
12	3	EA	4" Sewer Service Pipe (Short Side)	\$1,286.30	\$3,858.90	\$1,500.00	\$4,500.00		
13	1	EA	Core Drill Existing Manhole	\$700.09	\$700.09	\$850.00	\$850.00		
14	1	LS	Clean and Test Manholes	\$3,619.90	\$3,619.90	\$3,500.00	\$3,500.00		
15	1	LS	Clean and Test Sewer Mains	\$3,619.90	\$3,619.90	\$3,500.00	\$3,500.00		
16	1	LS	Traffic Control, Signage, & Barricades	\$1,447.96	\$1,447.96	\$800.00	\$800.00		
17	1782	SY	Bermuda Block Sod	\$7.83	\$13,953.06	\$11.00	\$19,602.00		
18	484	LF	Silt Fence	\$7.05	\$3,412.20	\$12.00	\$5,808.00		
19	9	EA	Hay Bales	\$92.63	\$833.67	\$200.00	\$1,800.00		
20	1	LS	Erosion Control Measures	\$2,895.92	\$2,895.92	\$1,500.00	\$1,500.00		
TOTAL BASE BID					\$117,430.18		\$198,785.00		

Prepared by Gary L. Smith, P.E.
Certified Correct

Gary L. Smith, P.E., Assistant Director, TWU

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2021-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ACCEPT THE BID AND EXECUTE A CONTRACT WITH KAMPCO, INC. OF TEXARKANA, ARKANSAS, IN AN AMOUNT NOT TO EXCEED \$117,430.18 FOR THE GIN ROAD LIFT STATION AND 8" SEWER MAIN EXTENSION PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 11, 2021, two (2) bids were received, a summary of which is attached hereto as **ATTH 01**, by Texarkana Water Utilities for the Gin Road Lift Station and Sewer Main Extension Project; and

WHEREAS, the project will consist of the placement of approximately 324 linear feet of eight-inch (8") sewer main, 400 linear feet of two-inch (2") force main, and one lift station along the north end of Gin Road; and

WHEREAS, the lowest and best bid by a responsible vendor for this project was submitted by Kampco, Inc. of Texarkana, Arkansas, a copy of which is attached hereto as **ATTH 02** in an amount not to exceed \$117,430.18; and

WHEREAS, funds are available in the Texarkana Water Utilities 2020-2021 Budget in the Texas Capitol Improvement Fund in the amount of \$117,430.18 by transferring budgeted funds from a project that will be partially completed this budget cycle.

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

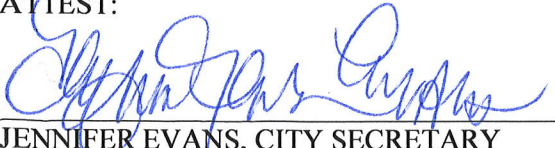
SECTION 1: That the lowest and best bid by a responsible vendor, submitted by Kampco, Inc. of Texarkana, Arkansas, a copy of which is attached hereto as **ATTH 02** be and is hereby approved in an amount not to exceed \$117,430.18 for the placement of approximately 324 linear feet of eight-inch (8") sewer main, 400 linear feet of two-inch (2") force main, and one lift station along the north end of Gin Road.

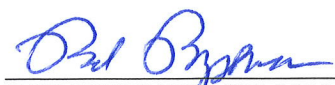
SECTION 2: That the Interim City Manager be and is authorized to contract with Kampco, Inc. of Texarkana, Arkansas, for the above-described services.

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

PASSED AND APPROVED in Regular Council Session on this the **24th** day of May, 2021.

ATTEST:


JENNIFER EVANS, CITY SECRETARY
6:46 p.m.


BOB BRUGGEMAN, MAYOR

Bid Summary

Gin Road Lift Station and
8" Sewer Main Extension

2:00 P.M. Tuesday, May 11, 2021

	<u>Base Bid</u>
1. RBIS, LLC Texarkana, Texas	\$ 198,785.00
2. Kampco, Inc. Texarkana, Arkansas	\$ 117,430.18

Time First Bid Opened: 2:00 P.M

Number of Bidders: 2

Apparent Low Bidder: Kampco, Inc.

Bid Tabulation
GIN ROAD LIFT STATION AND
8" SEWER MAIN EXTENSION
Project No. 62-000-135131-T122142
May 11, 2021

RES 2021-040
ATTH 02

BASE BID:				Kampco, Inc.		RBIS, LLC	
				Texarkana, AR		Texarkana, TX	
Item	Quantity	Unit	Description	Unit Price	Total Bid		
1	1	LS	Mobilization, Bonds, & Submittals	\$11,492.81	\$11,492.81	\$14,750.00	\$14,750.00
2	4	STA	Right of Way Preparation	\$965.31	\$3,861.24	\$6,250.00	\$25,000.00
3	227	LF	8" PVC SDR-26 Sewer Pipe by Open Cut	\$36.12	\$8,199.24	\$65.00	\$14,755.00
4	45	LF	8" PVC SDR-26 Sewer by Bore	\$84.35	\$3,795.75	\$125.00	\$5,625.00
5	426	LF	2" PVC SDR-21, Class 200 Force Main by Open Cut	\$31.14	\$13,265.64	\$40.00	\$17,040.00
6	85	LF	2" PVC SDR-21, Class 200 Force Main by Bore	\$17.77	\$1,510.45	\$90.00	\$7,650.00
7	51.55	LF	8" Ductile Iron Sewer Pipe by Bore	\$106.18	\$5,473.58	\$100.00	\$5,155.00
8	1	EA	Duplex Grinder Pump Station	\$31,167.81	\$31,167.81	\$55,000.00	\$55,000.00
9	1	EA	Concrete Manhole	\$2,856.47	\$2,856.47	\$6,250.00	\$6,250.00
10	1	EA	Cleanout	\$500.28	\$500.28	\$1,700.00	\$1,700.00
11	1	LS	Trench Protection	\$965.31	\$965.31	\$4,000.00	\$4,000.00
12	3	EA	4" Sewer Service Pipe (Short Side)	\$1,286.30	\$3,858.90	\$1,500.00	\$4,500.00
13	1	EA	Core Drill Existing Manhole	\$700.09	\$700.09	\$850.00	\$850.00
14	1	LS	Clean and Test Manholes	\$3,619.90	\$3,619.90	\$3,500.00	\$3,500.00
15	1	LS	Clean and Test Sewer Mains	\$3,619.90	\$3,619.90	\$3,500.00	\$3,500.00
16	1	LS	Traffic Control, Signage, & Barricades	\$1,447.96	\$1,447.96	\$800.00	\$800.00
17	1782	SY	Bermuda Block Sod	\$7.83	\$13,953.06	\$11.00	\$19,602.00
18	484	LF	Silt Fence	\$7.05	\$3,412.20	\$12.00	\$5,808.00
19	9	EA	Hay Bales	\$92.63	\$833.67	\$200.00	\$1,800.00
20	1	LS	Erosion Control Measures	\$2,895.92	\$2,895.92	\$1,500.00	\$1,500.00
TOTAL BASE BID					\$117,430.18		\$198,785.00

Prepared by Gary L. Smith, P.E.
Certified Correct

Gary L. Smith, P.E., Assistant Director, TWU

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 5/14/2021 9:10 AM

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2021-030 rezoning a 1.38-acre tract of land (being Tract 63) in the M. E. P. & P. RWY CO. HRS, A-434, located north of 100 Gazola Street. Single Family-2 to Multiple Family-2. Cody Barling, owner.
Briefing: 6/14/2021 **Public Hearing:** 6/14/2021 **Council Vote:** 6/14/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Cody Barling, owner, to rezone a 1.38-acre tract of land (being Tract 63) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located north of 100 Gazola Street from Single Family-2 to Multiple Family-2. This property is currently vacant land.

The adjacent zoning is Single Family-2 to the north, south, east, and west. The adjacent land use is vacant land to the north west and east and a church to the south.

The applicant will possibly be donating this property to Mt. Sinai House of Prayer Church for future building projects. The church currently has several multi-family housing projects proposed for this immediate area. Staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

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

Potential Options:

Approve or deny

Fiscal Implications:

Not applicable

City of Texarkana, Texas

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

May 3, 2021

Attachments

- a. 2021-030 ORD rezoning lot north of 100 block of Gazola (DOCX)
- b. 2021-030 EXH 'A' (Legal Description) (PDF)
- c. 2021-030 ATTH 01 (Maps) (PDF)
- d. 2021-030 Goals & Perspective (DOCX)
- e. 2021-030 ORD Rezoning a lot north of 100 Gazola signed (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Review	Skipped
	05/14/2021 1:14 PM		
City Manager	Laura Puckett	Department Head Review	Skipped
	05/14/2021 9:09 AM		
Building Code Administration	Mashell Daniel	Reviewer	Completed
	05/14/2021 2:47 PM		
City Manager	David Orr	Review	Completed 05/14/2021
3:21 PM			
City Council	Vicky Coopwood	Meeting	Completed 05/24/2021
6:00 PM			

Meeting History

Z-21-08

ORDINANCE NO. 2021-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 1.38-ACRE TRACT OF LAND (BEING TRACT 63), IN THE M. E. P. & P. RWY CO. HRS, A-434, LOCATED NORTH OF 100 GAZOLA STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO MULTIPLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate **1.38-acre tract of land (being Tract 63) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit ‘A’), located north of 100 Gazola Street**, in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Multiple Family-2, on an approximate 1.38-acre tract of land (being Tract 63) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit ‘A’), located north of 100 Gazola Street** to the City Council of Texarkana, Texas; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate **1.38-acre tract of land (being Tract 63) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit ‘A’), located north of 100 Gazola Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**.

Attachment: 2021-030 ORD rezoning lot north of 100 block of Gazola (2475 : 2021-030 ORD rezoning lot north of 100 Gazola)

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of June, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

SHERIFF'S TAX RESALE DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DATE OF SALE: February 7, 2017

GRANTOR/TAXING UNIT(S): Bowie Central Appraisal District, Trustee, in trust for the use and benefit of The City of Texarkana, Texas, Liberty-Eylau Independent School District and The County of Bowie, Texas

GRANTEE: Cody M. Barling

GRANTEE'S MAILING ADDRESS: 2077 County Road 3010, New Boston, Texas 75570-6381

PROPERTY: 1.38 Acres, more or less, out of Abstract 434 of the MEP&P Railway Company Survey, City of Texarkana, Bowie County, Texas (Volume 6369, Page 271 of the Deed Records, Bowie County, Texas) Tax Account No. 15640006300

CONSIDERATION: \$250.00

TAX FORECLOSURE LAWSUIT: Cause No. 10C1307-102, Bowie Central Appraisal District v. S. J. Hill et al, 102nd Judicial District Court

SHERIFF: James Prince

COUNTY: Bowie County, Texas

NEWSPAPER: *Citizens Tribune*

DATES OF PUBLICATION: January 11, 2017, January 18, 2017 and January 25, 2017

WHEREAS, by virtue of an Order of Sale issued pursuant to a Judgment rendered in the TAX FORECLOSURE LAWSUIT listed above, I, Sheriff, after having advertised the sale of said PROPERTY by giving notice of the time and place of tax foreclosure sale by advertisement published in a newspaper published in said COUNTY, did convey to the TAXING UNIT(S) all the right, title and interest that DEFENDANT(S) in the judgment rendered in the TAX FORECLOSURE LAWSUIT had in and to the PROPERTY.

AND WHEREAS, I, Sheriff, having been requested by Resolution of the Commissioners' Court of Bowie County on December 12, 2016 to resell the PROPERTY pursuant to Section 34.05(c) TEXAS TAX CODE, did advertise the resale of the PROPERTY by giving notice of the time and place of said resale by an advertisement in the English language, published once a week for three consecutive weeks preceding such resale, the first publication appearing not fewer than twenty days immediately preceding the date of sale, on the DATES OF PUBLICATION referenced above, in the NEWSPAPER listed above, which newspaper is published in said COUNTY, stating in said advertisement a description of the PROPERTY, the number and style of the TAX FORECLOSURE LAWSUIT under which the PROPERTY was sold at the tax foreclosure sale, and the date of the tax foreclosure resale.

AND THEREAFTER, on the DATE OF SALE, within the hours prescribed by law, I, Sheriff, sold said PROPERTY at public venue at the courthouse door of COUNTY, at which sale the PROPERTY was struck off to the GRANTEE for the amount of CONSIDERATION listed above, the GRANTEE being the highest bidder therefore, and that being the highest bid for the same.

NOW, THEREFORE, in consideration of the premises aforesaid and the payment of said CONSIDERATION, the receipt of which is hereby acknowledged, I, Sheriff, have granted, sold and conveyed, and by these presents do grant, sell and convey to the GRANTEE all of the estate, right, title and interest of the TAXING UNIT(S) in and to the PROPERTY.

Attachment: 2021-030 EXH 'A' (Legal Description) (2475 : 2021-030 ORD rezoning lot north of 100 Gazola)

TO HAVE AND TO HOLD the PROPERTY unto the said GRANTEE, the GRANTEE'S successors and assigns, forever, as fully and as absolute as I, as Sheriff aforesaid, can convey by virtue of said Judgment and Order of Sale, subject, however, to the DEFENDANT(S) in the TAX FORECLOSURE LAWSUIT rights to redeem the same in the manner prescribed by law, and to such and further conditions and stipulations as may be applicable under the provisions of TEXAS TAX CODE Chapter 34.

I, and all the TAXING UNITS, exclude and except any warranties, express or implied, regarding the PROPERTY, including, without limitation, any warranties arising by common law or Section 5.023 of the TEXAS PROPERTY CODE, or its successor. I, and all the TAXING UNITS, have not made, and do not make any representations, warranties or covenants of any kind or character whatsoever, whether express or implied, with respect to the quality or condition of the PROPERTY, the suitability of the property for any and all activities and uses which grantees may conduct thereon, compliance by the PROPERTY with any laws, rules, ordinances or regulations of any applicable governmental authority or habitability, merchantability or fitness for a particular purpose, and specifically, I, and all the TAXING UNITS, have not made, and do NOT make any representations regarding hazardous waste, as defined by the Texas Solid Waste Disposal Act and the regulations adopted thereunder, or the U.S. Environmental Protection Agency regulations, or the disposal of any hazardous or toxic substances in or on the PROPERTY. In addition, I and all of the TAXING UNITS, have not made, and do NOT make any representation regarding any aboveground storage tank or belowground storage tank which may exist or may have existed, or the release of any petroleum product, in or on the PROPERTY. The PROPERTY is sold "AS IS" with all faults.

This deed is made expressly subject to the property taxes for the tax year 2012 and subsequent years. This deed is made expressly subject to all easements, restrictions and reservations of record. When the context requires, singular nouns and pronouns include the plural.

IN TESTIMONY WHEREOF, pursuant to the provisions of Section 34.05(c) of the TEXAS TAX CODE, I have hereunto set my hand this 9th day of March, 2017.

David Childers
JAMES PRINCE
Sheriff, Bowie County, Texas

STATE OF TEXAS

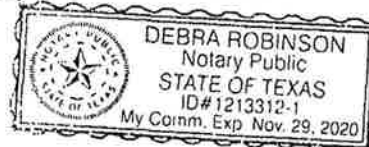
§
§
§

COUNTY OF BOWIE

Before me, the undersigned authority, on this day personally appeared David Childers, Deputy Sheriff, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein stated, and in the capacity therein set forth.

Given under my hand and seal of office, this 9th day of March, 2017.

Debra Robinson
Notary Public, State of Texas



After Recording, Return to:
Cody M. Barling
2077 County Road 3010
New Boston, Texas 75570-6381

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Mar 10, 2017 at 09:06A

Attachment: 2021-030 EXH 'A' (Legal Description) (2475 : 2021-030 ORD rezoning lot north of 100 Gazola)

323

323

STATE OF Louisiana
COUNTY OF Bowie

On this 13 day of January, 1949, before me, a notary public in and for said County and State personally appeared Mrs. Barbara E. Hunnicutt, also known as Mrs. Barbara G. Hunnicutt, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal as such notary public this 13 day of January, 1949.



Mrs. Elsie Carpenter
Notary Public

Filed for Record on the 17 day of Jan., A.D. 1949 at 10 o'clock A.M.
Duly Recorded this the 18 day of Jan., A.D. 1949 at 3 o'clock P.M.

Instrument No. 259

O. E. Cooper, County Clerk
Bowie County, Texas

By M. K. Clay, Deputy

III - WARRANT DEED

Texas Standard Form

The State of Texas,
County of BOWIE.....

#260- - - - \$1.00

Know All Men by These Presents:

That I, Bob Phillips, a single man,
of the County of Bowie State of Texas,
of the sum of Four Hundred and no/100 - - - - -
----- DOLLARS

to me in hand paid by S. J. Hill,
the receipt of which is hereby acknowledged,
have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said
S. J. Hill,

of the County of Bowie State of Texas, all that certain
tract or parcel of land out of a 95.95-acre tract conveyed to Bob Phillips by G. A. Wheeler, a portion of the South Half of the M. E. P. & P. RR. Co. Survey, Abstract No. 434, Patent No. 243, Bowie County, Texas; and described by metes and bounds as follows:

BEGINNING 300 ft. North of the S.E. corner of the above mentioned
95.95-acre tract of land;
THENCE West 200 ft. to a stake; THENCE North 300 ft. to a stake;
THENCE East 200 ft. to a stake in the East Boundary line of said 95.95-acre tract;
THENCE South 300 ft. to the place of beginning, the same being on the East
Boundary line of said 95.95-acre tract of land.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said S. J. Hill and his

heirs and assigns forever and I do hereby bind myself and my heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said S. J. Hill and his

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

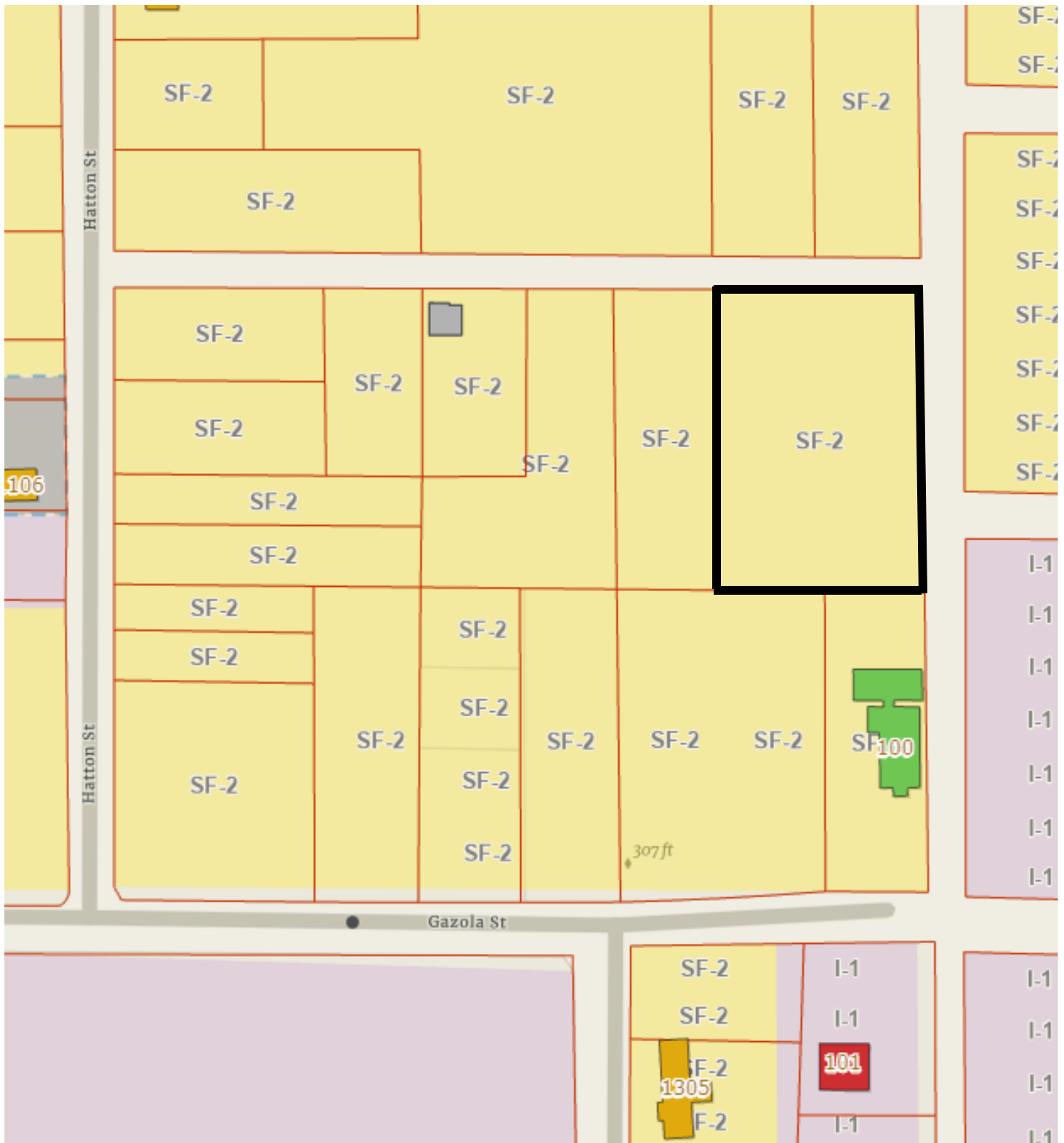


WITNESS my hand at Texarkana, Texas,
this 18th day of July 1948.
Notary Witnesses at Request of Grantor:



Bob Phillips

Lot North of 100 Gazola



Attachment: 2021-030 ATTH 01 (Maps) (2475 : 2021-030 ORD rezoning lot north of 100 Gazola)

Lot North of 100 Gazola



Attachment: 2021-030 ATTH 01 (Maps) (2475 : 2021-030 ORD rezoning lot north of 100 Gazola)

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. 2021-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 1.38-ACRE TRACT OF LAND (BEING TRACT 63), IN THE M. E. P. & P. RWY CO. HRS, A-434, LOCATED NORTH OF 100 GAZOLA STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO MULTIPLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate **1.38-acre tract of land (being Tract 63) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located north of 100 Gazola Street**, in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Multiple Family-2, on an approximate 1.38-acre tract of land (being Tract 63) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located north of 100 Gazola Street** to the City Council of Texarkana, Texas; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate **1.38-acre tract of land (being Tract 63) in the M. E. P. & P. RWY CO. HRS, A-434 (Exhibit 'A'), located north of 100 Gazola Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**.

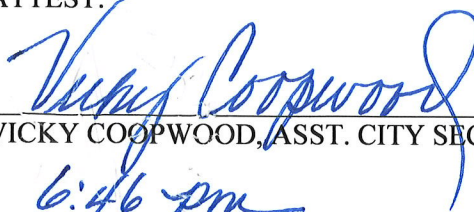
SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

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

PASSED AND APPROVED in Regular Council Session on this the 14th day of June, 2021.

ATTEST:



VICKY COOPWOOD, ASST. CITY SECRETARY
6:46 pm



BOB BRUGGEMAN, MAYOR

2021-030 EXH 'A'

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Mar 10, 2017 at 09:06A

SHERIFF'S TAX RESALE DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DATE OF SALE: February 7, 2017

GRANTOR/TAXING UNIT(S): Bowie Central Appraisal District, Trustee, in trust for the use and benefit of The City of Texarkana, Texas, Liberty-Eylau Independent School District and The County of Bowie, Texas

GRANTEE: Cody M. Barling

GRANTEE'S MAILING ADDRESS: 2077 County Road 3010, New Boston, Texas 75570-6381

PROPERTY: 1.38 Acres, more or less, out of Abstract 434 of the MEP&P Railway Company Survey, City of Texarkana, Bowie County, Texas (Volume 6369, Page 271 of the Deed Records, Bowie County, Texas) Tax Account No. 15640006300

CONSIDERATION: \$250.00

TAX FORECLOSURE LAWSUIT: Cause No. 10C1307-102, Bowie Central Appraisal District v. S. J. Hill et al, 102nd Judicial District Court

SHERIFF: James Prince

COUNTY: Bowie County, Texas

NEWSPAPER: *Citizens Tribune*

DATES OF PUBLICATION: January 11, 2017, January 18, 2017 and January 25, 2017

WHEREAS, by virtue of an Order of Sale issued pursuant to a Judgment rendered in the TAX FORECLOSURE LAWSUIT listed above, I, Sheriff, after having advertised the sale of said PROPERTY by giving notice of the time and place of tax foreclosure sale by advertisement published in a newspaper published in said COUNTY, did convey to the TAXING UNIT(S) all the right, title and interest that DEFENDANT(S) in the judgment rendered in the TAX FORECLOSURE LAWSUIT had in and to the PROPERTY.

AND WHEREAS, I, Sheriff, having been requested by Resolution of the Commissioners' Court of Bowie County on December 12, 2016 to resell the PROPERTY pursuant to Section 34.05(c) TEXAS TAX CODE, did advertise the resale of the PROPERTY by giving notice of the time and place of said resale by an advertisement in the English language, published once a week for three consecutive weeks preceding such resale, the first publication appearing not fewer than twenty days immediately preceding the date of sale, on the DATES OF PUBLICATION referenced above, in the NEWSPAPER listed above, which newspaper is published in said COUNTY, stating in said advertisement a description of the PROPERTY, the number and style of the TAX FORECLOSURE LAWSUIT under which the PROPERTY was sold at the tax foreclosure sale, and the date of the tax foreclosure resale.

AND THEREAFTER, on the DATE OF SALE, within the hours prescribed by law, I, Sheriff, sold said PROPERTY at public venue at the courthouse door of COUNTY, at which sale the PROPERTY was struck off to the GRANTEE for the amount of CONSIDERATION listed above, the GRANTEE being the highest bidder therefore, and that being the highest bid for the same.

NOW, THEREFORE, in consideration of the premises aforesaid and the payment of said CONSIDERATION, the receipt of which is hereby acknowledged, I, Sheriff, have granted, sold and conveyed, and by these presents do grant, sell and convey to the GRANTEE all of the estate, right, title and interest of the TAXING UNIT(S) in and to the PROPERTY.

Attachment: 2021-030 ORD Rezoning a lot north of 100 Gazola signed (2475 : 2021-030 ORD rezoning lot north of 100 Gazola)

2021-030 EXH 'A'

TO HAVE AND TO HOLD the PROPERTY unto the said GRANTEE, the GRANTEE'S successors and assigns, forever, as fully and as absolute as I, as Sheriff aforesaid, can convey by virtue of said Judgment and Order of Sale, subject, however, to the DEFENDANT(S) in the TAX FORECLOSURE LAWSUIT rights to redeem the same in the manner prescribed by law, and to such and further conditions and stipulations as may be applicable under the provisions of TEXAS TAX CODE Chapter 34.

I, and all the TAXING UNITS, exclude and except any warranties, express or implied, regarding the PROPERTY, including, without limitation, any warranties arising by common law or Section 5.023 of the TEXAS PROPERTY CODE, or its successor. I, and all the TAXING UNITS, have not made, and do not make any representations, warranties or covenants of any kind or character whatsoever, whether express or implied, with respect to the quality or condition of the PROPERTY, the suitability of the property for any and all activities and uses which grantees may conduct thereon, compliance by the PROPERTY with any laws, rules, ordinances or regulations of any applicable governmental authority or habitability, merchantability or fitness for a particular purpose, and specifically, I, and all the TAXING UNITS, have not made, and do NOT make any representations regarding hazardous waste, as defined by the Texas Solid Waste Disposal Act and the regulations adopted thereunder, or the U.S. Environmental Protection Agency regulations, or the disposal of any hazardous or toxic substances in or on the PROPERTY. In addition, I and all of the TAXING UNITS, have not made, and do NOT make any representation regarding any aboveground storage tank or belowground storage tank which may exist or may have existed, or the release of any petroleum product, in or on the PROPERTY. The PROPERTY is sold "AS IS" with all faults.

This deed is made expressly subject to the property taxes for the tax year 2012 and subsequent years. This deed is made expressly subject to all easements, restrictions and reservations of record. When the context requires, singular nouns and pronouns include the plural.

IN TESTIMONY WHEREOF, pursuant to the provisions of Section 34.05(c) of the TEXAS TAX CODE, I have hereunto set my hand this 9th day of March, 2017.

David Childers
JAMES PRINCE
Sheriff, Bowie County, Texas

STATE OF TEXAS

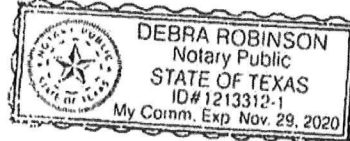
§
§
§

COUNTY OF BOWIE

Before me, the undersigned authority, on this day personally appeared David Childers, Deputy Sheriff, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein stated, and in the capacity therein set forth.

Given under my hand and seal of office, this 9th day of March, 2017.

Debra Robinson
Notary Public, State of Texas



After Recording, Return to:
Cody M. Barling
2077 County Road 3010
New Boston, Texas 75570-6381

Filed For Record In:
Bowie County, Texas
Tina Petty
County Clerk
On: Mar 10, 2017 at 09:06A

STATE OF Texas
COUNTY OF Bowie

On this 12 day of January, 1949, before me, a notary public in and for said County and State personally appeared Mrs. Barbara E. Hunnicutt, also known as Mrs. Barbara G. Hunnicutt, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal as such notary public this 12 day of January, 1949.



Mr. Elmer Carpenter
Notary Public

Filed for Record on the 17 day of Jan., A.D. 1949 at 10 o'clock A.M.
Duly Recorded this the 18 day of Jan., A.D. 1949 at 3 o'clock P.M.
Instrument No. 259

O. E. Cooper, County Clerk
Bowie County, Texas

By M. H. Clark, Deputy

WARRANT DEED

Form Standard Form

The State of Texas,
County of BOWIE

#260- - - - \$1.00

Know All Men by These Presents:

That I, Bob Phillips, a single man,
of the County of Bowie State of Texas,
of the sum of Four Hundred and no/100 -----
----- DOLLARS

to me in hand paid by S. J. Hill,
the receipt of which is hereby acknowledged,
have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said

S. J. Hill,

of the County of Bowie State of Texas, all that certain

tract or parcel of land out of a 95.95-acre tract conveyed to Bob Phillips by G. A. Wheeler, a portion of the South Half of the M. E. P. & P. RR. Co. Survey, Abstract No. 434, Patent No. 243, Bowie County, Texas; and described by metes and bounds as follows:

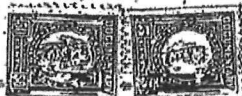
BEGINNING 300 ft. North of the S.E. corner of the above mentioned 95.95-acre tract of land;
THENCE West 200 ft. to a stake; THENCE North 300 ft. to a stake;
THENCE East 200 ft. to a stake in the East Boundary line of said 95.95-acre tract;
THENCE South 300 ft. to the place of beginning, the same being on the East Boundary Line of said 95.95-acre tract of land.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said S. J. Hill and his

heirs and assigns forever and I do hereby bind myself and my heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said S. J. Hill and his



heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.
WITNESS my hand at Texarkana, Texas,
this 18th day of July 1948.
In Witness whereof at Request of Grantor:



Bob Phillips

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 5/14/2021 9:13 AM

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2021-031 rezoning Lots 11, 12, 13 and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street. Single Family-2 to Single Family-3. Angelica Archie, owner.
Briefing: 6/14/2021 **Public Hearing:** 6/14/2021 **Council Vote:** 6/14/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Angelica Archie, owner, to rezone Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located 3202 Daniels Street from Single Family-2 to Single Family-3. The property is currently vacant land. The proposed use is a double wide HUD code manufactured home.

The adjacent zoning is Single Family-2 to the north, east and west and Commercial to the south. The adjacent land use is a residence to the north, west, and east and vacant land to the south.

The City's Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 zoning district along with the approval of a Specific Use Permit.

There are manufactured homes located in the immediate area. HUD code double wide manufactured housing looks like some of the existing frame pier and beam houses in the area. This type housing could also be a revitalization housing alternative to traditional site-built homes. Therefore, staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

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

Potential Options:

Approve or deny

City of Texarkana, Texas

Fiscal Implications:

Not applicable.

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

May 3, 2021

Attachments

- a. 2021-031 ORD rezoning 3202 Daniels (DOCX)
- b. 2021-031 ATTH 01 (Maps) (PDF)
- c. 2021-031 Goals & Perspective (DOCX)
- d. 2021-031 ORD rezoning 3202 Daniels signed (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Review	Skipped
05/14/2021 1:14 PM			
City Manager	Laura Puckett	Department Head Review	Skipped
05/14/2021 9:13 AM			
Building Code Administration	Mashell Daniel	Reviewer	Completed
05/14/2021 2:49 PM			
City Manager	David Orr	Review	Completed 05/14/2021
3:21 PM			
City Council	Vicky Coopwood	Meeting	Completed 05/24/2021
6:00 PM			

Meeting History

Z-21-09

ORDINANCE NO. 2021-031

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 11, 12, 13, AND 14, BLOCK 3, GREEN WOODS SUNNY SLOPE ADDITION, LOCATED AT 3202 DANIELS STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO SINGLE FAMILY-3; 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 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street**, in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**; 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 have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Single Family-3, on Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**.

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

Attachment: 2021-031 ORD rezoning 3202 Daniels (2476 : 2021-031 ORD rezoning at 3202 Daniels)

shall not affect, impair, or invalidate the remainder of this ordinance.

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of June, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

3202 Daniels Street



Attachment: 2021-031 ATTH 01 (Maps) (2476 : 2021-031 ORD rezoning at 3202 Daniels)

3202 Daniels Street



Attachment: 2021-031 ATTH 01 (Maps) (2476 : 2021-031 ORD rezoning at 3202 Daniels)

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. 2021-031

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 11, 12, 13, AND 14, BLOCK 3, GREEN WOODS SUNNY SLOPE ADDITION, LOCATED AT 3202 DANIELS STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO SINGLE FAMILY-3; 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 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street**, in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**; 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 have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Single Family-3, on Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity

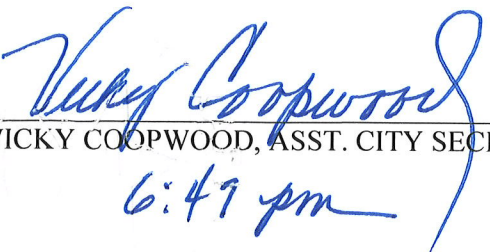
shall not affect, impair, or invalidate the remainder of this ordinance.

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of June, 2021.**

ATTEST:



VICKY COOPWOOD, ASST. CITY SECRETARY
6:49 pm



BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 5/17/2021 9:31 AM

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator
Ordinance No. 2021-032 granting a Specific Use Permit to allow the location of a double-wide HUD code manufactured home on Lots 11, 12, 13 and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street.
Subject: Angelica Archie, owner.

Briefing: 6/14/2021 **Public Hearing:** 6/14/2021 **Council Vote:** 6/14/2021

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Angelica Archie for a Specific Use Permit to allow the location of a double wide HUD code manufactured home as a residence on Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located 3202 Daniels Street. The property is currently vacant land.

The adjacent zoning is Single Family-2 to the north, east and west and Commercial to the south. The adjacent land use is a residence to the north, west, and east and vacant land to the south.

The City's Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 zoning district along with the approval of a Specific Use Permit.

Staff recommends for approval of this request with the following stipulations:

1. That one new 2020 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

City of Texarkana, Texas

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

Potential Options:

Approve or deny

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

May 3, 2021

Attachments

- a. 2021-032 ORD SUP at 3202 Daniels Street (DOCX)
- b. 2021-032 ATTH 01 (Maps) (PDF)
- c. 2021-032 ATTH 02 (Plat) (PDF)
- d. 2021-032 ATTH 03 (Photo) (PDF)
- e. 2021-032 Goals & Perspective (DOCX)
- f. 2021-032 ORD SUP HUD mftd home 3202 Daniels signed (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Review	Skipped
05/14/2021 1:14 PM			
City Manager	Laura Puckett	Department Head Review	Skipped
05/14/2021 9:16 AM			
Building Code Administration	Mashell Daniel	Reviewer	Completed
05/14/2021 2:50 PM			
City Manager	Vicky Coopwood	Review	Completed 05/21/2021
3:15 PM			
City Council	Vicky Coopwood	Meeting	Completed 05/24/2021
6:00 PM			

Meeting History

ORDINANCE NO. 2021-032

S-738

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-738 TO ALLOW THE LOCATION OF A DOUBLE-WIDE HUD CODE MANUFACTURED HOME ON LOTS 11, 12, 13, AND 14, BLOCK 3, GREEN WOODS SUNNY SLOPE ADDITION, LOCATED AT 3202 DANIELS STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a double-wide HUD Code manufactured home on **Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street**, 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 have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double-wide HUD Code manufactured home** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-738** for the location of a double-wide HUD Code manufactured home on Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street, in the City of Texarkana, Bowie County, Texas.

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

1. That one new 2020 or newer double-wide HUD code manufactured home be allowed on this property.
2. That the double-wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double-wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas, codes.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of June, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

3202 Daniels Street

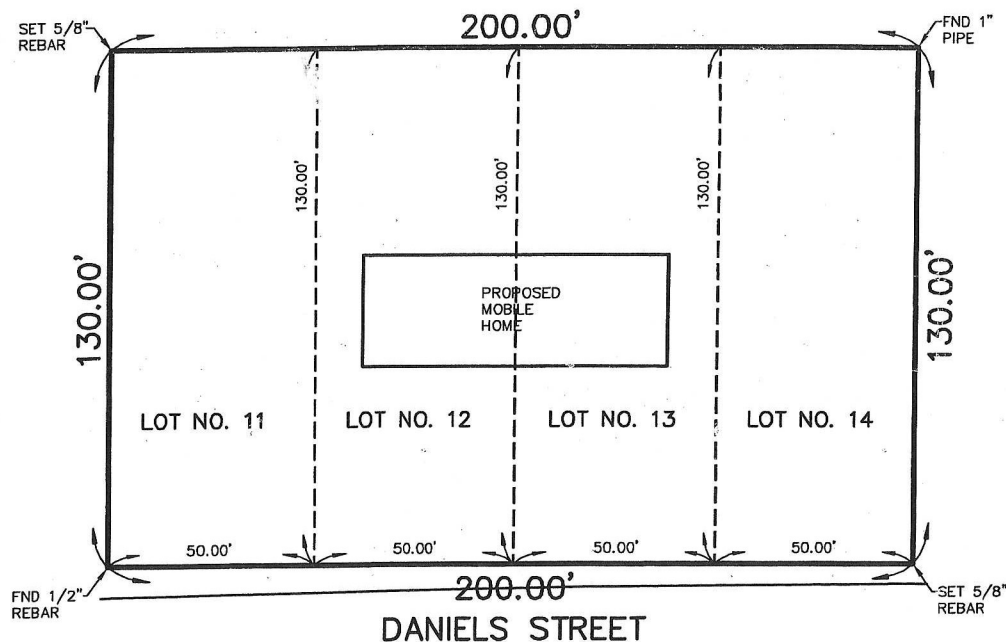


Attachment: 2021-032 ATTH 01 (Maps) (2477 : 2021-032 ORD granting SUP for HUD code manufactured 3202 Daniels)

3202 Daniels Street



2021-032 ATTH 02



PROPERTY DESCRIPTION - 3202 DANIELS STREET, TEXARKANA, TEXAS

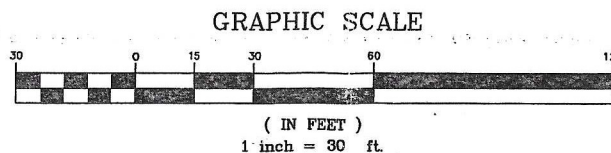
ALL OF LOTS NUMBERED ELEVEN (11), TWELVE (12), THIRTEEN (13), AND FOURTEEN (14), OF GREENWOODS SUNNY SLOPE ADDITION, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 4898 PAGE, 277, DEED RECORDS OF BOWIE COUNTY, TEXAS

THESE LOTS ARE NOT WITHIN A DESIGNATED FLOOD PLAIN, ACCORDING TO FEDERAL INSURANCE ADMINISTRATION RATE MAP, MAP NUMBER 48037C0365E, EFFECTIVE DATE DECEMBER 21, 2017.

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS OF IMPROVEMENTS, VISIBLE EASEMENTS OR RIGHTS-OF-WAY (ALL EASEMENTS AND RIGHTS-OF-WAY ARE SHOWN IF TITLE COMMITMENT WAS PROVIDED PRIOR TO FIELD WORK), EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY.



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REVISION	DATE	DESCRIPTION	BY	SHEET
LYNCH SURVEYING TEXAS FIRM NO. 0803390487 3606 MAGNOLIA STREET TEXARKANA, TEXAS 75503 BUSINESS (903) 791-1392 FAX (903) 791-1395				1
TEXARKANA, TEXAS GREENWOODS SUNNY SLOPE ADDITION SURVEY OF LOTS 11-14 BLOCK				
Scale: 1"=30'		Date: MAR, 2021	Job No. 84	
Dsn. By: KDL		Dwn. By: PLC	Ckd. By: f	

2021-032 ATTH 03

New
2020 4br 3bth

Attachment: 2021-032 ATTH 03 (Photo) (2477 : 2021-032 ORD granting SUP for HUD code manufactured

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. 2021-032

S-738

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-738 TO ALLOW THE LOCATION OF A DOUBLE-WIDE HUD CODE MANUFACTURED HOME ON LOTS 11, 12, 13, AND 14, BLOCK 3, GREEN WOODS SUNNY SLOPE ADDITION, LOCATED AT 3202 DANIELS STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a double-wide HUD Code manufactured home on **Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street**, 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 have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double-wide HUD Code manufactured home** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-738** for the location of a double-wide HUD Code manufactured home on Lots 11, 12, 13, and 14, Block 3, Green Woods Sunny Slope Addition, located at 3202 Daniels Street, in the City of Texarkana, Bowie County, Texas.

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

1. That one new 2020 or newer double-wide HUD code manufactured home be allowed on this property.
2. That the double-wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double-wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas, codes.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of June, 2021.**

ATTEST:


VICKY COOPWOOD, ASST. CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:49 pm

City of Texarkana, Texas

Version: A

Update Date: 5/14/2021 3:37 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2021-033 amending PD-20-1 (GR) for site plan approval on a 1.182-acre tract of land being part of Lot 1, Block 1, Marriott Subdivision, located at 3100 St. Michael Drive. Ray Walsh, owner. Yuri Hawley and Richard Reynolds, agents.

Briefing: 6/14/2021 **Public Hearing:** 6/14/2021 **Council Vote:** 6/14/2021

Item ScheduleSchedule 2: Brief once - vote once (two weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Ray Walsh, owner and Yuri Hawley and Richard Reynolds, agents, for site plan approval on a 1.182-acre tract of land being part of Lot 1, Block 1, Marriott Subdivision, located at 3100 St. Michael Drive. The proposed use is a drive-thru restaurant. The current zoning is PD-General Retail. This property is currently vacant land.

The adjacent zoning is Planned Development-General Retail to the north, east, and west and Interstate 30 to the south. The adjacent land use is vacant land to the east, a hotel to the north, a restaurant to the west, and Interstate 30 to the south.

The site plan consists of the following:

1. The construction of a new 2,300 sq. ft. restaurant building with drive thru.
2. The building façade will consist of EIFS, fiberon, cultured stone wainscoting and accent.
3. The access will be off St. Michael Drive and the proposed private drive off North Cowhorn Creek Loop Road. The applicant should be aware that the St. Michael Drive access will require TXDOT approval.
4. The site plan shows 63 parking spaces with 3 handicapped spaces.
5. Enclosed dumpster area is shown.
6. A pole sign 13' ft. in diameter and 50' tall is shown to be located at the southeast corner of the property along St. Michael Drive. Signage also includes a menu sign, wall signs, and directional signage.

Staff recommends for approval of the site plan.

Per the Fire Department, fire lanes with a 20' width and a 13' 6" overhead clearance will be required. Also, must meet the AASHTO WB40 turn radii.

The applicant should also be aware that if this site plan approval item is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

City of Texarkana, Texas

Potential Options:

Approve or deny

Fiscal Implications:

Not applicable.

Staff Recommendation:

Staff recommends for approval of the site plan.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

May 3, 2021

Attachments

- a. 2021-033 ORD Amendment to PD-20-1(GR) for site plan approval(DOCX)
- b. 2021-033 EXH 'A' (Legal Description) (PDF)
- c. 2021-033 ATTH 01 (Maps) (PDF)
- d. 2021-033 ATTH 02 (Site Plan) (PDF)
- e. 2021-033 ATTH 03 (Elevations) (PDF)
- f. 2021-033 ATTH 04 (signs) (PDF)
- g. 2021-033 Goals & Perspective (DOCX)
- h. 2021-033 ORD Amendment to PD-20-1 (GR) 3100 St. Michaels Signed (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Review	Skipped
05/14/2021 1:15 PM			
City Manager	Laura Puckett	Department Head Review	Skipped
05/14/2021 9:18 AM			
Building Code Administration	Mashell Daniel	Review	Completed
05/14/2021 3:38 PM			
City Manager	David Orr	Review	Completed 05/14/2021
3:44 PM			
City Council	Vicky Coopwood	Meeting	Completed 05/24/2021
6:00 PM			

Meeting History

ORDINANCE NO. 2021-033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-20-1(GR) FOR SITE PLAN APPROVAL TO ALLOW A DRIVE-THRU RESTAURANT ON A 1.182-ACRE TRACT OF LAND BEING PART OF LOT 1, BLOCK 1, MARRIOTT SUBDIVISION, LOCATED AT 3100 ST. MICHAEL 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’)** to **allow a drive-thru restaurant on a 1.182-acre tract of land being part of Lot 1, Block 1, Marriott Subdivision, located at 3100 St. Michael Drive** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-Office [PD-20-1(GR)], and approval of the site plan (**Exhibit ‘A’**) would constitute an amendment to PD-20-1(GR); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings 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 a site plan (Exhibit ‘A’)** to the City Council of the City 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’**) to **allow a drive-thru restaurant on a 1.182-acre tract of land being part of Lot 1, Block 1, Marriott Subdivision, located at 3100 St. Michael**

Drive in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-20-1(GR).

SECTION 2: PD-20-1(GR) is hereby amended by approval of the site plan (**Exhibit ‘A’**), incorporated herein by reference for all purposes, and includes the following:

1. The construction of a new 2,300 sq. ft. restaurant building with drive thru.
2. The building façade will consist of EIFS, fiberon, cultured stone wainscoting and accent.
3. The access will be off St. Michael Drive and the proposed private drive off North Cowhorn Creek Loop Road. The applicant should be aware that the St. Michael Drive access will require TxDOT approval.
4. The site plan shows 63 parking spaces with three handicapped spaces.
5. Enclosed dumpster area is shown.
6. A pole sign 13’ ft. in diameter and 50’ tall is shown to be located at the southeast corner of the property along St. Michael Drive. Signage also includes a menu sign, wall signs, and directional signage.

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 **14th day of June, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2021-033 EXH 'A'
Amendment PD-20-1 (GR)

Property Description
1.7892 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the Adolphus Hope Headright Survey, Abstract 261, Bowie County, Texas, being a part of that certain tract of land described as Tract 1, Lot No. 1 in the deed from Barrie M. Thomson, Independent Executrix of the Estate of Joe S. Thomson to Barrie M. Thomson, dated October 1, 2009, recorded in Volume 5708, Page 251 of the Real Property Records of Bowie County, Texas, same being a part of Lot No. 1 of the Marriott Subdivision, a Replat of Lot A in Block 1 of the Replat of Lot 3 in Block 1 of Walsh-Carter Master Tract, according to the plat recorded in Volume 3704, Page 268 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a Type 2 TXDOT Right-of-way Monument found for a corner (control monument), lying in the North right-of-way line of St. Michael Drive (West bound frontage road for Interstate 30), the Southwest corner of the said Lot No. 1, the Southeast corner of that certain tract of land described as Lot No. 1 in the Richill Subdivision, according to the plat recorded in Volume 2718, Page 313 of the Real Property Records of Bowie County, Texas;

THENCE North 05 degrees 08 minutes 48 seconds West (basis of bearings) a distance of 535.00 feet along the West line of the said Lot No. 1 (Marriott), the East line of Lot No. 1 (Richill), and the East line of Lot No. 7 of the Replat of Lot No. 4 Richill Subdivision, according to the plat recorded in Volume 3359, Page 299 of the Real Property Records of Bowie County, Texas, to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, the Northwest corner of the said Lot No. 1 (Marriott), and the Southwest corner of Lot No. 2 of the said Marriott Subdivision, said corner bears North 05 degrees 08 minutes 48 seconds West a distance of 282.00 feet to a 1/2 inch steel rod found for the Northwest corner of the said Lot No. 2;

THENCE North 84 degrees 51 minutes 12 seconds East a distance of 60.82 feet along the North line of the said Lot No. 1 (Marriott) and the South line of the said Lot No. 2 to a 1/2 inch steel rod set for a corner, capped MTG 101011-00;

THENCE South 05 degrees 16 minutes 46 seconds East a distance of 105.66 feet across and through the said Lot No. 1 (Marriott) to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, at an angle point;

THENCE South 32 degrees 21 minutes 27 seconds East a distance of 129.20 feet across and through the said Lot No. 1 (Marriott) to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, at an angle point;

THENCE South 56 degrees 43 minutes 16 seconds East a distance of 190.09 feet across and through the said Lot No. 1 (Marriott) to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, at an angle point;

THENCE South 75 degrees 11 minutes 37 seconds East a distance of 84.35 feet across and through the said Lot No. 1 (Marriott) to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, lying in the North right-of-way line of the said St. Michael Drive and the South line of the said Lot No. 1 (Marriott), said corner bears North 59 degrees 25 minutes 18 seconds East a distance of 73.15 feet and South 30 degrees 34 minutes 42 seconds East a

Attachment: 2021-033 EXH 'A' (Legal Description) (2479 : 2021-033 ORD amending PD-20-1 (GR) 3100 St. Michael Drive)

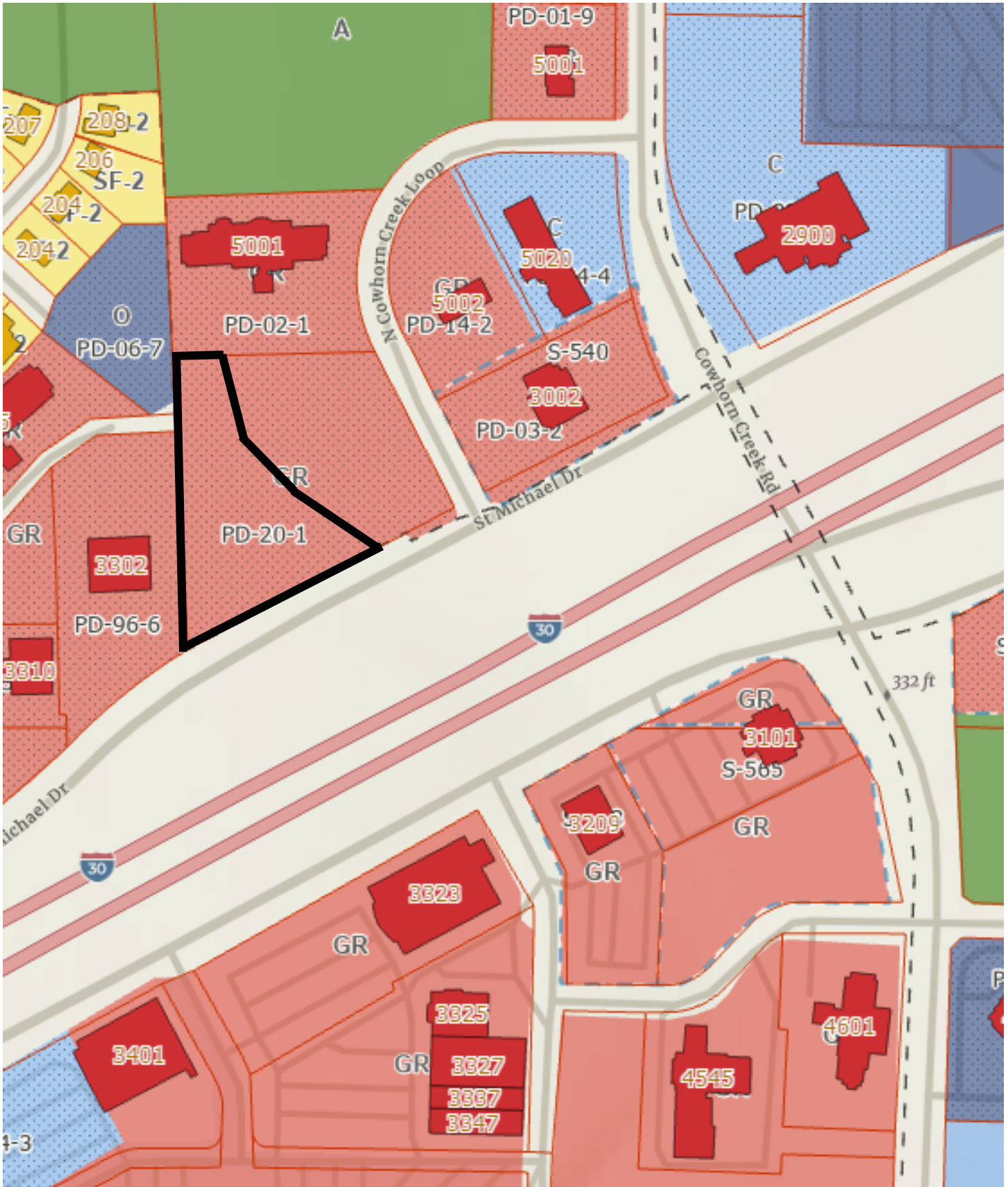
distance of 15.00 feet to a Type 2 TXDOT Right-of-way Monument found for a corner, an outside ell corner of the said Lot No. 1 (Marriott);

THENCE South 59 degrees 25 minutes 18 seconds West a distance of 328.16 feet along the North right-of-way line of the said St. Michael Drive and the South line of the said Lot No. 1 (Marriott) to a Type 2 TXDOT Right-of-way Monument found for a corner the beginning of a circular curve to the left, tangent to said line;

THENCE in a Southwesterly direction along the arc of the said circular curve a distance of 58.40 feet, with a radius of 1009.93 feet, and a delta angle of 3 degrees 18 minutes 47 seconds, a chord bearing of South 57 degrees 45 minutes 55 seconds West, and a chord distance of 58.39 feet to the point of beginning and containing 1.782 acres of land, at the time of this survey.

This description is based on the survey and plat made by Mike Gardner, Registered Professional Land Surveyor No. 5760, on December 3, 2019.

3100 St. Michael Drive

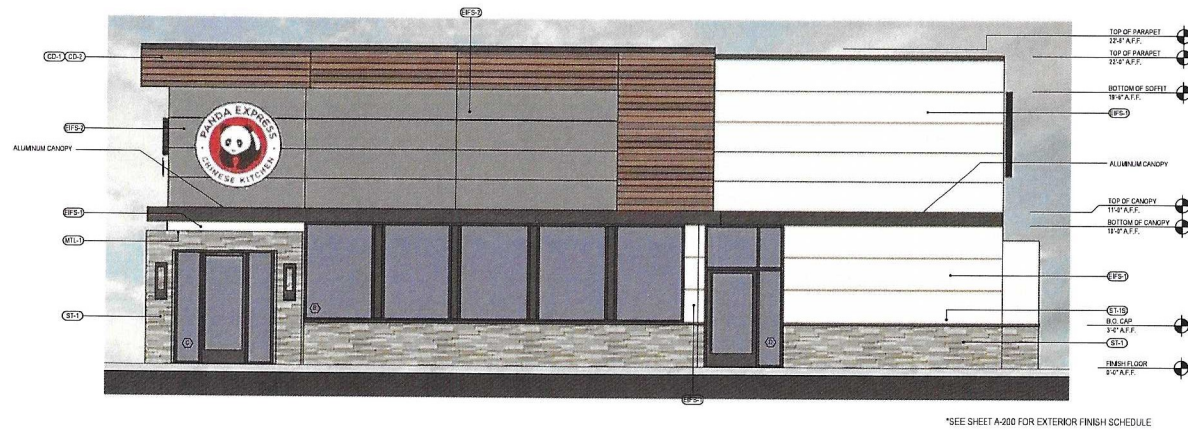


Attachment: 2021-033 ATTH 01 (Maps) (2479 : 2021-033 ORD amending PD-20-1 (GR) 3100 St. Michael Drive)

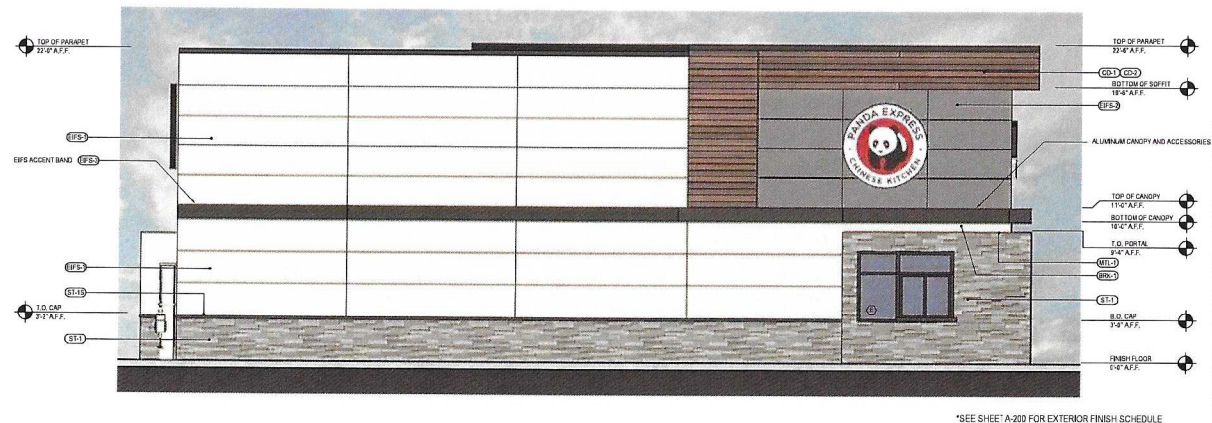
3100 St. Michael Drive



Attachment: 2021-033 ATTH 01 (Maps) (2479 : 2021-033 ORD amending PD-20-1 (GR) 3100 St. Michael Drive)



EAST ELEVATION 2
Scale= 1/4" = 1'-0" A-201



WEST ELEVATION 1
Scale= 1/4" = 1'-0" A-201



PANDA EXPRESS, INC.
1683 Walnut Grove Ave.
Rosemead, California
91770
Telephone 626.789.8888
Facsimile 626.372.8288

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REVISIONS

NO.	DESCRIPTION	DATE

ISSUE DATE

DRAWN BY

PANDA PROJECT # D7428
PANDA STORE #
ARCH PROJECT # 261-240



PANDA EXPRESS
TRUE WARM & WELCOME
1-30 & COWHORN CREEK RD
TEXARKANA, TX

A-201

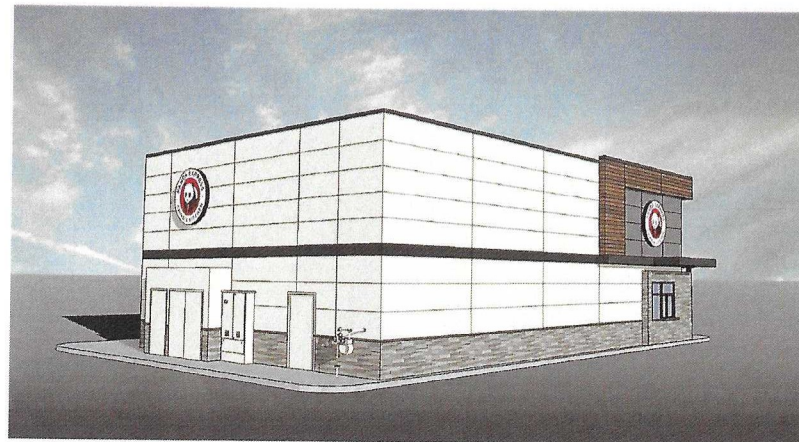
EXTERIOR
ELEVATIONS

TRUE WARM & WELCOME 2300 R6

Attachment: 2021-033 ATTH 03 (Elevations) (2479 : 2021-033 ORD amending PD-20-1 (GR) 3100 St.



FRONT PERSPECTIVE 2
NOT TO SCALE A-202



BACK PERSPECTIVE 1
NOT TO SCALE A-202



PANDA EXPRESS, INC.
1863 Walnut Grove Ave.
Rosemead, California
91770
Telephone: 626.789.8898
Facsimile: 626.372.8389

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REVISIONS

ISSUE DATE

DRAWN BY

PANDA PROJECT # D7429
PANDA STORE # -
ARCH PROJECT # 261-240



PANDA EXPRESS
TRUE WARM & WELCOME
1-30 & COWHORN CREEK RD
TEXARKANA, TX

A-202

EXTERIOR
PERSPECTIVES

TRUE WARM & WELCOME 2300 RS

Attachment: 2021-033 ATTH 03 (Elevations) (2479 : 2021-033 ORD amending PD-20-1 (GR) 3100 St.

2021-033 ATTH 04

Amendment PD-20-1 (GR)



PANDA

EXPRESS

1 2'-6" Channel Letter Set



2 3 4 6' Lockup

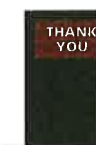


D1 DT Clearance

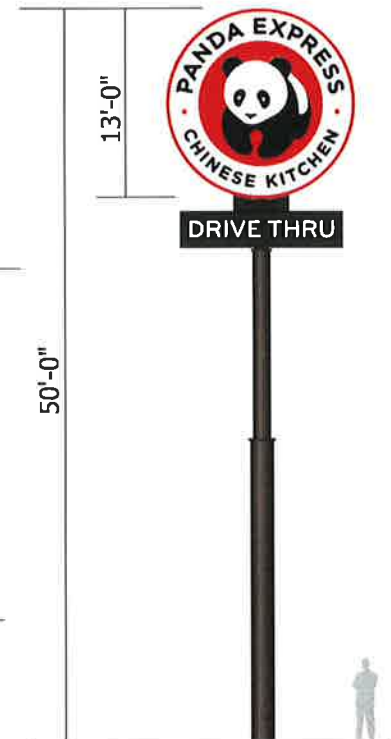
D2 OCU Canopy



D3 DT Menu



D4 Directional



5 D/F Pylon Sign @ 196.86 sq ft



National Headquarters: 1077 West Blue Heron Blvd.
West Palm Beach, Florida 33404
800.772.7932
www.atlasblw.com

Revisions:

- 2 11/20/19 R - Revise Site Plan, move rear lockup
- 3 11/20/19 R - Revise Site Plan, move pylon
- 4 11/20/19 R - Create full blinder

PM Joe Janelle

Drawn By JS

Date 11/18/2019

Address St Michael Dr & I-30

City Texarkana

SO- 105165

State TX

Page Number 2

Attachment: 2021-033 ATTH 04 (signs) (2479 : 2021-033 ORD amending PD-20-1 (GR) 3100 St. Michael

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. 2021-033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-20-1(GR) FOR SITE PLAN APPROVAL TO ALLOW A DRIVE-THRU RESTAURANT ON A 1.182-ACRE TRACT OF LAND BEING PART OF LOT 1, BLOCK 1, MARRIOTT SUBDIVISION, LOCATED AT 3100 ST. MICHAEL 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')** to **allow a drive-thru restaurant on a 1.182-acre tract of land being part of Lot 1, Block 1, Marriott Subdivision, located at 3100 St. Michael Drive** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-Office [PD-20-1(GR)], and approval of the site plan (**Exhibit 'A'**) would constitute an amendment to PD-20-1(GR); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings 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 a site plan (Exhibit 'A')** to the City Council of the City 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'**) to **allow a drive-thru restaurant on a 1.182-acre tract of land being part of Lot 1, Block 1, Marriott Subdivision, located at 3100 St. Michael**

Drive in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-20-1(GR).

SECTION 2: PD-20-1(GR) is hereby amended by approval of the site plan (**Exhibit 'A'**), incorporated herein by reference for all purposes, and includes the following:

1. The construction of a new 2,300 sq. ft. restaurant building with drive thru.
2. The building façade will consist of EIFS, fiberon, cultured stone wainscoting and accent.
3. The access will be off St. Michael Drive and the proposed private drive off North Cowhorn Creek Loop Road. The applicant should be aware that the St. Michael Drive access will require TxDOT approval.
4. The site plan shows 63 parking spaces with three handicapped spaces.
5. Enclosed dumpster area is shown.
6. A pole sign 13' ft. in diameter and 50' tall is shown to be located at the southeast corner of the property along St. Michael Drive. Signage also includes a menu sign, wall signs, and directional signage.

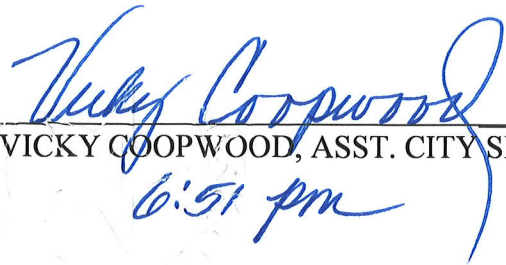
SECTION 3: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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 14th day of June, 2021.

ATTEST:


 VICKY COOPWOOD, ASST. CITY SECRETARY
 6:51 pm


 BOB BRUGGEMAN, MAYOR

2021-033 EXH 'A'
Amendment PD-20-1 (GR)

Property Description
1.7892 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the Adolphus Hope Headright Survey, Abstract 261, Bowie County, Texas, being a part of that certain tract of land described as Tract 1, Lot No. 1 in the deed from Barrie M. Thomson, Independent Executrix of the Estate of Joe S. Thomson to Barrie M. Thomson, dated October 1, 2009, recorded in Volume 5708, Page 251 of the Real Property Records of Bowie County, Texas, same being a part of Lot No. 1 of the Marriott Subdivision, a Replat of Lot A in Block 1 of the Replat of Lot 3 in Block 1 of Walsh-Carter Master Tract, according to the plat recorded in Volume 3704, Page 268 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a Type 2 TXDOT Right-of-way Monument found for a corner (control monument), lying in the North right-of-way line of St. Michael Drive (West bound frontage road for Interstate 30), the Southwest corner of the said Lot No. 1, the Southeast corner of that certain tract of land described as Lot No. 1 in the Richill Subdivision, according to the plat recorded in Volume 2718, Page 313 of the Real Property Records of Bowie County, Texas;

THENCE North 05 degrees 08 minutes 48 seconds West (basis of bearings) a distance of 535.00 feet along the West line of the said Lot No. 1 (Marriott), the East line of Lot No. 1 (Richill), and the East line of Lot No. 7 of the Replat of Lot No. 4 Richill Subdivision, according to the plat recorded in Volume 3359, Page 299 of the Real Property Records of Bowie County, Texas, to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, the Northwest corner of the said Lot No. 1 (Marriott), and the Southwest corner of Lot No. 2 of the said Marriott Subdivision, said corner bears North 05 degrees 08 minutes 48 seconds West a distance of 282.00 feet to a 1/2 inch steel rod found for the Northwest corner of the said Lot No. 2;

THENCE North 84 degrees 51 minutes 12 seconds East a distance of 60.82 feet along the North line of the said Lot No. 1 (Marriott) and the South line of the said Lot No. 2 to a 1/2 inch steel rod set for a corner, capped MTG 101011-00;

THENCE South 05 degrees 16 minutes 46 seconds East a distance of 105.66 feet across and through the said Lot No. 1 (Marriott) to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, at an angle point;

THENCE South 32 degrees 21 minutes 27 seconds East a distance of 129.20 feet across and through the said Lot No. 1 (Marriott) to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, at an angle point;

THENCE South 56 degrees 43 minutes 16 seconds East a distance of 190.09 feet across and through the said Lot No. 1 (Marriott) to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, at an angle point;

THENCE South 75 degrees 11 minutes 37 seconds East a distance of 84.35 feet across and through the said Lot No. 1 (Marriott) to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, lying in the North right-of-way line of the said St. Michael Drive and the South line of the said Lot No. 1 (Marriott), said corner bears North 59 degrees 25 minutes 18 seconds East a distance of 73.15 feet and South 30 degrees 34 minutes 42 seconds East a

Attachment: 2021-033 ORD Amendment to PD-20-1 (GR) 3100 St. Michaels Signed (2479 : 2021-033 ORD amending PD-20-1 (GR) 3100 St.

2021-033 EXH 'A'
Amendment PD-20-1 (GR)

distance of 15.00 feet to a Type 2 TXDOT Right-of-way Monument found for a corner, an outside ell corner of the said Lot No. 1 (Marriott);

THENCE South 59 degrees 25 minutes 18 seconds West a distance of 328.16 feet along the North right-of-way line of the said St. Michael Drive and the South line of the said Lot No. 1 (Marriott) to a Type 2 TXDOT Right-of-way Monument found for a corner the beginning of a circular curve to the left, tangent to said line;

THENCE in a Southwesterly direction along the arc of the said circular curve a distance of 58.40 feet, with a radius of 1009.93 feet, and a delta angle of 3 degrees 18 minutes 47 seconds, a chord bearing of South 57 degrees 45 minutes 55 seconds West, and a chord distance of 58.39 feet to the point of beginning and containing 1.782 acres of land, at the time of this survey.

This description is based on the survey and plat made by Mike Gardner, Registered Professional Land Surveyor No. 5760, on December 3, 2019.

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 5/14/2021 9:08 AM

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2021-034 rezoning Lots 19 and 20, Block, 5 Greater Texarkana Addition, located at 605 Ward Avenue. Single Family-2 to Single Family-3. Gregory London, owner.

Briefing: 6/14/2021 **Public Hearing:** 6/14/2021 **Council Vote:** 6/14/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Gregory London, owner, to rezone Lots 19 and 20, Block, 5 Greater Texarkana Addition, located at 605 Ward Avenue from Single Family-2 to Single Family-3. The property is currently vacant land. The proposed use is a double wide HUD code manufactured home.

The adjacent zoning is Single Family-2 to the east, north, south, and west. The adjacent land use is a residence to the south and vacant land to the north, east, and west.

The City's Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 (SF-3) zoning district along with the approval of a Specific Use Permit.

There are several lots in this area that are zoned SF-3. HUD code double wide manufactured housing looks like some of the existing frame pier and beam houses in the area. This type housing could also be a revitalization housing alternative to traditional site-built homes. Therefore, staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

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

Potential Options:

Approve or deny

City of Texarkana, Texas

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

May 3, 2021

Attachments

- a. 2021-034 ORD rezoning 605 Ward (DOCX)
- b. 2021-034 ATTH 01 (Maps) (PDF)
- c. 2021-034 Goals & Perspective (DOCX)
- d. 2021-034 ORD rezoning 605 Ward Street signed (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Review	Skipped
05/14/2021 1:15 PM			
City Manager	Laura Puckett	Department Head Review	Skipped
05/14/2021 9:05 AM			
Building Code Administration	Mashell Daniel	Reviewer	Completed
05/14/2021 2:54 PM			
City Manager	David Orr	Review	Completed 05/14/2021
3:27 PM			
City Council	Vicky Coopwood	Meeting	Completed 06/14/2021
6:00 PM			

Meeting History

ORDINANCE NO. 2021-034

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 19 AND 20, BLOCK 5, GREATER TEXARKANA ADDITION, LOCATED AT 605 WARD AVENUE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO SINGLE FAMILY-3; 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 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue**, in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**; 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 have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Single Family-3, on Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue**, to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of June, 2021.**

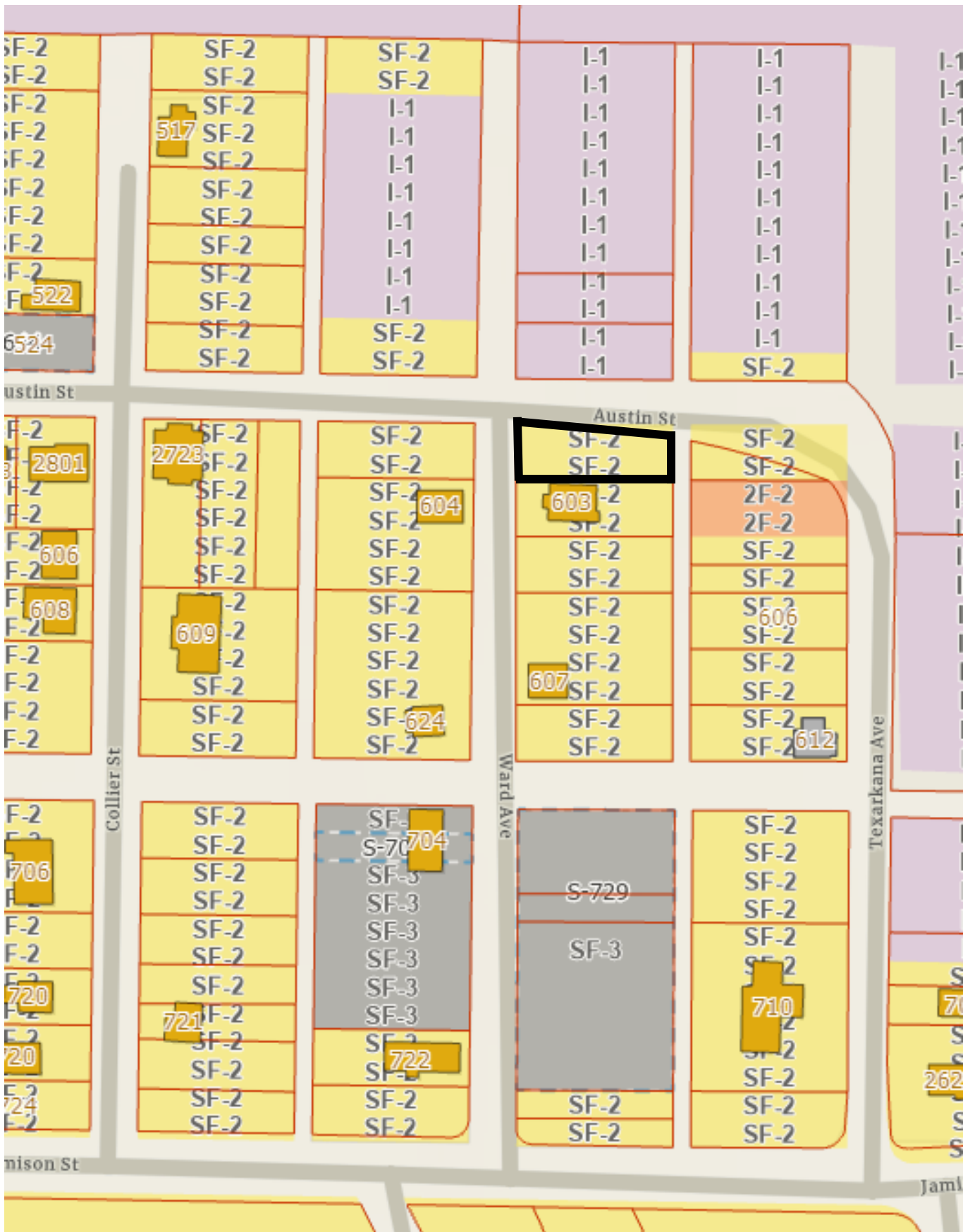
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Z-21-10

605 Ward Street



Attachment: 2021-034 ATTH 01 (Maps) (2480 : 2021-034 ORD rezoning at 605 Ward Ave SF-2 to SF-3)

605 Ward Street



Attachment: 2021-034 ATTH 01 (Maps) (2480 : 2021-034 ORD rezoning at 605 Ward Ave SF-2 to SF-3)

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. 2021-034

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 19 AND 20, BLOCK 5, GREATER TEXARKANA ADDITION, LOCATED AT 605 WARD AVENUE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM A SINGLE FAMILY-2 TO SINGLE FAMILY-3; 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 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue**, in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**; 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 have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Single Family-3, on Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue**, to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**.

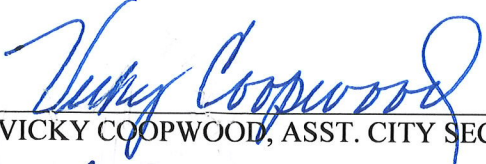
SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of June, 2021.**

ATTEST:



VICKY COOPWOOD, ASST. CITY SECRETARY
6:53 pm



BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 6/1/2021 3:20 PM

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2021-035 granting a Specific Use Permit to allow the location of a double-wide HUD code manufactured home on Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue. Gregory London, owner.

Briefing: 6/14/2021 **Public Hearing:** 6/14/2021 **Council Vote:** 6/14/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Gregory London for a Specific Use Permit to allow the location of a double wide HUD code manufactured home as a residence on Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue. The property is currently vacant land.

The adjacent zoning is Single Family-2 to the east, north, south, and west. The adjacent land use is a residence to the south and vacant land to the north, east, and west.

The City's Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 zoning district along with the approval of a Specific Use Permit.

Staff recommends for approval of this request with the following stipulations:

1. That one 2017 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

City of Texarkana, Texas

Potential Options:

Approve or deny

Fiscal Implications:

Not applicable.

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

May 3, 2021

Attachments

- a. 2021-035 ORD SUP at 605 Ward (DOCX)
- b. 2021-035 ATTH 01 (Maps) (PDF)
- c. 2021-035 ATTH 02 (Floorplans) (PDF)
- d. 2021-035 Goals & Perspective (DOCX)
- e. 2021-035 ORD SUP HUD mftd home 605 Ward signed (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Review	Skipped
05/14/2021 1:15 PM			
City Manager	Laura Puckett	Department Head Review	Skipped
05/14/2021 9:21 AM			
Building Code Administration	Mashell Daniel	Reviewer	Completed
05/14/2021 2:55 PM			
City Manager	David Orr	Review	Completed 05/14/2021
3:27 PM			
City Council	Vicky Coopwood	Meeting	Completed 05/24/2021
6:00 PM			

Meeting History

ORDINANCE NO. 2021-035

S-739

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-739 TO ALLOW THE LOCATION OF A DOUBLE-WIDE HUD CODE MANUFACTURED HOME ON LOTS 19 AND 20, BLOCK 5, GREATER TEXARKANA ADDITION, LOCATED AT 605 WARD AVENUE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a double-wide HUD Code manufactured home on **Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue**, 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 have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double-wide HUD Code manufactured home** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-739** for the location of a double-wide HUD Code manufactured home on Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue, in the City of Texarkana, Bowie County, Texas.

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

1. That one 2017 or newer double-wide HUD code manufactured home be allowed on this property.
2. That the double-wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double-wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas, codes.

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

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

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

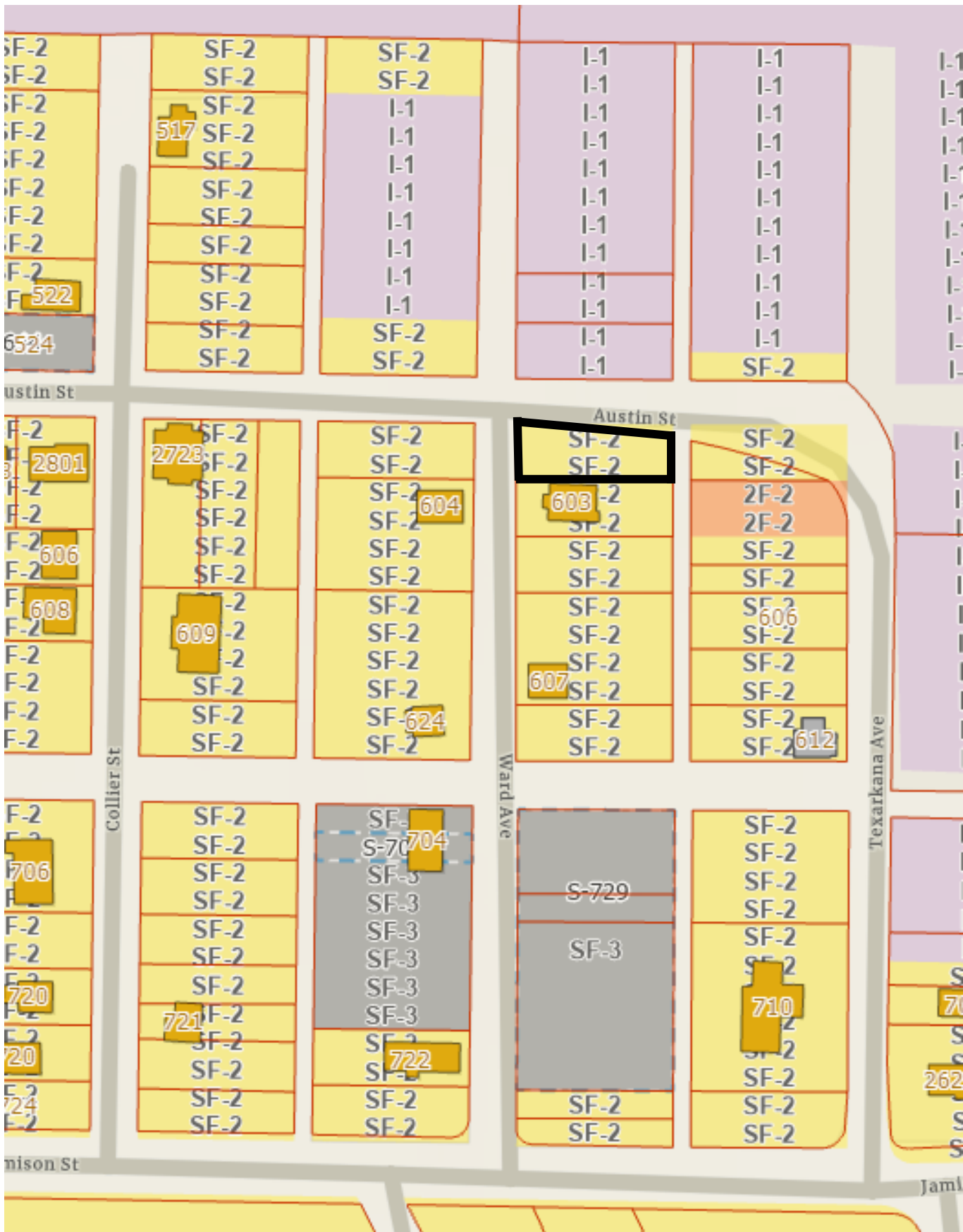
PASSED AND APPROVED in Regular Council Session on this the **14th day of June, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

605 Ward Street



Attachment: 2021-035 ATTH 01 (Maps) (2481 : 2021-035 ORD granting SUP HUD Code Manufactured Home 605 Ward Ave)

605 Ward Street



Attachment: 2021-035 ATTH 01 (Maps) (2481 : 2021-035 ORD granting SUP HUD Code Manufactured Home 605 Ward Ave)

Windermere

Champion Select Series

Factory Expo

"Factory Direct Pricing" **HOME CENTERS**



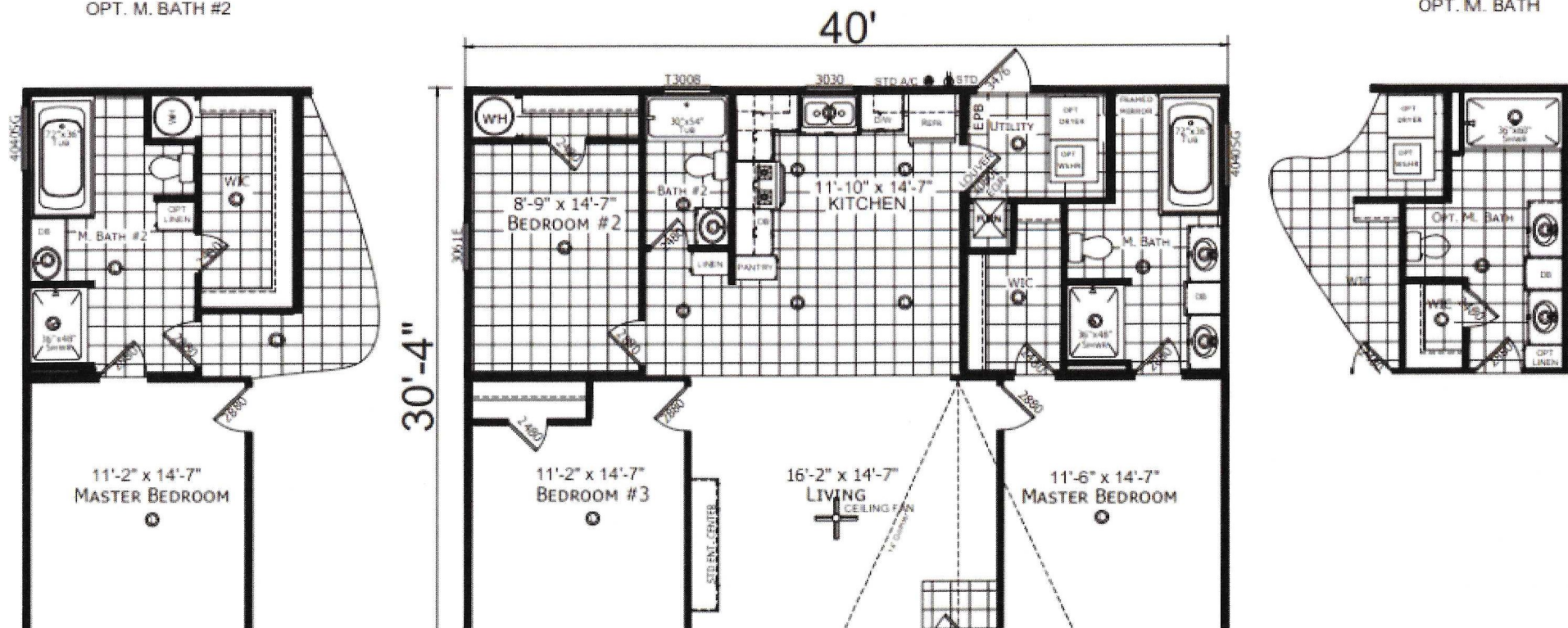
3 Bedrooms, 2 Baths

Approx. 1,213 Sq. Ft.

Last Updated: 4-10-2

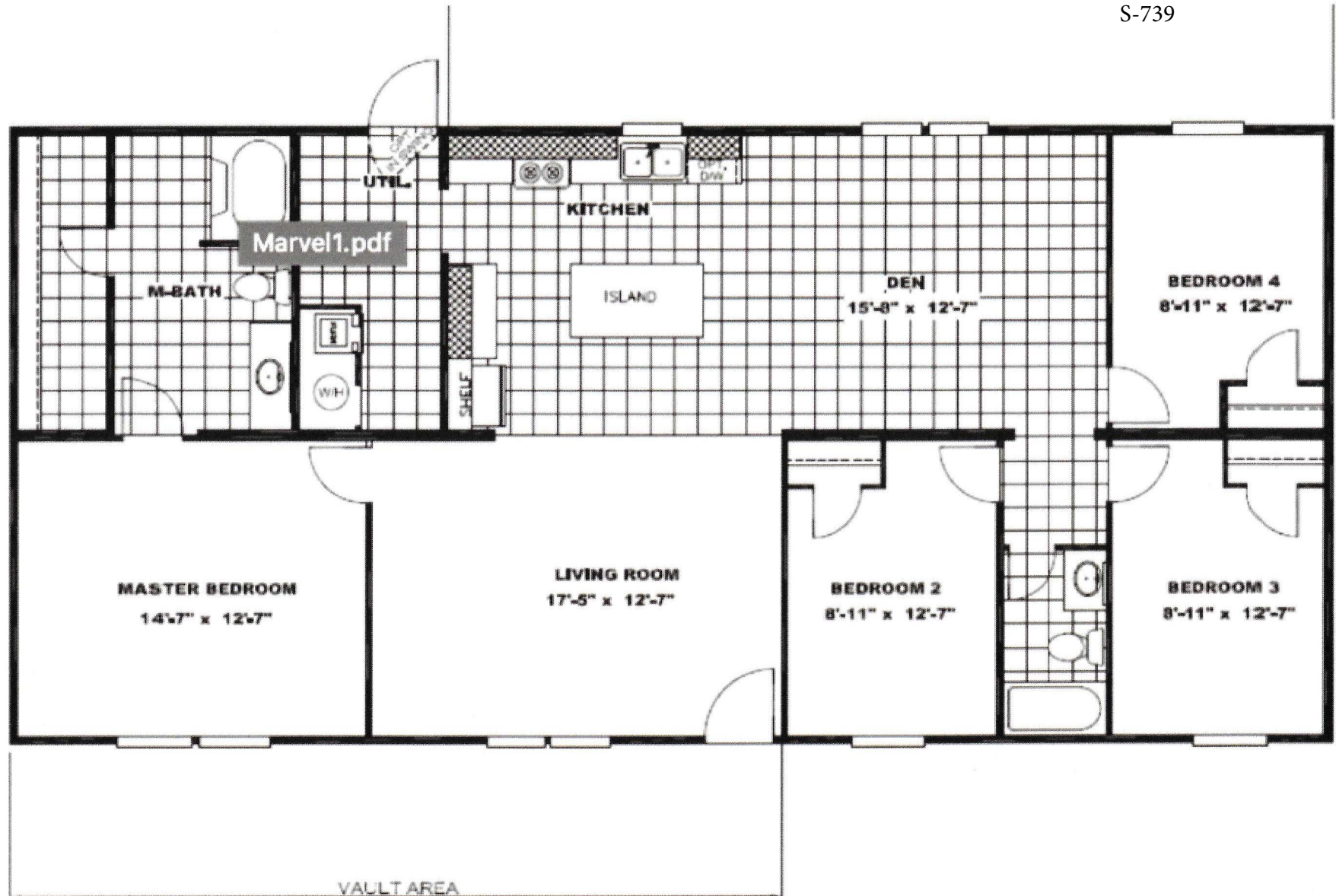
OPT. M. BATH #2

OPT. M. BATH



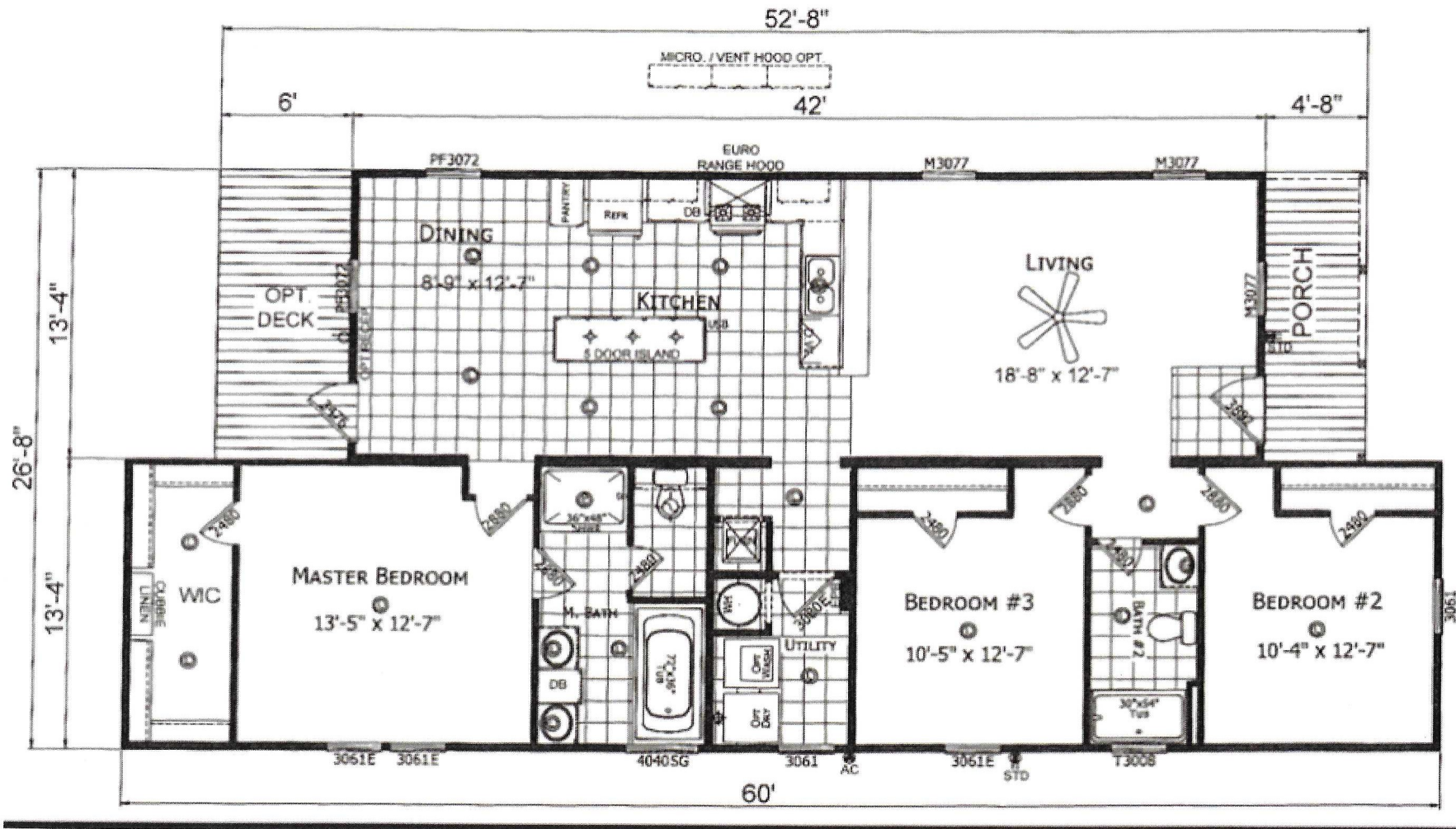
2021-035 ATTH 02

S-739



2021-035 ATTH 02

S-739



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. 2021-035

S-739

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-739 TO ALLOW THE LOCATION OF A DOUBLE-WIDE HUD CODE MANUFACTURED HOME ON LOTS 19 AND 20, BLOCK 5, GREATER TEXARKANA ADDITION, LOCATED AT 605 WARD AVENUE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a double-wide HUD Code manufactured home on **Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue**, 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 have afforded and held full and fair hearings 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 five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double-wide HUD Code manufactured home** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-739** for the location of a double-wide HUD Code manufactured home on Lots 19 and 20, Block 5, Greater Texarkana Addition, located at 605 Ward Avenue, in the City of Texarkana, Bowie County, Texas.

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

1. That one 2017 or newer double-wide HUD code manufactured home be allowed on this property.
2. That the double-wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double-wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas, codes.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the 14th day of June, 2021.

ATTEST:


VICKY COOPWOOD, ASST. CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:54 pm

City of Texarkana, Texas

Briefing Sheet

Version: A

Update Date: 6/3/2021 11:12 AM

Lead Department: Economic Development **Action Officer:** Lisa Thompson, Economic Development/PIO
Subject: Ordinance No. 2021-041 amending Chapter 21 "Alcoholic Beverages" of the Code of Ordinances by adding Section 21-5 "Creating a Downtown Entertainment District, providing for Open Container in said District at prescribed times.

Briefing: 6/14/2021 **Public Hearing:** 6/14/2021 **Council Vote:** 6/14/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

In the fall of 2019, Texarkana, Arkansas City Council established an entertainment district in downtown Texarkana, Arkansas allowing alcoholic beverages to be carried and consumed in public in the downtown area. To mirror this ordinance on the Texas side, this ordinance allows Texarkana, Texas to mirror the Texarkana, Arkansas entertainment district and create a seamless entertainment district for downtown Texarkana, USA. This ordinance builds on the momentum of the businesses already established in downtown Texarkana and invites more development and investment in our downtown district.

The district, for the most part, coincides with our downtown Arts and Historic District, and includes the Perot Theatre, Texarkana Regionals Arts Center, the Art Park, the Kress Gap, the Ace of Clubs House, Pecan Point, and Silvermoon on Broad, but does not include the Bi-State Justice Center.

Because the creation of this downtown entertainment district could create more waste, city staff will evaluate the need for additional trash receptacles in downtown, and the schedule for waste removal.

The ordinance prohibits the use of glass containers for any liquid on public streets, sidewalks, or alleys, and does not conflict with already existing ordinances pertaining to noise as provided for in Chapter 28, Article VIII, of the City's Code, specifically Sec.28-239 will still apply related to stationary loudspeakers and amplifiers. This ordinance, if passed, does not conflict with Texas Penal Code § 42.01, nor the Texas Alcoholic Beverage Code and the prohibition against possessing an open container in a passenger area of a motor vehicle under Texas Penal Code § 49.031.

The ordinance, if passed, also does not conflict with the need for businesses to obtain the proper permits from TABC and does not relax the statute which currently govern those locations that are authorized to sell to go and under what conditions they may sell to go.

City of Texarkana, Texas

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- 2021-041 ORD entertainment district (DOCX)
- 2021-041 ATTH 01- Map (PDF)
- 2021-041 ATTH 02 Letters of Support (PDF)
- 2021-041 Goals and Perspectives (DOCX)
- 2021-041 ORD Creating a Downtown Entertainment District signed (PDF)

Staff Coordination

Police	Jennifer Evans	Review	Skipped	05/21/2021
11:37 AM				
Economic Development		Jennifer Evans	Department Head Review	
	Skipped	05/21/2021 11:37 AM		
City Manager	Jennifer Evans	City Manager Review	Completed	05/21/2021
11:38 AM				
City Council	Vicky Coopwood	Meeting	Completed	05/24/2021
6:00 PM				

Meeting History

PUBLISH

ORDINANCE NO. 2021 – 041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 21 “ALCOHOLIC BEVERAGES” OF THE CODE OF ORDINANCES BY ADDING SECTION 21-5 CREATING A DOWNTOWN ENTERTAINMENT DISTRICT; PROVIDING FOR OPEN CONTAINERS IN SAID DISTRICT AT PRESCRIBED TIMES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004 and having full power of local self-government; and

WHEREAS, the City has the authority to adopt ordinances and regulations that are for good government, peace, and order of the City pursuant to Texas Local Government Code Section 51.001; and

WHEREAS, the City Council desires to amend its ordinances to create an entertainment district in downtown Texarkana and to provide for specific authorization for open containers and public consumption of alcoholic beverages in said district.

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

SECTION 1: The Code of Ordinances of the City of Texarkana, Texas, is hereby amended by adding the following Section 21-5 to Chapter 21 - “Alcoholic Beverages”, to provide as follows:

Sec. 21-5. - Entertainment district and special events; open container.

- (a) The Downtown Entertainment District, referred to in this chapter as “the District”, is hereby created within the area of downtown Texarkana, Texas, the boundaries of which are more particularly delineated as follows:

District from State Line Avenue at West 6th Street, then west on West 6th Street to Pine Street, then south on Pine Street to West 4th Street, then west on West 4th Street to Texas Boulevard, then south on Texas Boulevard for two half blocks north of West 3rd Street, then West 3rd Street to Oak Street, then south on Oak Street to Front Street, then east on Front Street to Main Street, then north on Main Street to West Broad Street, then east on West Broad Street to State Line Avenue, then north on State Line Avenue to West 6th Street.

Attachment: 2021-041 ORD entertainment district (2482 : 2021-041 ORD creating a downtown entertainment district)

PUBLISH

- (b) Unless otherwise prohibited by Texas law, a person may possess an open container or publicly consume an alcoholic beverage in the District or for a Special Event during the days and hours not otherwise prohibited in section 21-3(a); provided, however, that no glass containers for any liquid shall be allowed in public streets, sidewalks, or alleys.
- (c) This section neither affects nor should be construed to conflict with the prohibitions pertaining to noise as provided for in Chapter 28, Article VIII, of this Code and Texas Penal Code § 42.01.
- (d) This section neither affects nor should be construed to conflict with the Texas Alcoholic Beverage Code and the prohibition against possessing an open container in a passenger area of a motor vehicle under Texas Penal Code § 49.031.
- (e) In this section, the term “open container” references the meaning of said term assigned by Texas Alcoholic Beverage Code § 109.35.
- (f) In this section, the term “Special Event” references the meaning of and regulations pertaining to said term as provided in Chapter 36, Article II of this Code.

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 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 **14th day of June, 2021.**

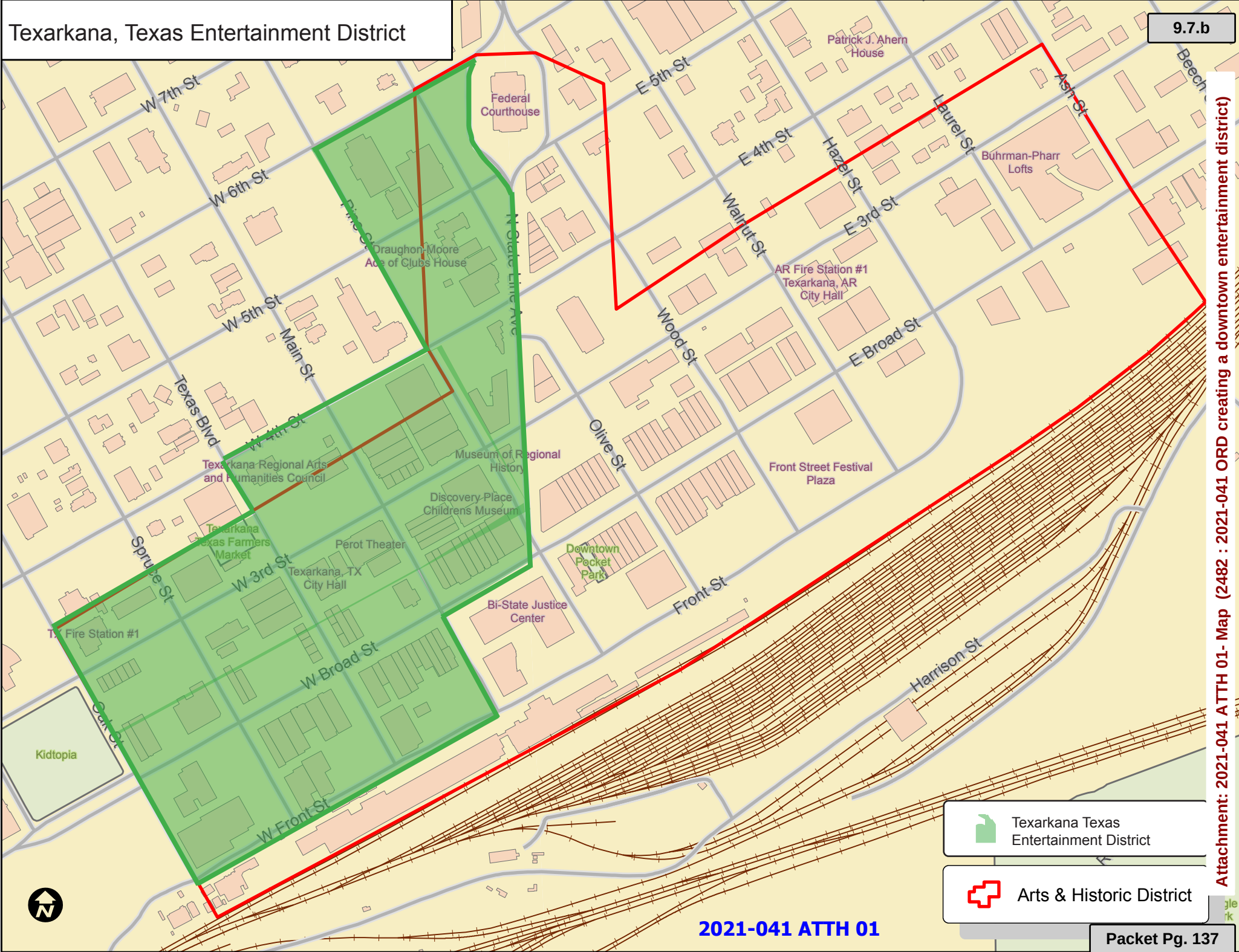
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Texarkana, Texas Entertainment District

9.7.b



Attachment: 2021-041 ATTH 01- Map (2482 : 2021-041 ORD creating a downtown entertainment district)

 Texarkana Texas Entertainment District

 Arts & Historic District

TEXARKANA

ARTS & HISTORIC DISTRICT

May 12, 2021

Mayor Bob Bruggeman and members of the Texarkana, Texas City Council,

Collectively, the Texarkana Arts and Historic District is a committee of organizations representing the non-profit arts and cultural district in downtown Texarkana. We meet monthly to employ strategic doing to accomplish mutually beneficial projects downtown, and to pool our advertising funding to jointly market downtown events and venues.

We are joining together to voice our support for the newly proposed Entertainment District in downtown Texarkana, Texas. As a recognized Cultural District by the State of Texas, this opportunity to mirror the Texarkana, Arkansas Entertainment District in downtown will serve as an economic development instrument to further enhance our cultural community assets such as the historic Perot Theatre, Museum of Regional History, Ace of Clubs House, Discovery Place and numerous other valuable cultural properties.

Our community has made countless investments in the cultural arts and these investments are becoming more evident throughout Texarkana. Further, a recent resurgence of historically redeveloped properties like the Grim Hotel, coupled with an established, successful restaurant like Pecan Point, sets the stage for continued momentum and synergy downtown.

We also recognize that cultural district corridors can contribute to economic growth by marketing the community an appealing place to live, visit and conduct business. We are especially keen to the idea that cultural districts and transportation networks have the potential to contribute to increased tourism from in-state, out-of-state, and international visitors. We hope that this Entertainment District layered onto Texarkana's cultural district will augment the work of the Cities of Texarkana, Texas, Texarkana, Arkansas, Main Street Texarkana and the Texarkana Chamber of Commerce as a marketable tourism asset that highlights the distinct identity of our district with an atmosphere of celebration and community.

In conclusion, the Texarkana Arts and Historic District partners including the Texarkana Arts & Humanities Council, Texarkana Symphony Orchestra, Texarkana Museums System, Main Street Texarkana and the Cities of Texarkana, Arkansas and Texas are proud to support this ordinance to create an entertainment district in downtown Texarkana, Texas.

Sincerely,



Mike Malone, CEO
Texarkana, USA Chamber of Commerce



Velvet Hall Cool, President
Texarkana Museums Systems



Brian Goesl, Executive Director
Texarkana Regional Arts & Historic District Council



Ina McDowell, Executive Director
Main Street Texarkana



Andrew Clark, Executive Director
Texarkana Symphony Orchestra



Mary Beck, City Planner
City of Texarkana, Arkansas

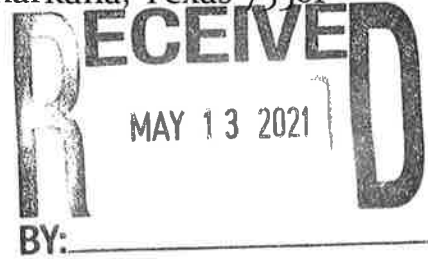
Attachment: 2021-041 ATTH 02 Letters of Support (2482 : 2021-041 ORD creating a downtown entertainment district)



Silvermoon on Broad, L.L.C.

217 W Broad St - Texarkana, Texas 75501

May 13, 2021



City Council Members
City of Texarkana, Texas

RE: Proposed Entertainment District

Dear Council Members:

Diana and I are pleased that the Silvermoon on Broad and a growing list of other downtown establishments have had the success they have and that the heart of the city seems to enjoy a certain momentum. We remain grateful for the City's encouragement to us and for your support more than a decade ago as we ventured out into the unknown and have kept working to change blight to beautiful in our corner of the neighborhood.

This is to let you know that we are excited about and supportive of the next step in the downtown renaissance, the proposed Texas-side entertainment district.

In general, the idea of an entertainment district is intriguing and offers promise. You were wise to let the Arkansas side test out the idea before we jumped in. Their experience strongly suggests that such a district adds much needed energy to the area, without significant negatives.

We believe the experience of our sister city, plus our City's refinements, arts and historic orientation, and careful management of the district, can promise our Texas downtown district that added economic energy at low risk.

The decision to have the proposed ordinance explicitly say that the existing, city-wide sound ordinance applies in the new entertainment district is good. That comforts us and other downtown residents and should help this plan succeed.

We think this is a good idea whose time has come. We urge your approval of this proposal. Thank you for your consideration and your service to us all.

Sincerely,

Josh R. Morriss, III

Telephone: (903) 244-8526

E-mail: joshmorriss3rd@gmail.com

Attachment: 2021-041 ATTH 02 Letters of Support (2482 : 2021-041 ORD creating a downtown entertainment district)



May 13, 2021

Dear City Council Members:

I am writing in support of the Downtown Entertainment District on the Texas side. I believe that the creation of this district will help draw other entertainment venues to downtown Texarkana and help in the revitalization effort. We (all of the stakeholders) are on the verge of recreating a vibrant and interesting downtown, and establishing the Entertainment District will help advance this process.

Thank you for your consideration and support.

Sincerely,
William Scurlock
Owner & Brewer
Pecan Point Brewing Co.
213 Main St.
Texarkana, Texas

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:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

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:

PUBLISH

ORDINANCE NO. 2021 – 041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 21 “ALCOHOLIC BEVERAGES” OF THE CODE OF ORDINANCES BY ADDING SECTION 21-5 CREATING A DOWNTOWN ENTERTAINMENT DISTRICT; PROVIDING FOR OPEN CONTAINERS IN SAID DISTRICT AT PRESCRIBED TIMES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004 and having full power of local self-government; and

WHEREAS, the City has the authority to adopt ordinances and regulations that are for good government, peace, and order of the City pursuant to Texas Local Government Code Section 51.001; and

WHEREAS, the City Council desires to amend its ordinances to create an entertainment district in downtown Texarkana and to provide for specific authorization for open containers and public consumption of alcoholic beverages in said district.

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

SECTION 1: The Code of Ordinances of the City of Texarkana, Texas, is hereby amended by adding the following Section 21-5 to Chapter 21 - “Alcoholic Beverages”, to provide as follows:

Sec. 21-5. - Entertainment district and special events; open container.

- (a) The Downtown Entertainment District, referred to in this chapter as “the District”, is hereby created within the area of downtown Texarkana, Texas, the boundaries of which are more particularly delineated as follows:

District from State Line Avenue at West 6th Street, then west on West 6th Street to Pine Street, then south on Pine Street to West 4th Street, then west on West 4th Street to Texas Boulevard, then south on Texas Boulevard for two half blocks north of West 3rd Street, then West 3rd Street to Oak Street, then south on Oak Street to Front Street, then east on Front Street to Main Street, then north on Main Street to West Broad Street, then east on West Broad Street to State Line Avenue, then north on State Line Avenue to West 6th Street.

PUBLISH

- (b) Unless otherwise prohibited by Texas law, a person may possess an open container or publicly consume an alcoholic beverage in the District or for a Special Event during the days and hours not otherwise prohibited in section 21-3(a); provided, however, that no glass containers for any liquid shall be allowed in public streets, sidewalks, or alleys.
- (c) This section neither affects nor should be construed to conflict with the prohibitions pertaining to noise as provided for in Chapter 28, Article VIII, of this Code and Texas Penal Code § 42.01.
- (d) This section neither affects nor should be construed to conflict with the Texas Alcoholic Beverage Code and the prohibition against possessing an open container in a passenger area of a motor vehicle under Texas Penal Code § 49.031.
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- (f) In this section, the term “Special Event” references the meaning of and regulations pertaining to said term as provided in Chapter 36, Article II of this Code.

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 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 14th day of June, 2021.

ATTEST:


 VICKY COOPWOOD, ASST. CITY SECRETARY


 BOB BRUGGEMAN, MAYOR

6:56 pm

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 5/21/2021 9:29 AM

Lead Department: Planning and Community Development **Action Officer:** Vashil Fernandez, PCD Director
Subject: Resolution No. 2021-042 supporting a grant application to the Texas Department of Transportation for the 2019 Transportation Set-Aside (TASA) and Safe Routes to Schools (SRTS) Call for Projects for Kennedy Lane.

Briefing: 6/14/2021 **Public Hearing:** **Council Vote:** 6/14/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Texas Department of Transportation (TxDOT) issued a call for projects in January 2021 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TASA) and/or Safe Routes to School-Infrastructure (SRTS) Programs.

The TASA funds may be used for construction of pedestrian and/or bicycle infrastructure. The TASA funds require a local match comprised of cash plus in-kind contributions, if any. As the Project Sponsor, the Local Government would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TASA funds.

The SRTS funds may be used for development of plans, specifications, and estimates; environmental documentation; and construction of pedestrian and/or bicycle infrastructure. The SRTS funds do not require a local match. As the Project Sponsor, the Local Government would be responsible for all non-reimbursable costs and 100% of overruns, if any, for SRTS funds.

The funding applications and preliminary plans for the proposed new sidewalks were developed from the Texarkana MPO Regional Active Transportation (Bike/Ped) Master Plan and the MPO Sidewalk Inventory.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Total Project Estimate: \$1,800,000 (grant request)

City of Texarkana, Texas

Application will be requested first for the Safe Routes to School-Infrastructure program and no local match is required. If selected for Transportation Alternatives Set-Aside (TASA), project must meet a 20% match requirement using in-kind of \$250,000 and cash match sources of \$110,000.

The City is eligible for Transportation Development Credit, which could possible cover all of our Match requirement.

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-042 RES supporting TXDOT Grant Application on Kennedy Ln (DOC)
- b. 2021-042 ATTH 01 Maps (PDF)
- c. 2021-042 Goals & Perspectives (DOCX)
- d. 2021-042 RES Supporting TxDot sidewalk grant app Kennedy Lanesigned (PDF)

Staff Coordination

Planning and Community Development	Vicky Coopwood	Department Head Review
Skipped	05/21/2021 9:30 AM	
City Manager	David Orr	City Manager Review Completed 05/21/2021 12:53 PM
City Council	Vicky Coopwood	Meeting Completed 05/24/2021 6:00 PM

Meeting History

RESOLUTION NO. 2021 - 042

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, SUPPORTING THE CITY'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2021 TRANSPORTATION ALTERNATIVES CALL FOR PROJECTS PROGRAM; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Department of Transportation (TxDOT) issued a call for projects in February 2021 which allowed communities to apply for funding assistance through the Transportation Alternatives (TA) Programs; and

WHEREAS, the TA funds may be used for construction of pedestrian and/or bicycle infrastructure. The TA funds require a local match comprised of cash. As the Project Sponsor, the Local Government would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds.

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

SECTION 1: The City Council supports funding the Kennedy Lane Bicycle & Pedestrian improvements project, as described in the Local Government's 2021 TA detailed application (including the construction budget, TxDOT's administrative cost, and the required local match, if any) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing. The City Council is willing and able to authorize, by resolution or ordinance, the Local Government to enter into an agreement with TxDOT should the project be selected for funding.

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 **14th day of June, 2021.**

ATTEST:

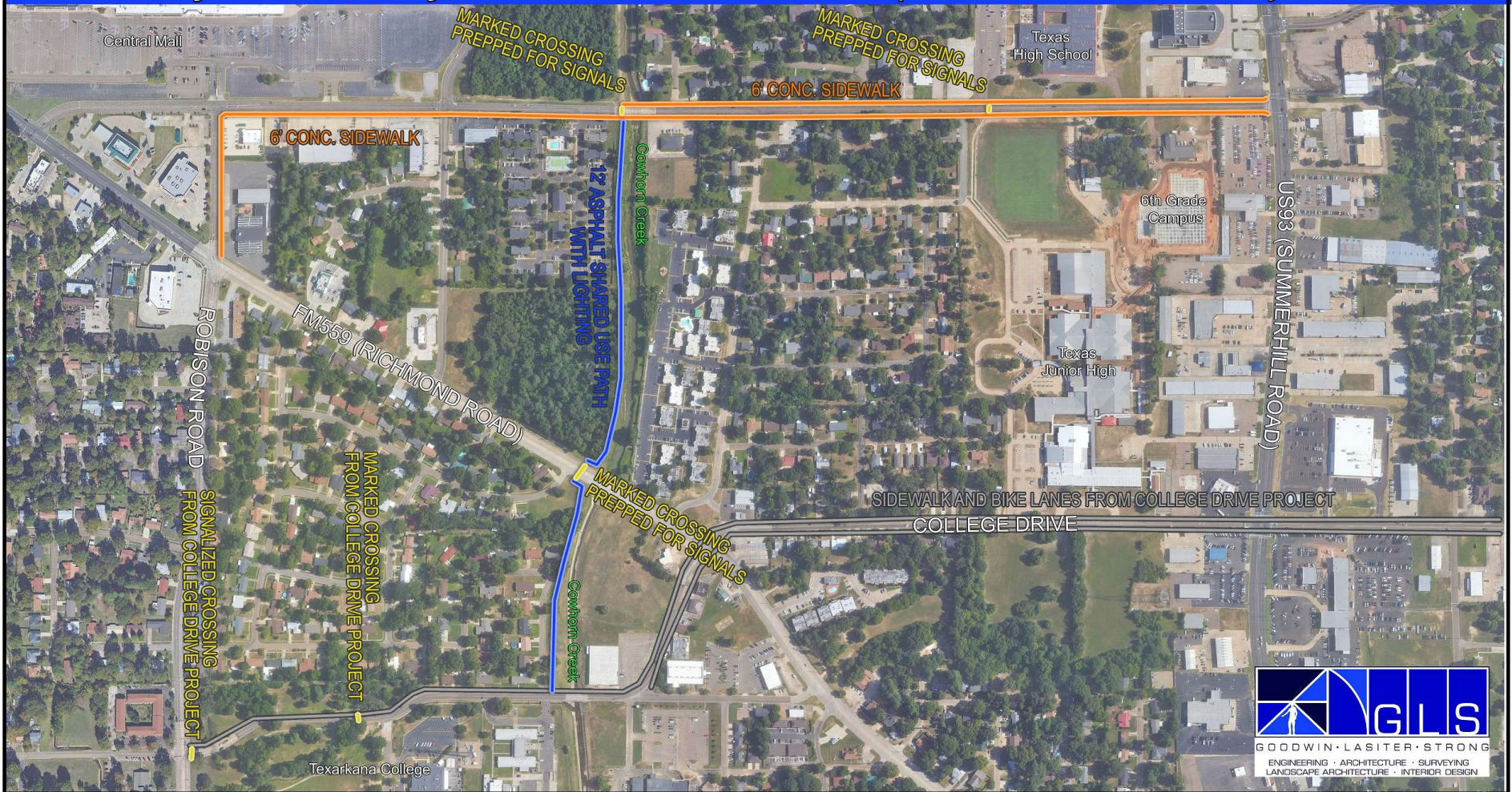
JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Texarkana Transportation Alternatives Kennedy Lane Bicycle & Pedestrian Improvements Project

2021-042 ATTH 01

2021-042 ATTH 01



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2021 - 042

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, SUPPORTING THE CITY'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2021 TRANSPORTATION ALTERNATIVES CALL FOR PROJECTS PROGRAM; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Department of Transportation (TxDOT) issued a call for projects in February 2021 which allowed communities to apply for funding assistance through the Transportation Alternatives (TA) Programs; and

WHEREAS, the TA funds may be used for construction of pedestrian and/or bicycle infrastructure. The TA funds require a local match comprised of cash. As the Project Sponsor, the Local Government would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds.

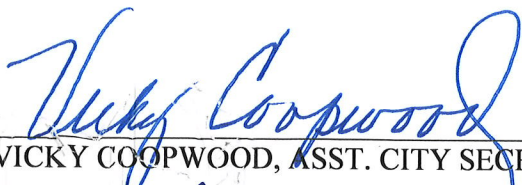
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: The City Council supports funding the Kennedy Lane Bicycle & Pedestrian improvements project, as described in the Local Government's 2021 TA detailed application (including the construction budget, TxDOT's administrative cost, and the required local match, if any) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing. The City Council is willing and able to authorize, by resolution or ordinance, the Local Government to enter into an agreement with TxDOT should the project be selected for funding.

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 14th day of June, 2021.

ATTEST:


 VICKY COOPWOOD, ASST. CITY SECRETARY
 6:57 pm


 BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 5/21/2021 9:30 AM

Lead Department: Planning and Community Development **Action Officer:** Vashil Fernandez, PCD Director
Subject: Resolution No. 2021-043 supporting a grant application to the Texas Department of Transportation for the 2021 Transportation Set-Aside (TASA) and Safe Routes to Schools (SRTS) Call for Projects for Leopard Dr.
Briefing: 6/14/2021 **Public Hearing:** **Council Vote:** 6/14/2021

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Texas Department of Transportation (TxDOT) issued a call for projects in January 2021 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TASA) and/or Safe Routes to School-Infrastructure (SRTS) Programs.

The TASA funds may be used for construction of pedestrian and/or bicycle infrastructure. The TASA funds require a local match comprised of cash plus in-kind contributions, if any. As the Project Sponsor, the Local Government would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TASA funds.

The SRTS funds may be used for development of plans, specifications, and estimates; environmental documentation; and construction of pedestrian and/or bicycle infrastructure. The SRTS funds do not require a local match. As the Project Sponsor, the Local Government would be responsible for all non-reimbursable costs and 100% of overruns, if any, for SRTS funds.

The funding applications and preliminary plans for the proposed new sidewalks were developed from the Texarkana MPO Regional Active Transportation (Bike/Ped) Master Plan and the MPO Sidewalk Inventory.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Total Project Estimate: \$800,000 (grant request)

City of Texarkana, Texas

Application will be requested first for the Safe Routes to School-Infrastructure program and no local match is required. If selected for Transportation Alternatives Set-Aside (TASA), project must meet a 20% match requirement using in-kind of \$100,000 and cash match sources of \$60,000. The City is eligible for Transportation Development Credit, which could possible cover all of our Match requirement.

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-043 RES supporting TXDOT Grant Application on Leopard Dr (DOC)
- b. 2021-043 ATTH 01 (PDF)
- c. 2021-043 Goals & Perspectives (DOCX)
- d. 2021-043 RES supporting TxDot sidewalk grant app Leopard Drive signed (PDF)

Staff Coordination

Planning and Community Development	Vicky Coopwood	Department Head Review	
Skipped	05/21/2021 9:31 AM		
City Manager	David Orr	City Manager Review Completed	05/21/2021
12:54 PM			
City Council	Vicky Coopwood	Meeting	Completed 05/24/2021
6:00 PM			

Meeting History

RESOLUTION NO. 2021 - 043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA TEXAS, SUPPORTING THE CITY'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2021 TRANSPORTATION ALTERNATIVES CALL FOR PROJECTS PROGRAM; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Department of Transportation (TxDOT) issued a call for projects in February 2021 which allowed communities to apply for funding assistance through the Transportation Alternatives (TA) Programs; and

WHEREAS, TA funds may be used for construction of pedestrian and/or bicycle infrastructure. TA funds require a local match comprised of cash. As the Project Sponsor, the Local Government would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds.

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

SECTION 1: The City Council supports funding the Kennedy Lane Bicycle & Pedestrian improvements project, as described in the Local Government's 2021 TA detailed application (including the construction budget, TxDOT's administrative cost, and the required local match, if any) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing. The City Council is willing and able to authorize, by resolution or ordinance, the Local Government to enter into an agreement with TxDOT should the project be selected for funding.

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 **14th day of June, 2021.**

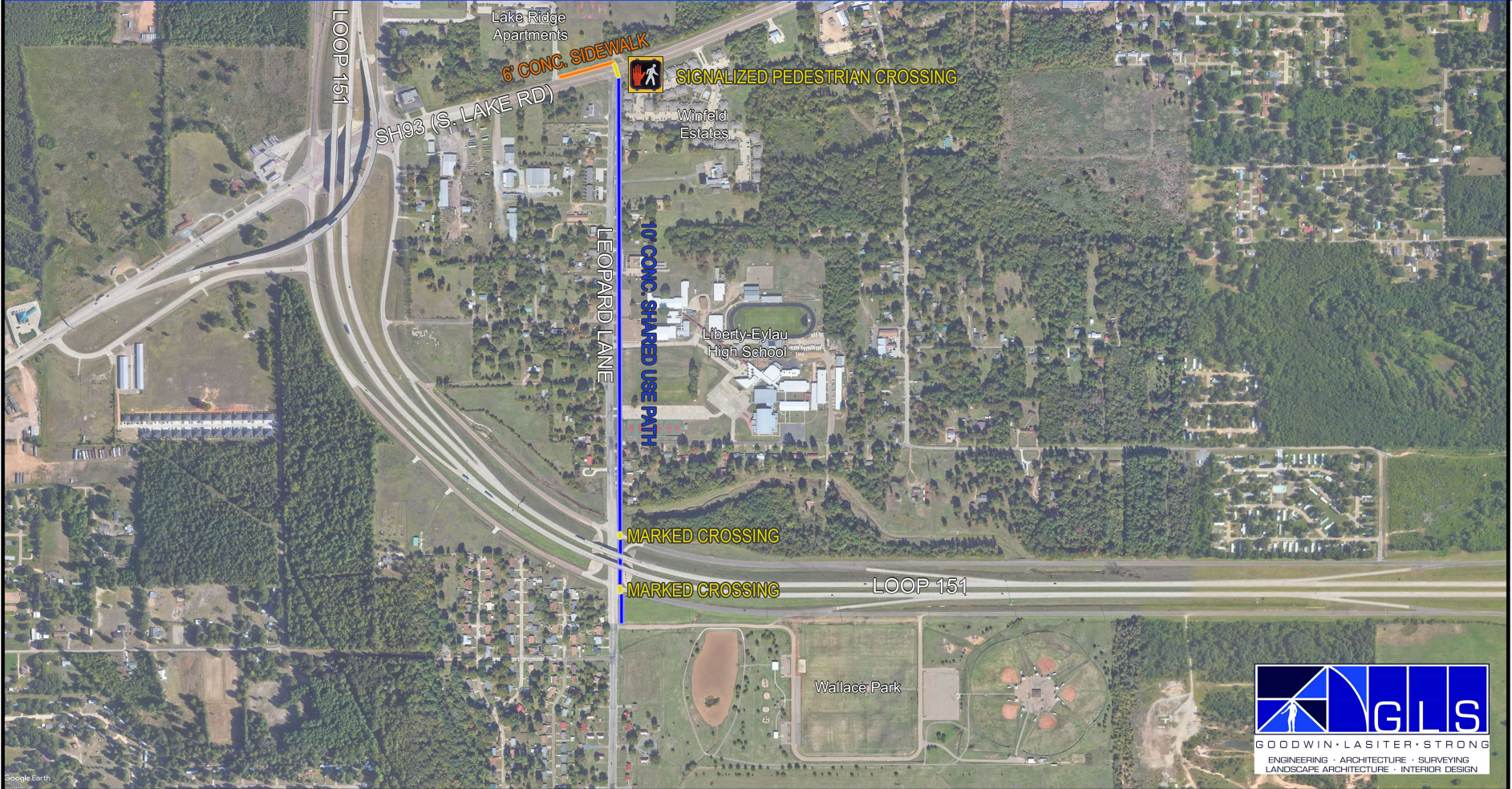
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Texarkana Transportation Alternatives Leopard Lane Bicycle & Pedestrian Improvements Project

2021-043 ATTH 01



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2021 - 043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA TEXAS, SUPPORTING THE CITY'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE 2021 TRANSPORTATION ALTERNATIVES CALL FOR PROJECTS PROGRAM; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Department of Transportation (TxDOT) issued a call for projects in February 2021 which allowed communities to apply for funding assistance through the Transportation Alternatives (TA) Programs; and

WHEREAS, TA funds may be used for construction of pedestrian and/or bicycle infrastructure. TA funds require a local match comprised of cash. As the Project Sponsor, the Local Government would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds.

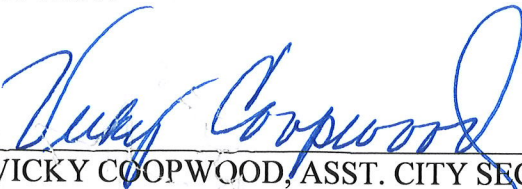
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: The City Council supports funding the Kennedy Lane Bicycle & Pedestrian improvements project, as described in the Local Government's 2021 TA detailed application (including the construction budget, TxDOT's administrative cost, and the required local match, if any) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing. The City Council is willing and able to authorize, by resolution or ordinance, the Local Government to enter into an agreement with TxDOT should the project be selected for funding.

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 14th day of June, 2021.

ATTEST:


VICKY COOPWOOD, ASST. CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:57 pm

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/7/2021 8:26 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2021-036 accepting and approving a proposal with Texarkana
Symphony Orchestra for management services for the Perot Theatre.

Briefing: 5/24/2021 **Public Hearing:** 5/24/2021 **Council Vote:** 5/24/2021

Item Schedule

Updates/History of Briefing:

The beautiful, restored, Perot Theatre, located in downtown Texarkana at 3rd and Main St, has been a landmark since 1924 when it opened as the Saenger Amusement Company's "Gateway to the West" theatre. Fully restored by the City of Texarkana in 1979-80's, the building is listed in the National Register of Historic Places. Native son H. Ross Perot, through the Perot Foundation, contributed much of the restoration costs in memory of his parents, Mr. & Mrs. Gabriel Ross Perot. In recognition of this contribution, the Texarkana City Council renamed the building - The Perot Theatre. The Texarkana Regional Arts and Humanities Council (TRAHC) has managed the theatre since the restoration for the past 40 years. The theatre annually hosts the Perot Theatre Series, as well as numerous rentals throughout the year.

Executive Summary and Background Information:

RFP #21-0000-01 Perot Theatre Management
 Dates advertised in Texarkana Gazette: January 03, 2021 and January 10, 2021
 Proposal opening date: March 02, 2021
 Number of proposals: 3 –
 Recommended Organization: After a selection process that included written proposals and in-person presentations, the appointed Perot Theatre Management Citizen Advisory Committee recommended the Texarkana Symphony Orchestra effective October 1, 2021.
 The proposed contract is for \$272,207 which includes 3 years with 3 one-year renewal options.

Potential Options:

- Approve
- Deny

Fiscal Implications:

\$272,207

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

Perot Theatre Management Citizen Advisory Committee recommended for approval.

City of Texarkana, Texas

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-036 RES Perot Mgmt Agreement with TSO (DOCX)
- b. 2021-036 ATTH 01 Perot Mgmt Gazette Ad (DOCX)
- c. 2021-036 ATTH 02 RFP-Perot Mgmt & Operational Svcs (DOC)
- d. 2021-036 ATTH 03 TSO-Perot Bid-Proposal (PDF)
- e. 2021-036 ATTH 04 TSO-Perot Bid-PowerPoint (PDF)
- f. 2021-036 ATTH 05 Perot Committee Recommendation (DOCX)
- g. 2021-036 ATTH 06 Perot Mgt Agrmt jt rvsd 210519clean (DOCX)
- h. 2021-036 ATTH 07 TSO-Perot Monetary Proposal (PDF)
- i. 2021-036 Goals & Perspectives (DOCX)
- j. 2021-036 RES Perot management agreement with TSO SIGNED (PDF)

Staff Coordination

City Manager	David Orr	Department Head Review	Completed
	05/07/2021 8:54 AM		
Public Works Department	Amanda Freeland	Reviewer	Completed
	05/07/2021 8:56 AM		
City Manager	David Orr	City Manager Review	Completed 05/07/2021
9:49 AM			
City Council	Vicky Coopwood	Meeting	Completed 05/10/2021
6:00 PM			

Meeting History

05/10/21	City Council	MOVED FORWARD	Next: 05/24/21
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RESOLUTION NO. 2021-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ACCEPTING AND APPROVING A PROPOSAL WITH TEXARKANA SYMPHONY ORCHESTRA (TSO) FOR MANAGEMENT SERVICES FOR THE PEROT THEATRE; AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY-TWO THOUSAND TWO HUNDRED SEVEN DOLLARS (\$272,207), TO BE PAID FROM HOTEL/MOTEL TAX FUNDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, proposals for the management of the Perot Theatre were issued March 2, 2021, with three (3) organizations expressing interest; and

WHEREAS, after a selection process that included written proposals and in-person presentations, an appointed Perot Theatre Management Citizen Advisory Committee reviewed the proposals and recommended TSO as the management services provider for the Perot.

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

Section 1: That the recommendation for TSO's proposal be accepted for management services for the Perot; and

Section 2: That the Interim City Manager is authorized to negotiate final terms and execute a management agreement with TSO in an amount not to exceed Two Hundred Seventy-Two Thousand Two Hundred Seven Dollars (\$272,207) to be paid from hotel/motel tax funds; and

Section 3: That this Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **24th** day of **May, 2021**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2021-036 RES Perot Mgmt Agreement with TSO (2471 : 2021-036 RES Perot Mgmt Contact w/ TSO)

2021-036 ATTH 01

To be published on Sunday, January 03rd, 2021 and again on Sunday, January 10th, 2021.

Request for Proposals

The City of Texarkana, Texas, will receive sealed Proposals at Texarkana, Texas City Hall, (Kiosk Desk), Attn: Amanda Freeland, 220 Texas Blvd, Texarkana, Texas 75501. For the following:

RFP #21-0000-01**Perot Theatre-Management and Operational Services**

A **Pre-Bid Meeting and Virtual Tour** (via Zoom) will be held at **10:00 a.m., Tuesday, January 26th, 2021**. Please contact Public Works and Contracts Department for Zoom Link-In information. amanda.freeland@txkusa.org 903-798-3948

Bid opening will be at **2:00 p.m., Tuesday, March 02nd, 2021** at Texarkana, Texas City Hall, 220 Texas Blvd, Texarkana, Texas 75501, 2nd Floor Council Chambers.

Invitation Packets will be available on the City's Website <http://www.ci.texarkana.tx.us/346/Purchasing>, Government, Department, Purchasing, Current Bid Opportunities or email amanda.freeland@txkusa.org.

Attachment: 2021-036 ATTH 01 Perot Mgmt Gazette Ad (2471 : 2021-036 RES Perot Mgmt Contact w/ TSO)

<i>My SUBMIT TO:</i> CITY OF TEXARKANA, TEXAS PUBLIC WORKS AND CONTRACTS DEPARTMENT MAILING ADDRESS: P O BOX 1967 TEXARKANA, TEXAS 75504 EXPRESS MAIL ADDRESS: 220 TEXAS BLVD TEXARKANA, TEXAS 75501 CONTACT PERSON: AMANDA FREELAND TEL: 903-798-3942 amanda.freeland@txkusa.org	 CITY OF TEXARKANA, TEXAS REQUEST FOR PROPOSAL		
TITLE: Perot Theatre-Management and Operational Services	RFP #: 21-0000-01	SUBMITTAL DEADLINE: Tuesday, March 02nd, 2021 @ 2:00 PM CST	
PRE-BID DATE, TIME AND LOCATION: Tuesday, January 26th, 2021, 10:00 AM CST, 2nd Floor Council Chambers, For a walk-through tour and meeting (Virtual Tour) 220 Texas Blvd, Texarkana, Texas 75501		<i>SUBMITTALS RECEIVED AFTER ABOVE DATE AND TIME WILL NOT BE CONSIDERED</i>	
<i>Enter Respondent Name:</i>			
<i>Enter Respondent's Business Name:</i>			
<i>Enter Respondent Address:</i>			
<i>Enter the following information:</i> Telephone Number: () _____ - _____ Fax Number: () _____ - _____ Email Address: _____			
Federal Tax ID Number or Social Security Number			

IN COMPLIANCE WITH THIS SOLICITATION, THE UNDERSIGNED BIDDER HAVING EXAMINED THE INVITATION TO BID AND SPECIFICATIONS, AND BEING FAMILIAR WITH THE CONDITIONS TO BE MET, HEREBY SUBMITS THE FOLLOWING BID FOR FURNISHING THE MATERIAL, EQUIPMENT, LABOR AND EVERYTHING NECESSARY FOR PROVIDING THE ITEMS LISTED ON THE ATTACHED BID FORM AND AGREES TO DELIVER SAID ITEMS AT THE LOCATIONS AND FOR THE PRICES SET FORTH ON THE BID FORM. AN INDIVIDUAL AUTHORIZED TO BIND THE COMPANY MUST SIGN THE FOLLOWING SECTION. FAILURE TO EXECUTE AND SIGN THIS PORTION MAY RESULT IN BID REJECTION.

Authorized Signature

Title

Print/Type Name

Date

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR RESPONSE.

INSTRUCTIONS TO OFFERORS

To facilitate the clarification of requirements, please direct all questions concerning this RFP to Amanda Freeland, Contracts Administrator, by way of email to amanda.freeland@txkusa.org.

Responses to questions, if any, will be posted on the City's website. ***The deadline for any questions will be Tuesday February 25th, 2021 by 4:00 p.m.***

1. The sealed envelope or package containing the completed qualification(s) should be marked legibly on the outside with the RFP number and the description of the item(s) being proposed as shown on the cover sheet of this Request for Proposal.

The City of Texarkana will receive proposals until **2:00 P.M. CST, March 02ND, 2021** at the Texas City Hall, 220 Texas Blvd, 2nd Floor, Council Chambers, listed below. Any proposal received after the date and hour specified will be rejected and returned unopened to the proposer. Each proposal and supporting documentation must be in a sealed envelope or container plainly labeled in the lower left-hand corner: **RFP #21-0000-01, Perot Theatre-Management and Operational Services**. Proposers must also include their name and address on the outside of the envelope or container. Proposals must be addressed to:

Physical Address:

City of Texarkana, Texas
Texas City Hall
(Kiosk Desk)
Attn: Amanda Freeland
220 Texas Blvd
Texarkana, Texas 75501

Mailing Address:

City of Texarkana, Texas
Public Works & Contracts Dept.
Attn: Amanda Freeland
PO Box 1967
Texarkana, Texas 75504

A non-mandatory pre-proposal tour and meeting (Virtual Tour) is scheduled for January 26, 2021 at 10:00 AM (CST) at Texarkana, Texas City Hall, 220 Texas Blvd, Texarkana, Texas 75501, 2nd Floor Council Chambers.

Due to COVID, this meeting may be scheduled virtually via Zoom.

2. The Offeror shall sign and date the submittal where provided within the RFP. The person signing the submittal must have the authority to bind the team in a contract. Qualifications which are not signed and dated in this manner may be rejected.
3. The Offeror shall submit **(1) one original and (5) five copies** of qualification documents unless otherwise stated in RFP. All documents shall be received at Texarkana, Texas City Hall (Kiosk Desk), Attn: Amanda Freeland, 220 Texas Blvd, Texarkana, Texas 75501, by the deadline shown on the cover sheet of this Request for Proposal. Qualifications received after the deadline shall be considered void and unacceptable. The City of Texarkana is not responsible for lateness or non-delivery of mail, carrier, etc. Each submittal will be date/time stamped by the Public Works and Contracts Department when received and this will be considered to be the official time of receipt.
4. The City of Texarkana reserves the right to reject any or all qualifications as it shall deem to be in the best interests of the City of Texarkana.

5. The award of this contract shall be made to the responsible Offeror, whose qualifications are determined to be the highest evaluated offer resulting from negotiation, taking into consideration the relative importance of the evaluation factors set forth in the RFP.
6. Submittals cannot be altered or amended after submission deadline. Any interlineation, alteration or erasure made before opening by the City must be initialed by the signer of the submitter, guaranteeing authenticity.
7. A submittal may not be withdrawn or canceled by the Offeror without the permission of the City for a period of (90) ninety-days following the date designated for the receipt of qualifications, and Offeror so agrees upon submittal of his qualifications.
8. The City of Texarkana is exempt by law from payment of Texas Sales Tax and Federal Excise Tax.
9. Any interpretations, corrections or changes to this Request for Proposal and specifications will be made by addenda. Issuing authority of addenda shall be vested with the City of Texarkana, Texas, from the Public Works and Contracts Department. Vendors who pick up the RFP from Public Works and Contracts Department will be responsible for checking to see if any addenda have been issued. Offerors shall acknowledge receipt of all addenda on the sealed envelope or package containing their qualifications.
10. Submittals must comply with all applicable federal, state, county, and local laws concerning these types of services.
11. The apparent silence of these specifications as to any detail or to the apparent omission of a detailed description concerning any point shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement.
12. A prospective Offeror must demonstrate Offeror's responsibility. A prospective Offeror must meet the following requirements:
 - a. have adequate financial resources, or the ability to obtain such resources as required;
 - b. be able to comply with the required or proposed delivery schedule;
 - c. have a satisfactory record of performance;
 - d. have a satisfactory record of integrity and ethics; and
 - e. be otherwise qualified and eligible to receive an award.

The City of Texarkana, Texas may request representation and other information sufficient to determine Offeror's ability to meet these minimum standards.
13. If you consider any portion of your RFP to be privileged or confidential by statute or judicial decision, including trade secrets and commercial or financial information, clearly identify those portions.

RFPs will be opened in a manner that avoids disclosure of the contents to competing offerors and keeps the RFPs secret during negotiations. All RFPs are open for public inspection after the contract is awarded, but trade secrets and confidential information in the RFPs are not open for inspection.

The City of Texarkana will honor your notations of trade secrets and confidential information and decline to release such information initially, but please note that the final determination of whether a particular portion of your RFP is in fact a trade secret or commercial or financial information that may be withheld from public inspection will be made by the Texas Attorney General or a court of competent jurisdiction. In the event a public information request is received for a portion of your RFP that you have marked as being confidential information, you will be notified of such request and you will be required to justify your legal position in writing to the Texas Attorney General pursuant to Section 552.305 of the Government Code. In the event that it is determined by opinion or order of the Texas Attorney General or a court of competent jurisdiction that such information is in fact not privileged and confidential under Section 552.110 of the Government Code and Section 252.049 of the Local Government Code, then such information will be made available to the requester.

Marking your entire RFP CONFIDENTIAL/PROPRIETARY is not in conformance with the Texas Open Records Act.

Awards should be made approximately 4 to 6 weeks after the opening date of the qualifications. If you have any questions concerning this Request for Proposal and specifications, please contact the City of Texarkana at (903) 798-3942

1.0 INTRODUCTION:

- 1.1 The City of Texarkana (CITY), a municipality in the state of Texas, is accepting proposals from qualified organizations (OFFEROR) for the management and operation of the Perot Theatre in downtown Texarkana.
- 1.2 Each submittal should be prepared simply and economically, providing a straightforward, concise description of your team's ability to meet the requirements, and an understanding of the CITY's needs.
- 1.3 Offeror shall provide all labor, supervision, materials, and equipment to manage and operate the Perot Theatre which is owned by the city. Offeror's primary focus of responsibility is the Theater, with key elements of the agreement to include bookings, marketing, promotion, building maintenance, parking, security, and other services customarily provided under similar management agreements. Offeror's management team for the Perot Theatre will report to the City Manager, or designee, as the city's contract administrator for the Perot Theatre.
- 1.4 The term Management Agreement as used throughout this Request for Proposals ("RFP") shall be deemed to include all forms of agreements for the management and operation of facilities, including, but not limited to, lease agreements, license operation agreements, acquisition and service agreements. The Management Agreement is anticipated to be for an initial (3) three-year term with (3) three each, (1) one-year renewal options.

2.0 BACKGROUND

The beautiful, restored, Perot Theatre, located in downtown Texarkana at 3rd and Main St, has been a landmark since 1924 when it opened as the Saenger Amusement Company's "Gateway to the West" theatre. Fully restored by the City of Texarkana in 1979-80's, the building is listed in the National Register of Historic Places. Native son H. Ross Perot, through the Perot Foundation, contributed much of the restoration costs in memory of his parents, Mr. & Mrs. Gabriel Ross Perot. In recognition of this contribution, the Texarkana City Council renamed the building - The Perot Theatre. The theatre annually hosts the Perot Theatre Series, as well as numerous rentals throughout the year.

3.0 Technical Information

******All setup and maintenance of the stage as well as equipment will fall upon the Management Firm and NOT the City of Texarkana, Texas******

I. Stage Dimensions (UPDATED as of 12/2020)

A. Proscenium:

Width	44' 4"
Width less base trim	43' 4"
Height	23' 10"

B. Centerline To:

Stage Right Wall	37' 4½"
Stage Left Wall	31' 7"

C. Plaster Line To:

Back Wall	32' 3"
Last Pipe	29' 0"
Grand Drape	2' 1"
Front Lip of Stage	3' 0"
Front Lip of Stage with Pit Extension	7' 0"

D. From Deck To:

Grid	55' 6"
Pin-Rail Floor	24' 8"
Air Vent (SR & SL)	21' 3"
Air Vent (back wall)	21' 3"
House Floor	3' 4"
Orchestra pit floor	7' 4"

E. Loading Door Clearance:

Width	7' 5½"
Height	9' 6"
Diagonal	11' 8"
Height from alley	0' 5"

Loading door is located on west side of building, off alley, with direct access to USL. House has ramp to negotiate lip.

F. Other Dimensions: (distances are approximate)

Stage to back of main floor	73' 6"
Stage to back of balcony	113'
Stage to control booth	93'
Stage to touring sound booth	66' 6"
Throw from cove to center	84'
Throw from balcony ladder to center	59'
Cable run from stage to touring sound booth	115'

G. Touring Sound Booth: (located at the back of the HR orchestra seating)

Depth	7'
Length	12'

II. Stage Rigging

A. (22) general-purpose hemp line sets (3 with angled extensions for legs) are “4 rope” sets with 5/8” “Multiline II” rope & sand bagged from the pin rail. All Hemp line sets have a 500lb limit.

B. (6) single purchase line sets (*Grand Drape, Projection Screen, & 4 Electrics*) have floor mounted locks & are operated SR. All single purchase line sets have a 1200lb arbor capacity.

C. (3) Motorized sound shells

D. Battens & electrics are schedule 40, 1¾” OD, pipe and approximately 50’ in length

E. Soft Goods: (for standard placement see *Line Set Schedule*)

Grand Valence (blue with gold trim) dead hung in front of proscenium
 Grand Teaser (blue) 10’ 0” H x 50’ 0” W
 Grand Drape (2 panels, blue with 75% fullness, flown only) 25’ 0” H x 26’ 0” W
 Black Borders (4 - 0% fullness) 10’ 0” H x 50’ 0” W
 Black Legs (4 pairs – 0% fullness) 28’ 0” H x 12’ 0” W
 Black Curtains (2 panels – no track) 28’ 0” H x 30’ 0” W
 Shark Tooth Sheer Scrims (2 – 1 black, 1 white) 30’ 0” H x 50’ 0” W
 Leno Filled Scrims (2 opaque – 1 black cyc, 1 white cyc) 30’ 0” H x 50’ 0” W

F. Grid is original wooden grid with 18,000lb weight capacity and a 1,000lb point load per point. The weight capacity includes all weight on linesets, electric winches, and any added tour trusses, sound stacks, and scenic elements.

G. There are no rigging points downstage of proscenium.

III. Dressing Rooms

All dressing rooms have privacy locks. Capacities give indicate mirror spaces. Some rooms can accommodate more. All dressing rooms have make-up counters with lighted mirrors, showers, sinks, toilets, & clothes lockers. Paging system to dressing rooms is located at the Stage Managers position DSR.

A. Stage Level, Off SR

Two Rooms [A & B] for 2 persons each

B. Downstairs (beneath stage)

Two rooms [D & E] for 4 persons each, approx. 9’ 0” x 10’ 6”

Two rooms [C & F] for 16 persons each, approx. 15’ 6” x 22’ 6”

C. Visiting production office is of SL

D. Company lounge & green room area is downstairs SL

Note: All dressing rooms can be reached from DSL or DSR via a crossover corridor under stage. A layout of basement is available upon request.

ABSOLUTELY NO TOBACCO ALLOWED IN DRESSING ROOMS OR ANYWHERE IN BUILDING. (City Ordinance: \$200 Fine)

IV. Orchestra Pit & House

A. Total auditorium seats are **1,542** with **716** seats, **8** wheelchair spots, & 2 boxes with **4** seats each on main floor, and **798** seats & 2 boxes with **6** seats each in the balcony.

B. Orchestra Pit Dimensions Width at center 8' 0"

Width at ends 2' 0"
 Length 45' 0"
 Depth from stage floor 7' 4"
 Depth from house floor 4' 0"
 Stage floor overhangs pit 2' 8"

V. Lighting System

A. Control: ETC Ion 1000 with a 2x20 fader wing and two (2) touchscreen monitors. If you have questions about particular options, please call for further information.

B. Dimming: (installed Sept 1994) Electronic Theatre Controls (ETC) DMX “dimmer per circuit” system with one hundred and eighty (180) 2.4k “Advanced Features” dimmers in two “Sensor” racks. Dimmers can also be designated as non-dim through software patch profile.

C. Inventory: Mostly Strand Century with a few Altman 360Q's & ETC Source 4's. All ellipsoidal instruments have pattern slots. All connectors are 3-wire stage pin. All instruments have “C” clamps, safeties, and color frames.

<u>Instrument</u>	<u>Lamp/Wattage</u>	<u>Quantity</u>
<u>Brand/Size/Type</u>		
Strand Century 6 x 9 Ellipsoidal	EHG 750	18
Altman 360Q 6 x 9 Ellipsoidal	EHG 750	10
Strand Century 6 x 12 (double lens) Ellipsoidal	EHG 750	36
Strand Century 6 x 16 Ellipsoidal	EHG 750	18
ETC Source four 14 degree Ellipsoidal	HPL 750	10
Strand Century 8 x 13 Ellipsoidal	FEL 1k	17
ETC Source four 10 degree Ellipsoidal	HPL 750	10

Strand Century 10 x 23 Ellipsoidal	FEL 1k	15
Strand Century 6” Fresnel	BTN 750	20
Strand Century 8” Fresnel	BVT 1k	12

D. Accessories: (*i.e., barn doors, pattern holders, booms, cable, etc.*) available in limited quantities. Call for specific needs. House stocks **ROSCOLUX GEL ONLY!** Please specify “Rx” or give acceptable Roscolux substitutes.

E. Circuit Numbers

- a. FOH Cove – 20 circuits
- b. House Box Booms (Ladders) – 8 circuits per boom
- c. 1st Electric – 36 circuits
- d. 2nd Electric – 18 circuits
- e. 3rd Electric – 18 circuits
- f. 4th Electric – 20 circuits
- g. 4 Drop Boxes – 4 circuits per box
- h. 8 Floor Pockets – 4 circuits per pocket with 4 on each side of the stage

F. Company Power Switches:

- a. 3 phase/5 wire (“*water pipe*” 5th wire ground), 400 amps per leg, USR.
- b. Single Phase/4 wire, 100 amp per leg, DSR

G. Personnel Lift: Up-Right Model UL-24/30 available for onstage focus. Maximum platform height is 24’ 0”.

H. House Lights: (*ETC “Analog Address” system*) Dedicated dimmers controlled from DSR or control booth with instant on “panic” switch located in lobby and control booth. (*lobby “panic” switch can be locked out from booth*)

I. Work Lights: (*ETC “Analog Address” system*) Connect through stage dimmers and controlled from stage or booth.

VI. Sound System

A. Control: “Open Air sound/light control booth contains the following equipment:

Midas M32 40-channel digital mixer.....	1
Denon CD player with iPod dock	1
Sony CD player	1

B. Speakers & Amplification: *signal processed by Rane GE equalizers tuned to the hall*

Cluster: (2) JBL SR4732 3-way, bi-amp cabinets driven by QSC amplification located at center top of proscenium arch.

Orchestra Fills: (2) JBL MR-825 2-way, full range cabinets driven by Crown amplification located underneath the upper boxes

Sub: (1) JBL 5122 dual 12” sub driven by Crown amplification located inside the orchestra pit

***Note: House PA is mono system with left and right pan being center cluster and orchestra side fills.**

Monitor Speakers: Monitors are driven by Crown amplification.

a) (2) Klipsch 2-way, full range wedges driven by Crown amplification.

b) (2) Klipsch Heresy monitor speakers

C. Inventory:

Microphones:	Shure SM 58	2
	Shure SM 57	2
	Shure SM 59	2
	Crown PCC	2
	Crown PZM	2
Cables:	25’ XLR	25
	50’ XLR	5
	100’ XLR	1
	50’ quarter jack	4
	50’ male to female quarter jack	1
	25’ male quarter jack to speak on	2
	50’ male quarter jack to speak on	2
Stands:	Heavy base mic stands	9
	Boom attachments	4
	12” gooseneck	1

D. Jacks:

Microphone Jacks: *(2 digital snake boxes with XLR 3 pin connectors)*

SR proscenium wall 16 |

SL proscenium wall 16 |

Monitor Jacks: *(Speak on NL4 jack connectors)*

DSR box proscenium wall 1 |

SRC box side wall 1 |

DSL box proscenium wall 1 |

SLC box side wall 1 |

10 of 30

Packet Pg. 169

Attachment: 2021-036 ATTH 02 RFP-Perot Mgmt & Operational Svcs (2471 : 2021-036 RES Perot Mgmt Contact w/ TSO)

Revised 02/2019

E. Communications: Clear-Com system with 7 Clear-com wired headsets and belt packs, 10 Pro-Intercom wired headsets and belt packs, and 8 Eartec wireless headsets. Permanent com locations: DSL, DSR (*Stage Manager's Booth*), Pin Rail, Sound/Lighting Booth, HR & HL spot positions, and touring sound booth.

PEROT THEATRE ACCOUSTICS

Acoustics at the Perot are quite good throughout the theatre, although balancing mid-balcony with lower level can be a challenge at times.

The Perot Theatre Management shall retain all right of control of sound pressure levels within the theatre building. Sustained sound pressure levels shall not exceed 95 dB measured from the front of the balcony in the center of the auditorium on a "C" weighted scale.

We ask for your cooperation in finding & maintaining a suitable level. THANK YOU!

VII. General Notes

Lack of wing space generally requires back loading empty road boxes to trailer or stacking in alley.

* ***Smoking in facility is strictly forbidden by Fire Marshall.*** Performances that include any kind of smoke or pyrotechnics need at least a (60) sixty-day notice for special authorization, permits, & insurance certificates to be secured.

* No food is allowed on stage or in the auditorium. Drinks are only in allowed in auditorium in Perot management approved containers. Only bottled water is allowed on stage. A hospitality area may be designated if necessary.

* Persons F.O.H. while audience is present are requested to dress appropriately for expected audience type. (*i.e., coat and tie audience, please wear coat and tie*)

*There is no washer and dryer on site. We can recommend a laundry mat close to the theatre.

*All setup of the stage as well as equipment will fall upon the Management Firm and NOT the City of Texarkana, Texas.

4.0 Programming

The city's overall programming goal for the Perot Theatre is to provide a diverse programming mix that has broad appeal to all its citizens and taxpayers. The targeted mix includes the following general types of programming: Programming Street (Outside Concerts and or Street Parties)

- (1) Cultural Arts & Broadway-type programming (e.g., TRAHC's Perot Series & Children's shows)
- (2) Classical Music (e.g., Texarkana Symphony Orchestra)
- (3) Family entertainment & Children's Shows (e.g., Comedy and Fashion Shows)
- (4) Popular Music (e.g., Including Local Musicians, Country, Rock, and Jazz, etc.)

- (5) Movies (e.g., Film Festivals, Independent Films, and Documentaries)
- (6) Speakers-Texarkana College Partnership

The programming goal does not prioritize any one type of programming over the other but, emphasizes diversity that offers something for everyone. The targeted programming mix is not intended to be exclusive and does not limit programming to these categories; however, effort should be made by Offeror to achieve this goal when possible. Offeror's programming objectives should be coordinated with other objectives stated in this RFP, including the city's primary objective which is to increase out-of-town visitor traffic in accordance with the Texas Tax Code Hotel Occupancy Tax Ch. 351.101 and rental revenue to the Perot Theatre's operating account.

4.1 Goals

The Perot Theatre is recognized as an important asset to not only the city, but also the entire region. Accordingly, the city has high expectations for the Perot Theatre to achieve multiple dynamic goals, including, but not limited to, the following:

- A. Increase annual out-of-town visitor traffic to the Perot Theatre, through an innovative management, marketing and promotional plan designed to respond to the specific competitive market in the region in accordance with the Texas Tax Code Hotel Occupancy Tax Ch. 351.101. Proposing Management Company will provide The City with a Parking Plan for events.
- B. Stimulate the economy of The City as-a-result of out-of-town visitor spending in local hotels in accordance with the Texas Tax Code Hotel Occupancy Tax Ch. 351.101.
- C. Protect the historic nature of the Perot Theatre through regular maintenance and care. Ensure that the city's investment in the Perot Theatre is properly managed to maximize its benefit to the city and to maintain a positive image for the theatre. In accomplishing this goal, management must ensure that the Theater is kept exceptionally clean and well maintained and that all maintenance employees are properly trained in custodial and preventative maintenance procedures to minimize capital repairs.
- D. Boost attendance at entertainment events through creative marketing, promotional plans and strong relationships with the community.
- E. Program unique and nationally recognized events at the Perot Theatre that will attract increased numbers of visitors to the downtown area. Management Company will actively market, solicit, and maintain relationships with third-party music industry promoters.
- F. Work cooperatively and collaboratively with local arts organizations and other current tenants/resident organizations to provide quality, affordable performing arts programming. Cooperate with existing local organizations to continue tours of the Perot Theatre as requested.

- G. Increased focus on ancillary revenue streams, which effectively reduces city funded subsidy requirements. Consideration should be given to create and implement plans to potentially provide food and beverage services at events, providing additional revenue, while enhancing the patron experience.
- H. Establish a sound, qualified management/operations staff organization that is effective in meeting financial goals while at the same time able to work in a responsive and cooperative manner with the city as owner/client.
- I. Develop positive and cooperative tenant relations, client relations, city department relations, community relations, downtown business relations, media relations, and other relations that further the goals of the city.
- J. Oversee the successful completion of capital improvements at the Perot Theatre to ensure that the improvements are communicated through effective media relations to local-residents and area visitors.
- K. Operate the Perot Theatre in accordance with equal opportunity compliance laws and regulations.

4.2 Minimum Qualifications

At-a-minimum the Offeror shall meet the following qualifications:

- A. Have a qualified and experienced administrator with a minimum of five years experience in management or operation of performing arts productions and/or theaters.
- B. Have key management staff each with a minimum of five years experience in providing management or operation of performing arts productions and/or theaters.
- C. Be free from legal and regulatory matters which might prevent Offeror from fulfilling the requirements of the Management Agreement.
- D. Be a financially stable and viable organization/company.
- E. Have the ability to: obtain the insurance requirements of the City.

4.3 Minimum Requirements

At-a-minimum the Offeror shall have the responsibility for the programming, management, marketing, operation, and maintenance of the Perot Theatre. Offeror's responsibilities shall include, but are not limited to:

- A. Booking events and promotions at the Perot Theatre. Event and promotion management, including, but not limited to, contract negotiations, stage production, crowd control,

parking, security, food and beverage, clean-up, coordination of client activities with Fire, Police, and other city departments.

- B. Marketing, advertising, and promoting the Perot Theatre and tenant/client activities.
- C. Developing annual operating and capital budgets and providing interim/annual financial reporting (budget vs. actual performance), in accordance with city financial guidelines.
- D. Supervising all agreements for goods and services at the Perot Theatre.
- E. Supervising news, entertainment, and educational media of all types.
- F. Providing effective building operations and maintenance, including but not limited to, purchasing, payroll, risk management, fire prevention, security, routine repairs, preventative maintenance, custodial services, energy conservation, landscape maintenance and the review and supervision of the Perot Theatre tenant improvement design and construction plans, and supervision of capital improvement projects.
- G. Developing a staffing plan (e.g., organizational chart, position descriptions, qualifications, pay ranges, benefits program).
- H. Developing a transition plan (if necessary) that includes hiring and training all employees so the Perot Theatre will be adequately staffed with qualified personnel.

5.0 **PROPOSAL REQUIREMENTS**

5.1 **Required Format**

To ensure consistency proposal hard copies must be in 8 1/2 X 11inch format bound and clearly labeled identifying the Offeror and the RFP number. The original hard copy of Offeror's proposal should be labeled "Original". The hard copies should be individually tabbed for each of the sections listed below and be consecutively page numbered.

The following is an explanation of the minimum information that should be included in each of the sections. To assure consistency, proposals must conform to this format:

Cover Letter

Table of Contents

Section A - Experience and Qualifications

Section B - References

Section C - Proposal

Section D - Costs

Section E - Acceptance of Base Agreement

Section F - Other

5.2 Cover Letter

The cover letter must include the full legal name of the Firm and the following information.

- a. A brief summary of the Proposing Firm.
- b. A statement that the Offeror understands of the scope of services to be provided.
- c. The address of the office conducting the services.
- d. The address of the office that would administer the Agreement.
- e. The name(s) of the person(s) that will be authorized to make representations for the Offeror, including their titles, addresses, telephone numbers, and e-mail addresses.

The cover letter must be signed by an authorized representative of the organization, preferably the president. (Offeror must attach proof to its proposal of signing authority for any representative who signs the cover letter other than the president).

5.3 Table of Contents

The table of contents must include a clear identification of the material, by section and by page number.

Section A. – Experience and Qualifications

Offerors shall address each of the following in order:

- a. Company ownership. If incorporated, the state in which the company is incorporated and the date of incorporation.
- b. Location of the company offices.
- c. Location of the office servicing the city's account.
- d. Number of employees.
- e. Name, address, and telephone number of the Offeror's point of contact (account manager) for a contract resulting from this RFP.
- f. Company background/history and Offeror's experience that qualifies you to provide the services described in this RFP. Include a narrative description of your firm's current and previous experience managing performing arts productions and/or facilities.
- g. Include examples of your firm's experience interacting with city councils or similar public governing boards.
- h. Describe in detail your firm's experience working with community support groups, affiliated foundations, and volunteer committees.
- i. Resumes that details qualifications and experience for key staff to be responsible for performance of any contract resulting from this RFP (e.g., CEO, operations manager, marketing manager, technical director).
- j. Offeror's bank of record.
- k. Offeror must include in its proposal a complete disclosure of any significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the Offeror or in which the Offeror has been judged guilty or liable.
- l. Provide documentation of your firm's financial resources for providing services and meeting other financial obligations (e.g., a copy of your firm's audited financial statement summaries and the notes to the financial statement for years 2014 - 2019).
- m. Include disclosure of all sources of revenue and operating capital for your firm.

Section B. – References

- a. Offeror should provide a comprehensive listing of previous and current clients for whom it has provided similar services. Include the following:
 - (1) Client name
 - (2) Dates of service.
- b. Include a minimum of two references from any local government, non-profit or business clients within the last three years. Information provided shall include:
 - (1) Client name:
 - (2) Project dates (starting and ending):
 - (3) Client project manager name, E-mail address and telephone number.

Section C. – Proposal

Offerors shall address each of the following in order:

General

- (1) If subcontractors are contemplated, a description of these persons or firms and the portions and monetary percentage of the work to be done by them.
- (2) Provide an introductory overview of your firm's management philosophy, vision, strengths, and weaknesses.
- (3) Include information on the managerial and staffing resources that details the quality and depth of resources that will be provided to enhance effectiveness of the on-site management team and maximize operational and financial results to benefit the Perot Theatre and the city.
- (4) A list of your firm's ownership or management of similar performing arts centers within the designated market which might be competitive or present a conflict of interest with the Perot Theatre for programming, visitor traffic and visitor spending. This would include all sister or parent companies, subsidiaries, or partnerships of your firm.
- (5) A list of your Firm's performing arts productions which might be competitive or present a conflict of interest with any other Perot Theatre programming, visitor traffic and visitor spending. If this section applies, please include an explanation of your firm's approach to overcoming conflicts of interest.
- (6) A description of your firm's processes/procedures for responding to the city's inquiries and requests for information regarding management, marketing and operational issues related to the Perot Theatre.
- (7) Methodologies and commitment of your firm in assisting the city in preparation of report materials related to City Council approvals of leases, licenses, budgets, promotional activities, and related documents. Upon request by the city, Offeror shall attend City Council meetings that require information or Council action regarding Perot Theatre related business issues.

Programming

Provide a detailed description of the methodologies your firm will utilize to develop and implement both: short and long-term programming strategy for the Perot Theatre. Offerors shall address each of the following in order:

- (1) Your firm's conceptual vision for programming at the Perot Theatre, including touring products, non-art rentals, and local performing arts projects.
- (2) Ideas for partnership with other downtown properties such as: The Silvermoon and Pecan Point Brewing in conjunction with the Perot Theatre and/or adjacent properties.
- (3) A description of your firm's approach to developing a written (5) five-year strategic programming plan that is linked to marketing and financial plans.
- (4) The strategies your firm will utilize for increasing the number and scope of uses of the Perot Theatre and generate increased rental revenue.
- (5) Your firm's assessment of the current programming mix and quality of current programming.
- (6) Third-Party Vendors
- (7) Free usage of the Perot Theatre will be provided to the following:
 - A. TRAHC, shall receive (10) ten free uses – paid for by the HOT account.
 - B. Texarkana Symphony Orchestra shall receive (10) ten free uses – The City shall pay from the Perot Rental account.
 - C. Texarkana Community College, shall receive (5) five free uses – Per the City's Discretion
 - D. Texarkana A & M College, shall receive (5) five free uses – Per the City's Discretion

Upon Award Being Obtained

Marketing & Promotion

Provide a detailed narrative to describe your firm's approach to marketing and promotion of the Perot Theatre. This narrative should fully describe the methodologies your firm will utilize. Offerors shall address each of the following in order:

- (1) Crafting a written (5) five-year strategic marketing plan, linked to a (5) five-year programming plan and your ability to provide the plan ***within a (5) five-month period from the effective date of the Management Agreement.*** Provide an actual example of a strategic marketing plan you have developed.

- (2) Broadening promotional opportunities with regional media marketing departments, newspapers, journals, radio, television, and related media according to hotel occupancy tax funding requirements (Texas Tax Code Sect. 351.101).
- (3) Utilizing the internet to build marketing and promotional opportunities.
- (4) Management Company will Market, Solicit, Promote, and be active
- (5) Contract includes \$10,000.00 for Marketing Purposes.
- (6) Cultivating marketing and promotional opportunities through partnering with other cultural and entertainment entities (e.g., Chamber of Commerce, Main Street Texarkana, or private corporate sponsorships).
- (7) Developing marketing and promotional opportunities through partnering with other city Departments as well as other city groups that promote downtown Texarkana, Texas.
- (8) Developing marketing and promotional opportunities through partnering with departments of the county, state, other governmental and not-for-profit agencies including the local and state agencies responsible for development of the arts, conventions, travel, and tourism.
- (9) Designing and maintaining a quality maintenance and training program as a key component of the marketing program to ensure the Perot Theatre is in consistent visitor ready condition; clean, safe, and operable at-all-times.
- (10) Establishing and administering specific standards in the recruitment, training, and supervision of all personnel, full and part-time related to guest relations. Proposal must include your Company's, **Customer Service Philosophy**.
- (11) Include your philosophy and plans for staff uniforms, grooming standards, employee recognition and related personnel standards.
- (12) Provide a listing of the industry associations, organizations, and publications in which your firm and key staffing resources are actively involved. Include information regarding the number of years of active membership or any recognition, achievements or honors received from these industry associations and publications by your firm and staffing resources.

Operations

Provide a detailed narrative to describe your firm's approach to operations management of the Perot Theatre. Offerors shall address each of the following in order:

- (1) An operations staff for the Perot Theatre.
- (2) Recruitment, training programs and supervision of all operations staff to ensure optimum quality standards will be achieved in programming, marketing and promotion, financial accountability, community relations, custodial, security, and other related operational functions.

- (3) A positive and cooperative relationship with all users of the Perot Theatre, as a collective group and as individual businesses seeking advice and assistance for mutual success. Include specific ideas for generating user support of the Perot Theatre policies and procedures, special event and promotional activities, and related operational issues.
- (4) A positive and cooperative relationship with the city, its contract administrator, and city staff that interact with the Perot Theatre on a regular and ongoing basis, including, Economic Development, Planning, Redevelopment and Grants, Marketing, Parks and Recreation, Police, Fire and Finance Departments and other related personnel.

Parking

F. Provide a detailed plan your firm would utilize in managing an efficient parking program for Perot Theatre. Your firm's plan should include the following elements: Proposing Management Company will provide The City with a Parking Plan for events.

- (1) Utilization of the parking inventory currently available, with priority given to on-site parking requirements for related programming and secondary parking uses for offsite activities that will enhance facility revenues.
- (2) Potential for valet parking, including an assessment of the value to having a valet service. If valet service to patrons is deemed important, describe how your firm would implement an effective, patron friendly valet service at little or no cost to the city.
- (3) Other transportation/parking concepts not currently in place that would provide easier access to the facility and stimulate visitor traffic to the Perot Theatre in general.

Finance & Accounting

The Perot Theatre fiscal year is October 1-September 30. The preliminary budget is due June 15 for each following fiscal year and that budget, following City Council and public input, is adopted in mid-September. (NOTE: these dates are subject to modification at the discretion of the City Manager or his designee). Include a depiction of your firms approach to each of the following points:

- (1) Provide a detailed description of your firm's approach to establishing and implementing an effective finance and accounting program for the Perot Theatre.
- (2) Preparation of annual operating budgets to include a revenue model which reflects revenue from operations as well as from other sources, including city subsidy funds. Include your firm's proposed proforma income, expense, and net operating income/loss statements in detail for year 1 and in summary for years 2-6. Detail how your firm proposes to attain the financial performance required to annually increase the revenues and reduce expenses for the Perot Theatre.
- (3) Proposed interim reports recommended summarizing monthly/quarterly revenues and expenditures (including reconciliation of actual performance to budget) status of current and projected patron attendance, advertising, marketing, events (including self-promotions and rentals), affirmative action and any other statistical reporting which your firm considers relevant and important to the city. Provide examples of each type.

- (4) Primary financial and administrative controls which your firm plans to implement at the Perot Theatre. Include discussion on what steps your firm will take to ensure compliance with all applicable local, state, and federal laws, statutes, guidelines and related rules and regulations.
- (5) Financial and administrative system and procedures that your firm proposes to implement at the Perot Theatre. Include a statement of understanding that all of Offeror's records pertaining to services under the Management Agreement are open and available to review and inspection by the city.
- (6) Controls, procedures, and policies your firm will implement to ensure the continued safeguard of all fixed assets and supply inventories, including the acquisition, disposition, and transfer of assets. Include an example of your firm's annual inventory inspection status report.
- (7) Funding of reimbursements to pay authorized expenses for operation and maintenance of the Perot Theatre. The city prefers the current method, which is for the Perot Theatre to request reimbursements from the city from qualified budgeted amounts.

Staffing Plan

Provide a narrative to describe your firm's approach for developing and implementing a qualified, professionally trained, cost effective staffing plan for the management, programming, marketing, promotion, operations, and services of the Perot Theatre. This description should include each of the following points:

- (1) Your firm's staffing plan for the management, programming, marketing, promotion, and operations of the Perot Theatre. Include full-time, part-time regular, part-time occasional, volunteers and related staff to be available on-site. Provide a proposed organizational chart, job description for each staff classification, qualifications for each position and a proposed salary range for each staff person to be employed by Offeror for the Perot Theatre. (60) sixty-day employee decision on transfer of Management Company.
- (2) Identify the point person to serve as the primary contact for the city. Provide professional bios for the primary contact and other key staff who report to this individual.
- (3) Operational functions that may be subcontracted, with a narrative explanation supporting the decision to subcontract those functions, including theater parking, valet parking, food and beverage (if approved by the city), custodial, maintenance, and related functions.
- (4) Offeror's employee benefits program, including health/medical, life insurance, disability, retirement, 401k, bonus, vacation/sick leave/holiday time, and related benefits.
- (5) Offeror's implementation and **transition plan**. Include your proposed timetable for a seamless transition, your approach to the evaluation of the current staff, and all other related transitional elements.
- (6) Offeror's policies regarding equal employment opportunities for full time and part-time staff.
- (7) Proposed plan for staffing for procurement of goods and services.

Maintenance and Capital Improvement Program

*****It is the intent of the City of Texarkana, Texas to take over the day-to-day maintenance. The City shall be responsible for the maintenance projects and the Capital Improvements*****

This narrative will describe the City’s approach to developing and implementing a five-year Capital Improvement Program (CIP). Details will include each of the following points:

- (1) The City’s expertise and experience in developing as well as recommending a Capital Improvement Plans for the Performing Arts Center similar-to the Perot Theatre. Ensuring continuation of a quality experience for its patrons. The City will continue to fund CIP monies in future years to maintain the recent renovations and facility improvements,
- (2) The City’s expertise and experience in developing as well as recommending CIP needs and reporting these needs orally to the public governing boards and public meetings to successfully obtain their approval.
- (3) The City’s expertise and experience in supervising and monitoring Capital Improvement Projects, including cost control, quality control, critical work path charts, value engineering, weekly progress meetings, and related elements essential to bringing a project to completion on time and within budget.

Ticketing

Current Ticketing is working off the “Choice Ticketing” software.

Vendor shall:

- (1) Creation of separate ticket purchasing website. Booking will need to be posted on said website within *** days prior to the event date.
- (2) Setting up an advanced purchasing incentive. (e.g., *** period of time, offered to members or discounts for advancement of purchase offers) If membership holders are to receive a discount on ticket purchasing, a set time will be allotted by Management Company to provide the designated time frame.
- (3) If another ticketing software is available, Vendor will maintain software.

Section D. – Fee Structure

In a separate sealed envelope, provide your fee structure. This section should include the management fee with emphasis placed on earned incentives from new or increased revenue sources and a reduction of the city funded subsidy.

Current Perot Theatre Budgeted Amount \$272,000.00

- (1) Provide your firm's management fee proposal for the (5) five-year period which establishes profit/loss benchmark goals.
- (2) Explain what type or level of incentives your firm proposes to receive if revenue goals are met or exceeded.
- (3) Budget for the Perot Theatre will be budgeted separately from Management Company account,

Section E. – Acceptance of Base Agreement

In this section, list any exceptions taken to the Base Agreement, specifications, or other requirements listed in this RFP. You must reference the RFP section where exception is taken, a description of the exception, and the proposed alternative, if any. The Base Agreement and all terms, conditions, specifications, and other requirements of this RFP shall be deemed accepted by the Offeror unless excepted to in accordance with this Section E.

Section F. – Other

In this section include any other information, not previously requested, you believe is pertinent in the evaluation of your firm's capability to provide the services specified. Also include information regarding any additional and/or value-added services your Firm can offer.

5.0 SELECTION PROCESS

- 5.1 The City reserves the right, at their sole discretion, to accept the proposal which they consider most favorable based on the selection criteria.
- 5.2 The City reserves the right to require oral presentation by senior management of the proposing firm who have the ability to fully answer all questions regarding their proposal.

6.0 SELECTION CRITERIA

A selection committee will review all proposals. The following is a guide to the criteria that will be used in evaluating Teams and Statement of Qualification:

- | | |
|---|--------------------------|
| • Section A - Experience and Qualifications | Maximum 30 points |
| • Section B – References | Maximum 5 points |
| • Section C – Proposal | Maximum 30 points |
| • Section D – Costs | Maximum 25 points |
| • Section E - Acceptance of Base Agreement | Maximum 5 points |
| • Section F – Other | Maximum 5 points |

7.0 SCHEDULE OF EVENTS (subject to change)

7.1	RFP Release and Advertisement	January 3, 2021
7.2	Pre-bid Meeting	January 26, 2021
7.3	RFP Due	March 2, 2021
7.4	Anticipated Contract Award	April 12, 2021

Owner reserves the right to modify this schedule as required.

ATTACHMENT 1

Insurance Requirements

Prior to the award of this contract by the City and before commencing work, the successful bidder shall be required, at his own expense, to **furnish the City of Texarkana, Texas, Contracts Administrator within ten (10) days of notification of award** with certified copies of all insurance certificates showing the following insurance coverage to be in force throughout the term of the contract. The City shall have no duty to pay or perform under this contract until such certificate has been delivered to and approved by the City and no officer or employee of the City shall have authority to waive this requirement without written approval from the City Manager.

- (a) Commercial General Liability insurance at minimum combined single limits of \$500,000 per-occurrence and \$1,000,000 general aggregate for bodily injury and property damage. Coverage must be written on an occurrence form. Contractual liability must be maintained with respect to the contractor's obligations contained in the contract. The general aggregate limit must be at least two (2) times the per-occurrence limit.
- (b) Workers Compensation insurance at statutory limits.
- (c) Commercial Automobile Liability insurance at minimum combined single limits of \$500,000 per-occurrence for bodily injury and property damage, including owned, non-owned, and hired vehicle coverage.

The required limits may be satisfied by any combination of primary, excess or umbrella liability insurances, provided the primary policy complies with the above requirements and the excess umbrella is following form. The successful bidder may maintain reasonable and customary deductibles, subject to approval by the City.

With reference to the foregoing insurance requirement, the successful bidder shall specifically endorse applicable insurance policies as follows:

- (1) The City shall be named as an additional insured with respect to general liability.
- (2) A waiver of subrogation in favor of the City of Texarkana, Texas shall be contained in the workers compensation coverage.
- (3) All insurance policies shall be endorsed to require the insurer to promptly notify the City of any material change in the insurance coverage.
- (4) All insurance policies shall be endorsed to the effect that the City will receive at least (30) thirty days-notice prior to cancellation, non-renewal or termination of the insurance and a 10-day notice for nonpayment of premium.
- (5) All copies of Certificates of Insurance shall reference the project/contract number for which the insurance is being supplied.

The City prefers that all insurance be purchased from an insurance company that meets the following requirements:

- 1) A financial rating of A: VII or better as assigned by the BEST rating Company or A or better by Standard and Poor's.
- 2) Written by companies approved by the State of Texas and acceptable to the City of Texarkana, Texas.

All insurance must be written on forms filed with and approved by the Texas State Board of Insurance. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, and shall contain provisions representing and warranting the following:

- 1) The insurance set forth by the insurance company are underwritten on forms which have been approved by the Texas State Board of Insurance.
- 2) Sets forth all endorsements and insurance coverage according to requirements and instructions contained herein.
- 3) Shall specifically set forth the notice of cancellation or termination provisions to the City of Texarkana, Texas.

**CITY OF TEXARKANA
INSURANCE REQUIREMENT AFFIDAVIT**

To Be Completed by Appropriate Insurance Agent

I, the undersigned Agent/Broker, certify that the insurance requirements contained in this bid document have been reviewed by me with the below identified Contractor. If the below identified Contractor is awarded this contract by the City of Texarkana, I will be able to, within ten (10) days after being notified of such award, furnish a valid insurance certificate to the City meeting all of the requirements defined in this bid.

Agent (Signature)

Agent (Print)

Name of Agency/Broker: _____

Address of Agent/Broker: _____

City/State/Zip: _____

Agent/Broker Telephone Number: _____

CONTRACTOR'S NAME: _____
(Print or Type)

NOTE TO AGENT/BROKER

If this requirement is not met, the City has the right to reject this bid and award the contract to another meeting the specifications. If you have any questions, please contact the Director of Planning, Redevelopment and Grants for the City of Texarkana at (903) 798-3902.

GENERAL CONDITIONS

**** PLEASE READ CAREFULLY ****

These General Conditions apply to all proposals and become a part of the terms and conditions of any proposal submitted and subsequent purchase order or contract. The City shall mean the City of Texarkana, Texas.

1. **REQUIRED INFORMATION:** CITY OF TEXARKANA, TEXAS PROPOSAL PACKETS CONTAIN VARIOUS SECTIONS REQUIRING COMPLETION. THE PROPOSAL FORM SECTION OF THE PROPOSAL PACKET MUST BE COMPLETED PRIOR TO THE DATE AND TIME SET FOR PROPOSAL OPENING AND INCLUDED WITH THE PROPOSAL PACKET OR THE VENDOR WILL BE FOUND NON-RESPONSIVE. VENDORS MAY BE REQUIRED TO COMPLETE AND SUPPLY ALL INFORMATION CONTAINED IN THE "SUPPLEMENTAL INFORMATION" PORTION OF THE PACKET AT A DATE AFTER PROPOSAL OPENING. FAILURE TO COMPLETE "SUPPLEMENTAL INFORMATION" REQUIREMENTS IN A TIMELY MANNER, PRIOR TO COUNCIL AWARD, MAY BE USED BY THE CITY IN DETERMINING A VENDOR'S RESPONSIBILITY.
2. **INSTRUCTIONS:** THESE INSTRUCTIONS APPLY TO ALL PROPOSALS AND BECOME A PART OF TERMS AND CONDITIONS OF ANY PROPOSAL PACKET SUBMITTED.
3. **PRICING:** PROPOSAL PRICE (S) QUOTED MUST BE HELD FIRM FOR NINETY (90) DAYS TO ALLOW FOR EVALUATION UNLESS OTHERWISE STATED IN THIS DOCUMENT.
4. **INVOICES:** INVOICES SHALL BE SUBMITTED BY THE SUCCESSFUL PROPOSER TO THE CITY OF TEXARKANA, TEXAS, FINANCE DEPARTMENT Attn: ACCOUNTS PAYABLE, P.O. BOX 1967, TEXARKANA, TEXAS, 75504.
5. **PAYMENT TERMS:** PAYMENT TERMS ARE NET 30 UNLESS OTHERWISE SPECIFIED BY THE CITY IN THIS PROPOSAL PACKET.
6. **FUNDING:** THE CITY OF TEXARKANA, TEXAS IS A HOME-RULE MUNICIPAL CORPORATION OPERATED AND FUNDED ON AN OCTOBER 1 TO SEPTEMBER 30 BASIS; ACCORDINGLY, THE CITY RESERVES THE RIGHT TO TERMINATE, WITHOUT LIABILITY TO THE CITY, ANY CONTRACT FOR WHICH FUNDING IS NOT AVAILABLE.
7. **ASSIGNMENT:** THE SUCCESSFUL PROPOSER SHALL NOT SELL, ASSIGN, TRANSFER OR CONVEY THIS CONTRACT IN WHOLE, OR PART, WITHOUT THE PRIOR WRITTEN CONSENT OF THE PUBLIC WORKS AND CONTRACTS DEPARTMENT DIRECTOR.
8. **LATE PROPOSALS:** PROPOSAL PACKETS RECEIVED AFTER SUBMISSION DEADLINE SHALL BE RETURNED UNOPENED AND WILL BE CONSIDERED VOID AND UNACCEPTABLE. THE CITY OF TEXARKANA, TEXAS IS NOT RESPONSIBLE FOR THE LATENESS OF MAIL CARRIER, WEATHER CONDITIONS, ETC.
9. **ALTERING PROPOSALS:** PROPOSAL PRICES CANNOT BE ALTERED OR AMENDED AFTER SUBMISSION DEADLINE. ANY INTERLINEATION ALTERATION OR ERASURE MADE BEFORE OPENING TIME MUST BE INITIALED BY THE SIGNER OF THE PROPOSAL, GUARANTEEING AUTHENTICITY.
10. **WITHDRAWAL OF PROPOSALS:** A PROPOSAL PRICE MAY NOT BE WITHDRAWN OR CANCELED BY THE PROPOSER FOR A PERIOD OF NINETY (90) DAYS FOLLOWING THE DATE DESIGNATED FOR THE RECEIPT OF PROPOSALS WITHOUT WRITTEN APPROVAL OF PURCHASING MANAGER, AND PROPOSER SO AGREES UPON SUBMITTAL OF PROPOSAL.
11. **CHANGE ORDERS:** NO ORAL STATEMENT OF ANY PERSON SHALL MODIFY OR OTHERWISE CHANGE, OR AFFECT THE TERMS, CONDITIONS OR SPECIFICATIONS STATED IN THE RESULTING CONTRACT. ALL CHANGE ORDERS TO THE CONTRACT WILL BE MADE IN WRITING BY THE CITY OF TEXARKANA, TEXAS.

12. **ADDENDA:** ANY INTERPRETATIONS, CORRECTIONS OR CHANGES TO THIS PROPOSAL PACKET WILL BE MADE BY ADDENDA. SOLE ISSUING AUTHORITY SHALL BE VESTED IN THE CITY OF TEXARKANA, TEXAS PUBLIC WORKS AND CONTRACTS DEPARTMENT. ADDENDA WILL BE SENT TO ALL WHO ARE KNOWN TO HAVE RECEIVED A COPY OF THIS PROPOSAL PACKET. IF THE ADDENDA CONTAINS CHANGES TO THE "SPECIFICATION" OR "PROPOSAL FORM", PROPOSERS SHALL ACKNOWLEDGE RECEIPT OF ALL ADDENDA OR THEY WILL BE DECLARED NON-RESPONSIVE.
13. **INDEMNIFICATION:** CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, ELECTED OFFICIALS, LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS (COLLECTIVELY THE "CITY"), HARMLESS FROM ALL LIABILITY, SUITS, CAUSES OF ACTION, LAWSUITS, JUDGMENTS, CLAIMS, DAMAGES, PENALTIES, FINES, COSTS, FEES, OR EXPENSES, INCLUDING ATTORNEYS FEES AND COSTS OF DEFENSE, FOR ANY INJURY TO OR THE DEATH OF ANY PERSON OR DAMAGE TO OR DESTRUCTION OF ANY PROPERTY ARISING OUT OF, OR RESULTING FROM OR BASED UPON, IN WHOLE OR IN PART, ANY ACT OR OMISSION OF CONTRACTOR, ITS OFFICERS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, AND AGENTS UNDER THIS CONTRACT.
14. **INDEPENDENT CONTRACTORS:** Proposer acknowledges that the successful proposer shall be an independent contractor of the City and that successful proposer shall not be an employee, agent, official or other representative of the City. Successful Proposer shall not represent, either expressly or through implication, that they are an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the successful proposer.
15. **TERMINATION FOR DEFAULT:** THE CITY OF TEXARKANA, TEXAS RESERVES THE RIGHT TO ENFORCE THE PERFORMANCE OF THIS CONTRACT IN ANY MANNER PRESCRIBED BY LAW OR DEEMED TO BE IN THE BEST INTEREST OF THE CITY IN THE EVENT OF BREACH OR DEFAULT OF THIS CONTRACT. THE CITY RESERVES THE RIGHT TO TERMINATE THE CONTRACT IMMEDIATELY IN THE EVENT THE SUCCESSFUL PROPOSER FAILS TO 1) MEET DELIVERY SCHEDULES OR, 2) OTHERWISE PERFORM IN ACCORDANCE WITH THESE SPECIFICATIONS. BREACH OF CONTRACT OR DEFAULT AUTHORIZES THE CITY TO AWARD TO ANOTHER PROPOSER, PURCHASE ELSEWHERE AND CHARGE THE FULL INCREASE IN COST AND HANDLING TO THE DEFAULTING SUCCESSFUL PROPOSER.
16. **VENUE:** THIS AGREEMENT WILL BE GOVERNED AND CONSTRUCTED ACCORDING TO THE LAWS OF THE STATE OF TEXAS. THIS AGREEMENT IS PERFORMABLE IN BOWIE COUNTY, TEXAS.
17. **NO PROHIBITED INTEREST:** PROPOSER ACKNOWLEDGES AND REPRESENTS THAT THEY ARE AWARE OF THE LAWS, CITY CHARTER, AND CITY CODE OF CONDUCT REGARDING CONFLICTS OF INTEREST. THE CITY CHARTER STATES THAT "NO OFFICER OF EMPLOYEE OF THE CITY SHALL HAVE A FINANCIAL INTEREST, DIRECT OR INDIRECT, IN ANY CONTRACT WITH THE CITY, NOR SHALL BE FINANCIALLY INTERESTED, DIRECTLY OR INDIRECTLY, IN THE SALE TO THE CITY OF ANY LAND, OR RIGHTS OR INTEREST IN ANY LAND, MATERIALS, SUPPLIES OR SERVICE.....".
18. **PREPARATION COST:** THE CITY WILL NOT BE LIABLE FOR ANY COSTS ASSOCIATED WITH THE PREPARATION, TRANSMITTAL, OR PRESENTATION OF ANY PROPOSALS OR MATERIALS SUBMITTED IN RESPONSE TO ANY PROPOSAL, QUOTATION, OR PROPOSAL.
19. **MINOR DEFECTS:** THE CITY RESERVES THE RIGHT TO WAIVE ANY MINOR DEFECT, IRREGULARITY, OR INFORMALITY IN ANY PROPOSAL. THE CITY MAY ALSO REJECT ANY OR ALL PROPOSALS WITHOUT CAUSE PRIOR TO AWARD.
20. **PROPOSAL OPENINGS:** ALL PROPOSALS SUBMITTED WILL BE READ AT THE CITY'S REGULARLY SCHEDULED PROPOSAL OPENING FOR THE DESIGNATED PROJECT. HOWEVER, THE READING OF A PROPOSAL AT PROPOSAL OPENING SHOULD NOT BE CONSTRUED AS A COMMENT ON THE RESPONSIVENESS OF SUCH PROPOSAL OR AS ANY INDICATION THAT THE CITY ACCEPTS SUCH PROPOSAL AS RESPONSIVE.

THE CITY WILL MAKE A DETERMINATION AS TO THE RESPONSIVENESS OF PROPOSALS SUBMITTED BASED UPON COMPLIANCE WITH ALL APPLICABLE LAWS, CITY OF TEXARKANA, TEXAS PURCHASING GUIDELINES, AND PROJECT DOCUMENTS, INCLUDING BUT NOT LIMITED TO THE PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS. THE CITY WILL NOTIFY THE SUCCESSFUL PROPOSER UPON AWARD OF THE CONTRACT AND, ACCORDING TO STATE LAW, ALL PROPOSALS RECEIVED WILL BE AVAILABLE FOR INSPECTION AT THAT TIME.

21. **FORCE MAJEURE**: NEITHER PARTY SHALL BE HELD RESPONSIBLE FOR LOSSES OR DAMAGES HEREUNDER, IF THE FULFILLMENT OF ANY TERMS OF PROVISIONS OF THE CONTRACT IS DELAYED OR PREVENTED BY STRIKE, WALKOUTS, ACTS OF GOD, OR PUBLIC ENEMY, FIRE, OR FLOOD.

22. **TRADE SECRETS, CONFIDENTIAL INFORMATION AND THE TEXAS PUBLIC INFORMATION ACT**

IF YOU CONSIDER ANY PORTION OF YOUR PROPOSAL TO BE PRIVILEGED OR CONFIDENTIAL BY STATUTE OR JUDICIAL DECISION, INCLUDING TRADE SECRETS AND COMMERCIAL OR FINANCIAL INFORMATION, CLEARLY IDENTIFY THOSE PORTIONS. THE CITY OF TEXARKANA, TEXAS WILL HONOR YOUR NOTATIONS OF TRADE SECRETS AND CONFIDENTIAL INFORMATION AND DECLINE TO RELEASE SUCH INFORMATION INITIALLY, BUT PLEASE NOTE THAT THE FINAL DETERMINATION OF WHETHER A PARTICULAR PORTION OF YOUR PROPOSAL IS IN FACT A TRADE SECRET OR COMMERCIAL OR FINANCIAL INFORMATION THAT MAY BE WITHHELD FROM PUBLIC INSPECTION WILL BE MADE BY THE TEXAS ATTORNEY GENERAL OR A COURT OF COMPETENT JURISDICTION. IN THE EVENT A PUBLIC INFORMATION REQUEST IS RECEIVED FOR A PORTION OF YOUR PROPOSAL THAT YOU HAVE MARKED AS BEING CONFIDENTIAL INFORMATION, YOU WILL BE NOTIFIED OF SUCH REQUEST AND YOU WILL BE REQUIRED TO JUSTIFY YOUR LEGAL POSITION IN WRITING TO THE TEXAS ATTORNEY GENERAL PURSUANT TO SECTION 552.305 OF THE GOVERNMENT CODE. IN THE EVENT THAT IT IS DETERMINED BY OPINION OR ORDER OF THE TEXAS ATTORNEY GENERAL OR A COURT OF COMPETENT JURISDICTION THAT SUCH INFORMATION IS IN FACT NOT PRIVILEGED AND CONFIDENTIAL UNDER SECTION 552.110 OF THE GOVERNMENT CODE AND SECTION 252.049 OF THE LOCAL GOVERNMENT CODE, THEN SUCH INFORMATION WILL BE MADE AVAILABLE TO THE REQUESTER. MARKING YOUR ENTIRE PROPOSAL CONFIDENTIAL/PROPRIETARY IS NOT IN CONFORMANCE WITH THE TEXAS OPEN RECORDS ACT.

23. **CONFLICT OF INTEREST**

THE PROPOSER SHALL NOT OFFER OR ACCEPT GIFTS OR ANYTHING OF VALUE NOR ENTER INTO ANY BUSINESS ARRANGEMENT WITH ANY EMPLOYEE, OFFICIAL OR AGENT OF THE CITY OF TEXARKANA, TEXAS.

BY SIGNING AND EXECUTING THIS PROPOSAL, THE PROPOSER CERTIFIES AND REPRESENTS TO THE CITY THE PROPOSER HAS NOT OFFERED, CONFERRED OR AGREED TO CONFER ANY PECUNIARY BENEFIT OR OTHER THING OF VALUE FOR THE RECEIPT OF SPECIAL TREATMENT, ADVANTAGE, INFORMATION, RECIPIENT'S DECISION, OPINION, RECOMMENDATION, VOTE OR ANY OTHER EXERCISE OF DISCRETION CONCERNING THIS PROPOSAL.

The City revised its Request for Qualifications (RFQ) template to include the following wording related to Historically Underutilized Businesses (HUB's):

The City hereby notifies all respondents that in regard to any contract entered into pursuant to this RFQ; Historically Underutilized Businesses (HUB's) will be afforded equal opportunities to submit proposals and will not be discriminated against on the grounds of race, color, sex, disability, or national origin in consideration of an award.

A HUB is defined as a small business concern which is at least 51% owned and controlled by one or more socially and economically disadvantaged individuals, or in the case of any publicly owned business, at least 51% of the stock of which is owned by one or more socially and economically disadvantaged individuals. Socially and economically disadvantaged include Women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans.

The City revised its Purchasing Policy to include the following wording related to Historically Underutilized Businesses (HUB's):

Local Government Code Chapter 252.0215 Competitive Bidding in Relation to Historically Underutilized Business, states that a municipality, in making an expenditure of more than \$3,000 but less than \$50,000, shall contact at least two historically underutilized businesses on a rotating basis, based on information provided by the comptroller pursuant to Chapter 2161, Government Code. If the list fails to identify a historically underutilized business in the county in which the municipality is situated, the municipality is exempt from this section.

A HUB is defined as a small business concern which is at least 51% owned and controlled by one or more socially and economically disadvantaged individuals, or in the case of any publicly owned business, at least 51% of the stock of which is owned by one or more socially and economically disadvantaged individuals. Socially and economically disadvantaged include Women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans.



Proposal for Perot Theatre Management and Operational Services
Texarkana Symphony Orchestra

March 2, 2021



March 2, 2021

Ms. Amanda Freeland
Purchasing Department
City of Texarkana, TX
220 Texas Blvd.
Texarkana, TX. 75501

Dear Ms. Freeland:

The Texarkana Symphony Orchestra (TSO) is pleased to submit a response to RFP#21-0000-01, in regard to the future management of the Perot Theatre.

The TSO organization and personnel are uniquely qualified to manage and operate the Perot Theatre to the benefit of all interested parties. TSO shares the City's interest in assuring that consistent, efficient and quality services are provided at the Perot Theatre to renters, customers and patrons alike, and that a new 21st century vision for the Perot Theatre is needed. We are committed to and understand the scope of services requested in this RFP.

The TSO is a non-profit organization, registered as a 501c3, in both the States of Texas and Arkansas. Our administrative offices are located at: 421 Hickory Street, Texarkana, AR, 71854. TSO's authorized representatives for any questions or negotiating during the RFP process include:

R. Andrew Clark, Executive Director
andrewtso@windstream.net
903-949-1264

Mark Van Herpen, Board Chair
mvanherpen@ledwell.com
903748-9532

Jennifer Doan, Board Member, Attorney
jdoan@haltomdoan.com
903-278-7485

We look forward to answering any questions you may have about our organization and vision for the future of the Perot Theatre.

Sincerely,

R. Andrew Clark
Executive Director

Mark Van Herpen
Board Chair

"The mission of the Texarkana Symphony Orchestra is to pursue, for all, the transformative power of symphonic music through excellence in live performance and education."

President
Jennifer Doan
Executive Director
R. Andrew Clark
Treasurer
Laurie Kincaid
Board of Directors
Jennifer Doan
Renee C. Gray
Tonia Luker-Hays
Victoria Hays
Don Hays
Jennal Ingram
Dr. Susan Kennedy
Michael Walker
St. Paul McCann
Dr. Robert McDinnis, III
Ron Miller
Judy Morgan
David Orr
David J. Parker
Jeff Riddick
Lauren Ross
Megan Schreiner
Lisa Silvestry
Robin Thomas
Beverly Tye
Doris Washington
Philip White
Artistic Director
Phillip R. Mann
Music Synagogue Conductor
Steve Blackman
Executive Director
R. Andrew Clark

Attachment: 2021-036 ATTH 03 TSO-Perot Bid-Proposal (2471 : 2021-036 RES Perot Mgmt Contact w/ TSO)

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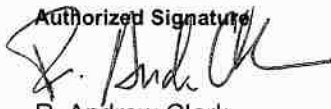
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My SUBMIT TO: CITY OF TEXARKANA, TEXAS PUBLIC WORKS AND CONTRACTS DEPARTMENT MAILING ADDRESS: P O BOX 1967 TEXARKANA, TEXAS 75504 EXPRESS MAIL ADDRESS: 220 TEXAS BLVD TEXARKANA, TEXAS 75501 CONTACT PERSON: AMANDA FREELAND TEL: 903-798-3942 amanda.freeland@txkusa.org	 CITY OF TEXARKANA, TEXAS REQUEST FOR PROPOSAL	
TITLE: Perot Theatre-Management and Operational Services	RFP #: 21-0000-01	SUBMITTAL DEADLINE: Tuesday, March 02nd, 2021 @ 2:00 PM CST
PRE-BID DATE, TIME AND LOCATION: Tuesday, January 26th, 2021, 10:00 AM CST, 2nd Floor Council Chambers, For a walk-through tour and meeting (Virtual Tour) 220 Texas Blvd, Texarkana, Texas 75501		SUBMITTALS RECEIVED AFTER ABOVE DATE AND TIME WILL NOT BE CONSIDERED
Enter Respondent Name: Texarkana Symphony Orchestra		
Enter Respondent's Business Name: Texarkana Symphony Orchestra		
Enter Respondent Address: 421 Hickory Street Texarkana, AR. 71854		
Enter the following information: Telephone Number: (870) <u>773-3401</u> Fax Number: (870) <u>773-3402</u> Email Address: <u>andrewtso@windstream.net</u> Federal Tax ID Number or Social Security Number. <u>20-4350824</u>		

IN COMPLIANCE WITH THIS SOLICITATION, THE UNDERSIGNED BIDDER HAVING EXAMINED THE INVITATION TO BID AND SPECIFICATIONS, AND BEING FAMILIAR WITH THE CONDITIONS TO BE MET, HEREBY SUBMITS THE FOLLOWING BID FOR FURNISHING THE MATERIAL, EQUIPMENT, LABOR AND EVERYTHING NECESSARY FOR PROVIDING THE ITEMS LISTED ON THE ATTACHED BID FORM AND AGREES TO DELIVER SAID ITEMS AT THE LOCATIONS AND FOR THE PRICES SET FORTH ON THE BID FORM. AN INDIVIDUAL AUTHORIZED TO BIND THE COMPANY MUST SIGN THE FOLLOWING SECTION. FAILURE TO EXECUTE AND SIGN THIS PORTION MAY RESULT IN BID REJECTION.

Authorized Signature

R. Andrew Clark
Print/Type Name

Title **Executive Director**

March 2, 2021

Date

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR RESPONSE.

Section A.—Experience and Qualifications

- a. **Company ownership. If incorporated, the state in which the company is incorporated and the date of incorporation:**

The Texarkana Symphony Orchestra is a 501(c)3 incorporated in the following states:

State of Texas on 24 January 2006

State of Arkansas on 9 April 2007

Federal Tax ID# 20-4350824

DUNS# 956809383

- b. **Location of the company offices.**

The Texarkana Symphony Orchestra's offices are located at:

421 Hickory Street

Texarkana, AR, 71854

- c. **Location of the office servicing the city's account.**

The office that would service the City's account is:

421 Hickory Street

Texarkana, AR, 71854

- d. **Number of employees.**

The Texarkana Symphony Orchestra currently has 1 full-time, 6 part-time employees, and full-time or part-time volunteers in the positions listed below. Additionally, the Orchestra hires approximately 100 contract musicians per year.

Full-time: Executive Director

Part-time: Music Director/Conductor

Youth Symphony Conductor

Bookkeeper

Orchestra Personnel Manager

Orchestra Librarian

Graphic Designer

Volunteer: Orchestra Operations Manager

Marketing/Social Media Manager

Chambers Singers Director

Staff Accompanist

- e. **Name, address, and telephone number of the Offeror's point of contact (account manager) for a contract resulting from this RFP.**

Offeror's point of contact shall be:

R. Andrew Clark, Executive Director

421 Hickory Street

Texarkana, AR. 71854

andrew@texarkanasymphony.org

870-773-3401 office

870-773-3402 fax
903-949-1264 mobile

- f. **Company background/history and Offeror's experience that qualifies you to provide the services described in this RFP. Included a narrative description of your firm's current and previous experience managing performing arts productions and/or facilities.**

The Texarkana Symphony Orchestra was founded as a professional orchestra by a group of inspired community patrons and presented its first concert on April 4, 2006. The Orchestra has called the Perot Theatre its performance home for 15 years. Our ultimate mission is to serve as a premier contributor to the cultural enrichment of the greater Texarkana area. The Orchestra endeavors to be a point of inspiration to the entire community, while serving as a catalyst for economic development through increased access to quality-of-life experiences. The Orchestra is recognized on the regional and national level as a model for artistic excellence, a leader in cultural preservation, and a champion for good governance.

The Texarkana Symphony Orchestra, like many other professional orchestras throughout the United States, is uniquely capable of managing the Perot Theatre. Orchestras, more so than any other arts organizations, understand that modestly sized theatres that serve primarily non-profit arts organizations, provide educational programs to the public, and nurture community-based arts and culture cannot wholly sustain themselves without a commitment to diverse and ever-changing programming. Our current leadership and board are deeply invested in the ability of the performing arts to transform lives, lift-up an entire arts community, and press for the right balance of artistic expression and sound business management. Since the arrival of our executive director in 2008, our business plan has focused on:

- Stability and growth in financial and human resources.
- Producing and presenting exceptional artistic programming.
- Building an increasing and diverse audience base.
- Creating exceptional education and outreach programs.

The Texarkana Symphony Orchestra, over the course of the last 15 years, has invested just under seven million dollars in becoming the largest producer/presenter of professional fine arts events in Texarkana. Our expertise has grown with each passing season, resulting in benefits to the community, orchestra and theatre that include:

- Managing complex production processes, personnel, and venue preparation for at least six, annual, large-scale events costing approximately \$50,000 per event.
- Reorganizing the seating/price zones of the Perot Theatre in 2009, to better reflect audience buying habits, increase revenue, and remove the overly complex online seat selection process. These changes, in almost the same exact

RFP #21-0000-01, Perot Theatre Management and Operational Services
Texarkana Symphony Orchestra

configuration, were adopted by Texarkana Regional Arts and Humanities Council's Perot Theatre Series four years later.

- Providing the most consistent subscription series bringing both national and international artists to Texarkana in both classical and pops programming over the last decade.
- Creating a means for audience feedback through both hard-copy and online surveys, resulting in modifications of both Orchestra and Theatre customer services protocols.
- Negotiating complex contracts with artists from some of the most prestigious agencies in America and abroad. (e.g., Columbia Artists and Opus3)
- Establishing an "artistic advisory group" made up of both Orchestra board members and other interested community members to assist the music director and executive director in program planning, thus ensuring input from a diverse set of views within the community.

In addition to this organization-level expertise, the Orchestra's board and principal personnel represent a vast amount of experience and knowledge of theatre management, non-profit and for-profit business governance, grassroots fundraising, programming for diverse audiences, and organizational and community leadership.

g. Include examples of your firm's experience interacting with city councils or similar public governing boards.

The Orchestra staff and board have extensive experience with local city government as well as state and national appointments. Our executive director has worked closely with both the Cities of Texarkana, Texas and Arkansas on numerous projects, assisted the Hope, Arkansas City Manager with information about arts series and connections to area presenters, and currently serves as the vice-chair of Arkansans for the Arts a state-wide group lobbying and advocating for expanded funding for arts and cultural opportunities. Our music director brings experience working with three orchestras during major performing arts center renovation projects that included bond issues, multi-layer governmental negotiations, and lobbying on the importance of arts facilities in attracting economic development.

h. Describe, in detail, your firm's experience working with community support groups, affiliated foundations, and volunteer committees.

Please see the following table listing the Orchestra's work with area community organizations.

Partner	Type	Goal
Current and ongoing relationships with all school systems in Texarkana as well as those within a 50-mile radius of Texarkana.	Assistance in establishing, expanding, or enriching a string music education program; in-school musician and guest artist visits	Provide a means for underserved students to study music and to encourage exploration and attendance at events at the Theatre.

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Texarkana Independent School District	Provided input in the planning and design of the Sullivan Performing Arts Center	Assist the District in making sure that the new facility would meet the needs of not only the school's programs, but those of the orchestra, ballet, and multiple other community uses.
Pleasant Grove Independent School District	Collaboration with PGISD's drama program and showstoppers on TSO's Christmas at the Perot	Mutually beneficial production of a community "Radio City Music Hall" type of holiday production. Provide students with exposure to performing on stage with a live orchestra.
Salvation Army/Boys and Girls Club	Provided musical experiences and free admission to the Theatre for their afterschool program	Exposure to the Theatre and performing arts for underserved students.
Texarkana Area Chamber of Commerce	Provided musicians and planning for annual chamber banquet.	Created additional exposure for the Orchestra, musicians and its performances in the Theatre.
Arkansas' Governors Conference on Tourism	Provided musicians and planning for hosting the statewide conference in Texarkana.	Created additional exposure for the Orchestra, musicians and its performances in the Theatre.
Arkansans for the Arts Winter Retreat	Hosted the board and advisors of this statewide advocacy group in Texarkana.	Provided a means for this organization's board to experience downtown Texarkana, the Perot Theatre, and the Orchestra.
Texarkana Arts and Historic District	Founding member of this marketing and planning board.	Grow tourism and interest in Texarkana and its cultural opportunities
Texarkana Regional Arts and Humanities Council	Provided musicians and planning for events at the Regional Arts Center	Created additional exposure for the Orchestra, musicians, and its performances in the Theatre
Leadership Texarkana	Orchestra personnel on panel discussions and presentations annually	Created additional exposure for the Orchestra, musicians, and its performances in the Theatre
Texas Commission on the Arts	Orchestra personnel have served on statewide grants panels.	Created additional exposure for the Orchestra, musicians, and its performances in the Theatre
Arkansas Arts Council	Orchestra board members have served on statewide grants panels.	Created additional exposure for the Orchestra, musicians, and its performances in the Theatre
Texarkana area churches: Lonoke Baptist Church, First Presbyterian, First Methodist, St James, Williams Memorial, First Baptist, Hardy Memorial and numerous others.	Provide artist resources and produced concerts at these locations.	Created additional exposure for the Orchestra, musicians, and its performances in the Theatre
Bobbie A. Atkinson Foundation	Established longstanding relationships to provide free tickets to area University and College students to concerts at the Theatre	Exposing a whole new generation and their families to the Theatre and performing arts.

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Allegro Club, AR-TX Music Connection, Delta Kappa Gamma	Established ongoing support for our Youth Orchestra program providing scholarships and a means to attend TSO performances	Exposing a whole new generation and their families to the Theatre and performing arts.
Texas A&M University—Texarkana	Produce a academic year chamber music series on their campus; includes distribution of complementary tickets to Orchestra performances at the Theatre	Create a path for the numerous (non-local) resident students to experience Texarkana's downtown and Theatre.
Texarkana College	Provide musicians and guest artists for speaking engagements and performances	Create a path for the numerous (non-local) resident students to experience Texarkana's downtown and Theatre.
League of American Orchestras	Orchestra's ED served as a member of this national service organization's board for 4 years.	Created national exposure for the Orchestra, musicians, and its performances in the Theatre.
Veterans Service Organizations: American Legion and Disabled American Veterans	Speaking engagements and complementary tickets to performances that were geared to expressing gratitude for their service.	Exposing a different demographic of our community to the Theatre and live performing arts.
Numerous community clubs and organizations such as: Lions Clubs, Rotary Clubs, Masonic Lodges, Garden Clubs, the Junior League, Kiwanis Club and many more	Speaking engagements by the Orchestra's ED and MD in Texarkana, and the surrounding environs, Little Rock, Lubbock, and on a national level as well.	Creating exposure to the Orchestra, Theatre, and Texarkana.

- i. **Resumes that detail your qualifications and experience for key staff to be responsible for performance of any contract resulting from this RFP. (e.g., CEO, operations manager, marketing manager, technical director).**

Please see resumes for TSO's key staff in Appendix A.

- j. **Offeror's bank of record.**

The Texarkana Symphony Orchestra's bank of record is:

Commercial National Bank
224 E. 4th Street
Texarkana, AR. 71854
Account #817910

- k. **Offeror must include in its proposal a complete disclosure of any significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the Offeror or in which the Offeror has been judged guilty or liable.**

The Texarkana Symphony Orchestra has had no prior or ongoing contract failures, civil or criminal litigation or pending investigation thereof.

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- l. Provide documentation of your firm's financial resources for providing services and meeting other financial obligations (e.g., a copy of your firm's audited financial statement summaries and the notes to the financial statement for years 2014-2019).**

Please see copies of the Texarkana Symphony Orchestra's annual audits for fiscal years 2014-2019 in Appendix B.

- m. Include disclosure of all sources of revenue and operating capital for your firm.**

The Orchestra's annual revenue is derived from the following sources and percentages:

- Earned Revenue (ticket sales, program booklets, educational fees) **29%**
- Contributed Revenue (patrons, sponsorships, fundraising) **53%**
- Government Grants (City, State, Federal) **12%**
- Foundation Grants (Local and National) **5%**
- In-Kind Donations (including Perot Theatre free uses) **1%**

The Orchestra has a Conductors' Endowment invested with the Arkansas Community Foundation. Principal is \$10,000.00.

Section B.—References

- a. Offeror should provide a comprehensive listing of previous and current clients for whom it has provided similar services.**

Clients listed in the table below contracted large scale services from the Texarkana Symphony Orchestra and paid the Orchestra directly for those services.

Client	Service Provided	Dates of Service
Ouachita Baptist University	Orchestra personnel and production for school's performance of Handel's Messiah and an Opera Production	04/28/2009 11/09/2009
Lonoke Baptist Church and the Texarkana Regional Chorale	Orchestra personnel and production for annual Black History Month Celebration	02/11/2010, 02/20/2011, 02/26/2012, 02/24/2013
Cooper Tire	Orchestra personnel and production for annual Veterans' Day celebration at the Texarkana plant	11/10/2016, 11/09/2017
Arkansas' Governors Conference on Tourism	Orchestra personnel and production for statewide conference held in Texarkana	03/08/2015
MRC/Cornerstone Retirement Community	Orchestra personnel and production for their resident development events, grand re-opening celebration, and annual Christmas party	12/03/2013, 12/05/2017, 11/18/2019

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AG Edwards/Wachovia Bank Traveling Art Exhibit	Orchestra personnel and production for their client private party and grand opening of touring art show	09/05/2008
Texarkana Chamber of Commerce	Orchestra personnel and production for annual chamber banquet	01/24/2019
Junior League of Texarkana	80 th Anniversary Celebration— provided orchestra personnel and production for no-charge as the League had just presented Orchestra with \$100,000.00 gift	05/16/2006
Morriss Families	Orchestra personnel and production for 60 th and 70 th wedding anniversary, free to the public concerts.	December 31, 2008 December 31, 2018
Julia Mobley	Orchestra personnel and production for funeral of family member.	02/26/2008
Pafford/Gresham Wedding	Orchestra personnel and production for this large-scale wedding in Hope, AR.	02/01/2019

b. Include a minimum of two references from any local government, non-profit or business clients within the last three years.

Client Name	Project Dates	Client Name	Client Email	Client Phone
City of Texarkana, TX	Ongoing	David Orr	David.orr@txkusa.org	903-798-3902
City of Texarkana, AR	Ongoing	Kenny Haskins	Kenny.haskin@txkusa.org	870-779-4851
Texas A&M University-- Texarkana	Ongoing	Emily Cutrer	Emily.cutrer@tamut.edu	903-223-3001
Texas High School, TISD	Ongoing	Arnie Lawson	Arnie.lawson@txkisd.net	903-277-1964
Commercial National Bank	Ongoing	Robert Sanderson	rsanderson@cnbttxk.com	870-773-4561
BancorpSouth	Ongoing	Kelly Rose	Kelly.rose@bxs.com	903-832-0340
Wilf & Henderson	Ongoing	Kelley Birdwell	kelly@wilhen.com	903-793-5646
Hilton Garden Inn	Ongoing	Barbara Walker	Barbara.walker@dpgpartners.com	903-255-4642
Yates Foundation	Ongoing	Sonja Hubbard	Sonja.hubbard@yatesgroup.com	903-277-2175

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Texas Pioneer Foundation	Ongoing	Fred Markham	fred@texaspioneer.com	512-757-2932
RoyOMartin Foundation	Ongoing	Carole Baxter	Carole.baxter@royomartin.com	318-473-2624
Vasco McCoy, Jr. Foundation, BankOZK	Ongoing	Kristie Dempsey	kdempsey@bankozarks.com	903-255-6313
Arkansas Arts Council	Ongoing	Patrick Ralston	Patrick.ralston@arkansas.gov	501-324-9770
Texas Commission on the Arts	Ongoing	Gary Gibbs	ggibbs@arts.texas.gov	512-936-6561
Texarkana Area Community Foundation	Ongoing	Ken Cox	Texarkanaarea@arcf.org	903-277-4730
Arkansas' Great Southwest	Ongoing	Paul Henley	Dolly.henley@gmail.com	870-777-7500
Four States Living Magazine	Ongoing	Robin Rodgers	fslmtxk@gmail.com	903-244-2918
Digital Press (formerly Texarkana Digital Press)	Ongoing	Jacob Cuthbertson	txkdigitalpress@gmail.com	903-716-8924
Townsquare Media	Ongoing	Andi Darby	Andi.darby@townsquaremedia.com	903-244-4282
KTXK	Ongoing	Steve Mitchell	steve@ktxk.org	903-748-4541
Julies Deli	Ongoing	Julie Furlow		
Channel 6	Ongoing	Joe Yates	jyates@ktalnews.tv	903-334-0285
Arkansas Graphics	Ongoing	Suzan Wittenburg	suzan@arkansasgraphicsa.com	501-376-8436
Texarkana Area Chamber of Commerce	Ongoing	Mike Malone	Mmalone@texarkana.org	903-792-7191
Sciolino Artist Management	Ongoing	Marianne Sciolino	marianne@samnyc.us	212-721-9975
PeterThrom Management, LLC	Ongoing	Peter Throm	peterthrom@me.com	734-277-1008
Opus 3 Artist	Ongoing	Sarah Gordon	sgordon@opus3artists.com	212-584-7529
Institutional Advancement UACCH	Ongoing	Dolly Henley	dollyhenley@gmail.com	870-703-4826
Commercial Bancshares, Inc.	Ongoing	Julia Mobley		903-831-4561
Nix Patterson	Ongoing	Cary & Lois Patterson	ccp@nixlaw.com	903-223-3999
Guaranty Bank & Trust	Ongoing	Robert Irwin		903-792-8600

Attachment: 2021-036 ATTH 03 TSO-Perot Bid-Proposal (2471 : 2021-036 RES Perot Mgmt Contact w/ TSO)

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State Bank	Ongoing	Joe Nichols	Joe.nichols@statebankofdekalb.com	903-667-2553
Alexander's Jewelers	Ongoing	Van Alexander		903-832-3557
	Ongoing	Dr. Kirby Bunel		903-794-3331
Executive Director Conductors Guild	Ongoing	Jan Wilson	guild@conductorsguild.org	202-643-4791
League of American Orchestras	Ongoing	Heather Noonan	hnoonan@americanorchestras.org	202-776-0215

In addition, our board represents a wide cross-section of our community. Our Board has unanimously voted to submit this proposal and has approved it. Each serve as a member for the Orchestra:

Name	Position	Address	Email
Steve Bennett	Youth Symphony Conductor	6011 Pleasant Ln. Texarkana, TX 75503	steve.bennett@txkisd.net
R. Andrew Clark	Executive Director	2802 Landon Ln. Texarkana, TX 75503	andrewtso@windstream.net
Jennifer Doan	Board Member	6900 Summerhill Rd Texarkana, TX 75503	jdoan@haltomdoan.com
Micah Dorsey	Graphic Designer/Webmaster	2922 Main St. Texarkana, TX 75503	mdorsey@fbctexarkana.org
Nancy Jackson	Bookkeeper Staff	10 Arnold Dr. Texarkana, AR 71854	nancyemerson08@gmail.com
Remica C. Gray	Director of Operations	10 Cambridge Dr. Texarkana, AR 71854	remicag@aol.com
Tonja Luker Hays	Board Member	1300 County Rd #2310 Texarkana, TX 75503	tonjahays@mac.com
Victor Hlavinka	Board Member	22 Britan Pl. Texarkana, TX 75503	vh@arwhlaw.com
Don Howren	Board President	7102 Shadow Brooke Rd Texarkana, TX 75503	dhowren@msn.com
Jennell Ingram	Board Member	3403 Pine Knoll Rd Texarkana, TX 75503	ingramj@txkisd.net
Jo Kahler	Board Member	6306 N. Park Rd Texarkana, TX 75503	josephinekahler@hotmail.com
Dr. Susan Keeney	Board Member	3 Windmere Pl. Texarkana, TX 75503	skeeney@newborndoc.com
Lairie L. Kincaid	Board Member	7301 Gunstock Rd Texarkana, TX 75503	lairiekincaid@gmail.com

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Michael Malek	Board Secretary	1115 Fox Run Hope, AR 71801	mikemalek@cablelynx.com
Philip R. Mann	Music Director/Conductor	3204 30th St. Lubbock, TX 79410	conductormann@gmail.com
Paul McCash	Board Member	4 Lambeth Pl. Texarkana, TX 75503	pkmcjr@cableone.net
Dr. Robert McGinnis	Board Member	6709 Ridgecrest Pl. Texarkana, TX 75503	robertsmcg3@yahoo.com
Ronald L. Mills	Board Member	3000 New Boston Rd Texarkana, TX 75503	ron.mills@bxs.com
Judy Morgan	Board Member	1 Oakhollow Dr. Texarkana, TX 75503	judy@jbkelleyent.com
Diana Norwood	Personnel Manager	1813 Kensington Dr. Tyler, TX 75703	diamondviolin1@gmail.com
David Orr	City of Texarkana, TX Rep	220 Texas Blvd Texarkana, TX 75501	david.orr@txkusa.org
David J. Potter	Board Member	901 N. State Line Ave. Texarkana, TX 75503	dpotter@potter-law.com
Catherine Rickett	Orchestra Librarian	10 Dogwood Lake Dr. Texarkana, TX 75503	tsolibrarian@gmail.com
Lauren A. Ross	Board Member	1 Wade Trail Texarkana, AR 71854	lauren.a.bussell@gmail.com
Megan Schroeder	Board Member	P.O. Box 1201 Texarkana, TX 75504	megans@cableone.net
Lisa Sitterley	Board Member	6204 Deerfield Dr. Texarkana, TX 75503	lsitterley423@icloud.com
Robin Thomas	Board Member	PO Box 7441 Texarkana, TX 75503	rthomas@fbctexarkana.org
Beverly Tye	Board Member	6600 N. Park Rd. Texarkana, TX 75503	beverlytye1@gmail.com
Mark Van Herpen	Board Member	107 County Rd 2308 Texarkana, TX 75503	mvanherpen@ledwell.com
Denis Washington	Board Member	33102 Kevin St. Texarkana, TX 75503	denis.washington@regions.com
Philip White	Board Member	9502 Rhine Ave. Texarkana, TX 75503	pdwhite@cableone.net

Section C.—Proposal

The Texarkana Symphony Orchestra, upon being awarded the management contract, shall create a separate “dba,” under which its operation of the Theatre will be conducted. All answers within this RFP Response use “Texarkana Symphony Orchestra,” or “Orchestra” as a placeholder to this name.

General**1. If subcontractors are contemplated, a description of these persons or firms and the portions and monetary percentage of the work to be done by them.**

The Texarkana Symphony Orchestra could potentially use a subcontractor for the following:

- To contract with presenting firms/agents that require a commitment to more than one event/concert/film, over a number of years, and for a negotiated lower price. (e.g., the showing of Harry Potter films over a series of 3 years)
- To build, launch, and maintain a new website for the Perot Theatre.
- To contract with a marketing agency for data gathering and analysis.
- To continue (e.g., Choice Ticketing) or establish new ticketing and CRM services.
- To provide for the short-term rental of technical equipment required for client productions. (e.g., additional microphones, speakers, film equipment, risers, chairs—costs for such needs would then be passed on to the client)
- To provide for the everyday office needs of the Perot as it relates to the long-term rental of business office equipment. (e.g., copiers/printers)

Monetary percentages, while hard to predict, would likely never surpass 50% of the overall operating budget of the Theatre.

2. Provide an introductory overview of your firm's management philosophy, vision, strengths, and weaknesses.

The Texarkana Symphony Orchestra's vision is to be recognized as a center of musical excellence—nourishing spirits and developing intellectual and creative capital that adds value for all. We seek to uphold the following core values:

- We believe that a commitment to excellence sets us apart from our peers.
- We believe that arts education is critical and fosters a life-long love of the arts and solidifies the next generation of arts patrons.
- We acknowledge the vital link between financial stability and artistic growth.
- We lead in building effective partnerships and creative innovation in all that we do.

The Orchestra's commitment to managing our human resources focuses on:

- Hiring the best artistic and administrative personnel available within our region, training them well, and expecting their highest quality work.
- Creating a culture of mutual respect for each other's work and its value to the entire organization. We abhor the concept of micromanaging.
- Establishing benchmarks for our staff and programming. Recognizing that our top priority is meeting the needs of our audience and patrons.
- Providing adequate means for continuing education for all our top administrative and artistic staff.

3. **Include information on the managerial and staffing resources that details the quality and depth of resources that will be provided to enhance effectiveness of the on-site management team and maximize operational and financial results to benefit the Perot Theatre and the city.**

The Orchestra's administrative and artistic staff are experienced with managing the human resources of a complex operation including multiple layers of client, employee, contractor, and volunteer needs. We believe that the current staff of the Perot Theatre is capable, highly qualified, and possesses vast institutional knowledge. Upon being awarded the contract we would seek continue to use the talents of the current Theatre Operations manager, Technical Director, and Audience Services Manager in the new management organization. Furthermore, our transition team, our marketing team and our creative advisory board will work to enhance the Theatre management enabling our programming opportunities to rise to the next level. The Orchestra has a measured and proven program for achieving benchmarks and goals – a system we look forward to using with Theatre programming and management.

4. **A list of your firm's ownership or management of similar performing arts centers within the designated market which might be competitive or present a conflict of interest with the Perot Theatre for programming, visitor traffic and visitor spending. This would include all sister or parent companies, subsidiaries, or partnerships of your firm.**

The Texarkana Symphony Orchestra does not own or manage any other performing arts facilities.

5. **A list of your firm's performing arts productions which might be competitive or present a conflict of interest with any other Perot Theatre programming, visitor traffic and visitor spending. If this section applies please include an explanation of your firm's approach to overcoming conflicts of interest.**

The Perot Theatre is the Texarkana Symphony Orchestra's performance home. The Orchestra currently has a series of chamber concerts on the campus of Texas A&M—Texarkana, in order to further market the Orchestra across the community; however, the nature of this series would not cause undue competition with programming or events at the Theatre.

6. **A description of your firm's processes/procedures for responding to the city's inquiries and requests for information regarding management, marketing and operational issues related to the Perot Theatre.**

The Texarkana Symphony Orchestra, as a 501(c)3, believes that all of its records are open and available for review by the public upon request. The Orchestra will implement a Theatre post-event evaluation process to include summaries of all pertinent personnel, financial, ticketing, attendance, and settlement data. This summary will be provided to the city within 2 weeks of the conclusion of any event. All other requests for information will be handled through the Theatre Operations Manager and/or the Executive Director within 2 business days. Both the Executive Director and the Theatre

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Operations Manager will be available to meet face-to-face with a city liaison as needed or requested.

- 7. Methodologies and commitment of your firm in assisting the city in preparation of report materials related to City Council approvals of leases, licenses, budgets, promotional activities, and related documents. Upon request by the city, Offeror shall attend City Council meetings that require information or Council action regarding Perot Theatre related business issues.**

The Orchestra, as mentioned in #6, shall provide the city with a post-event summary within 2 weeks of each event in the Theatre. Furthermore, the Orchestra will provide monthly financials for the Theatre, and any other contract material requiring routine inspection of the City Council as requested. The Orchestra will provide a calendar of Theatre events for distribution to City Council members on a monthly basis. The Executive Director, the General Manager, and/or members of our transition team or our Executive Board will attend any City Council meeting upon request of the city.

Programming

Provide a detailed description of the methodologies your firm will utilize to develop and implement both short and long-term programming strategy for the Perot Theatre. Offerors shall address each of the following in order:

- 1. Your firm's conceptual vision for programming at the Perot Theatre, including touring products, non-art rentals, and local performing arts projects.**

It is our belief that the Texarkana Symphony Orchestra, its personnel, and its board are uniquely qualified to manage and operate the Perot to the benefit of all interested parties. Currently, and for many years, TSO's annual series of concerts is the only consistent subscription series in the Theatre. Finally, TSO shares the City's interest in assuring that consistent, efficient and quality services are provided at the Perot to renters, customers and patrons alike, and that a new 21st century vision for the Perot is needed. We envision a programming season that includes:

- Events that represent all types of performing arts and genres with input from the community.
- Assuring that the annual number of events at the Perot is equal to or exceeds that of comparable venues and cities.
- Expanding local use of the Theatre while continuing the long-standing programming of the Symphony, Texarkana Regional Arts and Humanities Council, the community ballet, and local dance studios.
- Creating a means and interest in non-traditional rentals/usage of the Theatre.
- Working with the Arts and Historic District to increase out-of-town tourism by using the Perot and its events as the center of attraction.
- Assisting the City of Texarkana, Texas with plans for renovation and expansion of the Theatre.

As veterans of the industry, we understand that it is highly likely that the 2021-2022 season will also be impacted by the status of the recovery from the global pandemic. All stakeholders will have to realize that event occupancy, bookings, and revenue potential may still be limited during that time. Moving forward we believe that at a minimum each season should include events at the Theatre on at least 3 out of every 4 weekends as well as regular weekday uses. These events would be centered around genres such as:

- TSO Concert Series
- TRAHC's ArtsSmart Series (weekday educational programming)
- Film/Movie Series
- Perot Theatre Series, representing the following:
 - Live theatre
 - Broadway
 - Comedy
 - Popular Music—Rock, Country, Contemporary Christian
 - Locally grown, nationally recognized talent from the Ark-La-Tex
- Presenters/Touring Shows (similar to the genres under Perot Theatre Series)
- Local Use/Community Events
 - Dance Studios
 - Four States Bandmasters
 - Chamber of Commerce Speakers
 - Beauty Pageants
 - Silvermoon Children's Theatre
 - TexRep (We would encourage them to bring a large-scale live event back to the Theatre.)
 - Churches and Civic Clubs
 - Weddings and Receptions
- National Traveling Shows, Radio and TV, such as:
 - "Wait, Wait Don't Tell Me" from NPR
 - "Prairie Home Companion" from NPR
 - News Channel morning shows broadcast from the stage
 - Lecture Series of National Speakers on current events
- Develop additional new programming with surrounding partners which might include events such as:
 - Indie Band Series
 - Chefs cook-off on stage with audience and emcee
 - Opera production
 - Gospel music festival
 - Art-film festival
 - Festival modeled after Dallas' Soluna Festival

2. **Ideas for partnership with other downtown properties such as: The Silvermoon and Pecan Point Brewing in conjunction with the Perot Theatre and/or adjacent properties.** The Texarkana Symphony is committed and experienced in encouraging collaborations between other local downtown based arts organizations and restaurants. Two examples of our previous work include:

- Annual Silvermoon reception after the Christmas at the Perot concert.
- Encouraging our musicians with lists of “preferred” restaurants/vendors downtown.

Moving forward we would work through the Arts & Historic District, other area non-profits as well as the for-profit businesses to:

- Provide preferred business lists for shopping and dining.
- Development of a “Downtown Arts Pass” that both residents and visitors could use to experience more than one cultural event in one day/evening.
- Encourage local restaurants to develop a particular dish/appetizer/dessert/drink around the theme of a concert, show, or event, and then join marketing forces to drive ticket sales and dining revenues.
- Renewed interest in joining art organizations together for a series of performances such as:
 - Symphony and Silvermoon (orchestra providing the live musicians for one of their children’s’ musicals at the Perot)
 - Symphony and TRAHC joining concerts and art shows around a central theme for a series of concerts.
 - Museum System and the Perot Theatre joining forces for a series of lectures and walking-tours on Architecture.

3. **A description of your firm’s approach to developing a written (5) five-year strategic programming plan that is linked to marketing and financial plans.**

Upon being awarded the contract the Orchestra will convert its Perot Theatre management exploratory committee into a transition committee. This transition committee will then begin the process developing a five-year strategic plan for the Theatre. As has been the Orchestra’s previous practice we will use a team-based planning process that incorporates input from all stakeholders as well as the community at-large. We would envision that a portion of this plan would be modeled after a “strategic doing” framework so that some of the most pressing transition needs and changes can be accomplished quickly. The plan will center around the following essential goals listed in item #1 above:

4. **The strategies your firm will utilize for increasing the number and scope of uses of the Perot Theatre and generate increased rental revenue.**

The Orchestra believes that expanding the use of the Theatre will be driven primarily by:

- Concerts, shows, events that have targeted appeal and are backed by community support and input.

- Face-to-face appeals to local businesses, clubs, unions, schools. The goal of these appeals will be to acknowledge that it is a new day at the Perot Theatre and we want your business whether it is a speaker, conference, reception, dinner, or any other creative idea in which the Theatre could play a role. This work may mean being able to negotiate reduced rates to drive users with the end goal of creating more revenue through greater volume.
- New, expanded and excellent marketing pieces targeted to specific demographics and concentrated in social media and direct appeals.
- Customer satisfaction—this means from the moment of ticket purchase, to concert experience and after event follow-up everyone feels special. Ultimately this drives the absolute need for the planned renovations to the Theatre.

5. Your firm's assessment of the current programming mix and quality of current programming.

Outside of Texarkana Symphony Orchestra performances, educational events/performances, and community dance studios, the current programming mix is woefully inadequate. Current management seems to have lost its ability to program a series that appeals to the various demographic segments of our community and or attract visitors. In contrast, our philosophy is that the programming of the future will be based on:

- Overall artistic and aesthetic quality in all genres. (e.g., excellent performance or show with proven results in markets similar to Texarkana)
- Community input and feedback;
- The potential to attract out-of-town guests;
- A mix of locally produced or presented events and outside presenter rentals;
- Niche events, such as those already listed above "battle of the local bands," "art film festival," "Wait, Wait Don't Tell me from NPR," "gospel music sing-alongs;" and
- Keep and expand the "Perot Holiday Traditions" event.

6. Third-Party Vendors

The Texarkana Symphony Orchestra would contract with third-party vendors for the following:

- Ticketing and CRM software
- Design and Publication of the Playbill or Similar Theatre Programs
- Design and Publication on an annual Theatre brochure
- Food and Beverage Services (if eventually expanded)
- Local and regional sound and stage equipment companies for gear as needed for lessees.
- Artists management agencies or presenters for portions of the annual Theatre programming.

7. Free usage of the Perot Theatre will be provided to the following:
- TRAHC shall receive (10) ten free uses—paid for by the HOT account.
 - Texarkana Symphony Orchestra shall receive (10) ten free uses—The City shall pay from the Perot Rental account.
 - Texarkana College shall receive (5) five free uses—Per the City's Discretion.
 - Texas A&M-Texarkana shall receive (5) five free uses—Per the City's Discretion.

The Texarkana Symphony Orchestra would transition to a flat, 3-tier system of rental rates for performances and rehearsals within the Theatre.

- Commercial
- Non-Profit
- Designated Local Non-Profit. (TSO, TRAH, A&M, TC, City of Txk, TX)

Certain labor (stagehands and ushers), ticketing, administrative fees, and janitorial services would be included in these flat rates. Other labor costs, such as additional box office hours, ushers, equipment rentals, food and beverage services would be based on the prevailing regional rates and apply to all lessees. Spaces such as the Mezzanine or Stage would be available for rent for uses beyond those traditionally associated with a performance (e.g., receptions, dinners, meetings). It is our belief that a transition away from "free" uses of the Theatre should be implemented, and the Orchestra is committed to working with the City on such a plan.

Marketing & Promotion

Provide a detailed narrative to describe your firm's approach to marketing and promotion of the Perot Theatre. This narrative should fully describe the methodologies your firm will utilize. Offerors shall address each of the following in order:

- Crafting a written (5) five-year strategic marketing plan, linked to a (5) five-year programming plan and your ability to provide the plan *within a (5) five-month period from the effective date of the Management Agreement.* Provide an actual example of a strategic marketing plan you have developed.**

As previously noted, upon award of the contract the Orchestra will convert its exploratory committee into a transition committee that will develop a strategic plan. One of the components of that plan will be a marketing strategy that revolves around diverse and changing audience tastes, the concept of what the public views as "art" or "entertainment," and ensuring that our means of communicating our messages and events keep up with current trends. One thing has become clear for the Orchestra: the Texarkana market is increasingly one that desires flexibility in event/performance choices, ticket buying, and exchanges. We believe a good marketing plan includes the following:

- Understanding of the current environment for marketing in a community
 - What do people watch, read, pay attention to the most?
 - What are the differences between the core audience (buys no matter what is offered) and the "new or first time" buyer?

- Audience Profiles
 - For both Season, Single, and Group Tickets: 5-year history of all events, performances, productions
 - Number of tickets sold
 - Number of complementary tickets
 - Demographic data acquired
 - Renewal and attrition rates
 - Methods used to sell the tickets: online, telemarketing, brochure, word-of-mouth.
 - Marketing Strategies for Season, Single, and Group Sales
 - Target Marketing
 - Pricing
 - Marketing Mix—online, radio, tv, magazines...
 - Marketing Budget
 - Projected Expenses
 - Projected Revenues
 - Nonmonetary gains—someone buys a single ticket and leads to a season ticket.
 - Marketing Evaluation
 - Audience surveys
 - Staff assessments

2. Broadening promotional opportunities with regional media marketing departments, newspapers, journals, radio, television, and related media according to hotel occupancy tax funding requirements. (Texas Tax Code Sect. 351.101)

The Orchestra will maintain and build upon the Theatre's presence in area news/society magazines while making a new effort to place the Theatre in travel guides for Arkansas, Louisiana, and Texas and in national publications when appropriate. Our own take on marketing through newspapers is that it is on a steep decline. While we would seek to maintain some marketing material in local area papers and monthly local publications, most dollars will be converted to social media and targeted online advertising efforts. We do believe that radio and television are still an important place for marketing—tailored to the particular needs of the event.

3. Utilizing the internet to build marketing and promotional opportunities.

This is the future of marketing in arts and entertainment, period. The Orchestra would be committed to:

- Building and maintaining a separate stand-alone website for the Perot Theatre, with an excellent ticket buying interface.
- Having social media as the top priority in messaging and marketing concerts and that these link to the website where more details may be found.
- Exploring the creation of an app for the Theatre, or in conjunction with the Arts & Historic District to further facilitate downtown arts opportunities.

- Employing geofencing ads to target the millennial audience.
- Creating graphics that are uniform across all internet and print based media.
- Take advantage of both in-house and third-party means of targeted audience marketing.
- Creating a means for online messaging to translate into the “word of mouth” or person-to-person invitations.
- Insist that content placed online meets a high standard, is consistent with the values of the Orchestra, Theatre, and City, and works to build crowd interest in the Theatre itself or an event.

4. Management Company will actively market, solicit, and maintain relationships with third-party music industry promoters.

The Orchestra is already approached by many of these vendors regarding their traveling shows and performances and availability for Texarkana. It is our intention to engage these organizations further and with intend to build an ongoing business relationship.

5. Contract includes \$10,000.00 for Marketing Purposes.

The Texarkana Symphony Orchestra, based on experience and understanding of marketing buys within the region, believes that this figure is woefully inadequate to properly market the Theatre by a local company. We would expect this to be a point of negotiation. The Orchestra regularly spends in excess of \$60,000.00 (in addition to the cost of our event programs) just to market the Orchestra’s concert in the Theatre.

6. Cultivating marketing and promotional opportunities through partnering with other cultural and entertainment entities (e.g., Chamber of Commerce, Main Street Texarkana, or private corporate sponsorships).

The Orchestra would expand its own work in building community partnerships with the Theatre. In particular, we would implement the following:

- Private, Foundation, Corporate sponsorships as underwriting for Theatre events, therefore decreasing overhead and increasing possible profits.
- Work closely with the Chamber of Commerce, Main Street, and both Cities, in creating entertainment options in attracting conferences, conventions, and larger events to the City.
- Providing opportunities for tourism discounts to events when booked as packages through the Chamber other appropriate firm.

7. Developing marketing and promotional opportunities through partnering with other city Departments as well as other city groups that promote downtown Texarkana, TX.

As mentioned in our programming responses, the Theatre should be at the center of partnerships and events happening in downtown Texarkana. We strongly desire to assist the City in moving forward on the capital campaign and plans for renovation and expansion of not only the Theatre but the planned surrounding park and farmers

market. This would provide the platform for a festival/residency event over a period of days that features important downtown landmarks and the Theatre. (e.g., Our interest in starting a Dallas Symphony Orchestra like Soluna Festival that features all sorts of concerts and events of differing variety in not only the Meyerson, but surrounding parks, building lobbies, and restaurants.). Furthermore, we believe that there are many opportunities for collaboration that should be explored:

- Planning sports related events/speakers in the Theatre when the Parks & Recreation Department hosts tournaments or for example in cooperation with the United Way's Live United Bowl.
- Creating a "state of the city" event to feature speaking opportunities for the mayor, city staff, county officials, and state-level officials to interact with the community—townhall meeting style in the Theatre.
- Using the Perot as a centerpiece for speakers and continuing education offerings of the City.
- Working with HATT and other such agencies to provide a means for the underserved in our community to experience the Theatre.

8. Developing marketing and promotional opportunities through partnering with departments of the county, state, other governmental and not-for-profit agencies including the local and state agencies responsible for development of the arts, conventions, travel, and tourism.

The Texarkana Symphony Orchestra has long and cultivated relationships with governmental entities in both Texas and Arkansas as well as nationally recognized service organizations. Since we are already marketing the Theatre through our performances, we will expand these relationships further. Some of the ways the orchestra has already participated in these endeavors:

- Assisting with hosting the Arkansas Governor's Conference on Tourism.
- Attending with marketing materials both Texas and Arkansas state arts conferences, as well as national service organizations.
- Having board members serve on state-wide arts or tourism related boards in both Arkansas and Texas, and regularly reporting on events in Texarkana.
- Having a link for information on the arts through the League of American Orchestras and the National Association of State Arts Agencies in Washington, D.C.
- Participating in the creation of a "public value" messaging toolbox that used the Texarkana Symphony and our community as a model for portions of the kit. (This material is updated regularly and remains on the League of American Orchestra's website.)
- Providing Texas and Arkansas state legislators with regular information on our events and concerts which then appear in their email communications to constituents.

9. Designing and maintaining a quality maintenance and training program as a key component of the marketing program to ensure the Perot Theatre is in consistent visitor ready condition; clean, safe, and operable at all times.

The Orchestra will insist on superior training of all employees, part-time workers, and volunteers who will face the public. This training would include skills, appropriate dress, and training on dealing with problematic customers. To facilitate this training, we would bring in a customer service manager from a larger Theatre or Performing Arts facility, as well as other customer service training programs. In regard to the condition and cleanliness of the Theatre we will create a daily check list to be completed by a designated employee at the beginning of each day, in the middle of the day, and before close.

10. Establishing and administering specific standards in the recruitment, training, and supervision of all personnel, full and part-time related to guest relations. Proposal must include your Company's Customer Service Philosophy.

The Texarkana Symphony Orchestra will seek to hire only those persons who are capable of and desire to work with people on a daily basis. Regular continuing education and evaluations for staff will ensure that all who wear the Theatre uniform will adhere to and follow customer service protocols. The Orchestra has and will continue to depend on the Theatre for a large percentage of our interactions with patrons and general public. We will develop a Customer Service Philosophy that includes the following elements:

- Great customer service begins with happy, highly trained, and motivated personnel (staff and volunteers).
- That all patrons and customers of ALL entities renting the Theatre are greeted and treated with respect.
- Clear theatre guidelines for ticketing and audience assistance are in place and that all personnel know the chain of command should problems arise.
- Customers will be handled by
 - Greeting that is personal and friendly
 - Listening and/or gentle questioning to access the customer's need
 - Providing a solution(s) to the customer's needs
 - Ensuring that the solutions are to the satisfaction of the customer or whether higher level intervention is needed.
 - Thanking the customer in a manner that will lead to their return as a patron or ticket buyer.

11. Include your philosophy and plans for staff uniforms, grooming standards, employee recognition and related personnel standards.

The Texarkana Symphony Orchestra would modify its existing Personnel Policy manual (see Appendix D), to include a Theatre personnel and operations subsection. We firmly

believe that personal appearance is critical for all public-facing employees. To that end, and to relieve some of the burden of clothing expenses, we would:

- Provide uniform shirts for all full-time, part-time, hourly and volunteer staff.
- Require coat and tie or appropriate business attire for top level personnel at events.
- Continue the dress code and uniform vests for ushers.
- Require all black uniform attire for stagehands.
- Require name badges or lanyards.

The Orchestra is committed to building a sense of “family” within our employees and therefore would always seek to celebrate work accomplishments, achieved goals, and exceptional service to the Theatre.

12. Provide a listing of the industry associations, organizations, and publications in which your firm and key staffing resources are actively involved. Include information regarding the number of years of active membership or any recognition, achievements or honors received from these industry associations and publications by your firm and staffing resources.

- League of American Orchestras
 - Member orchestra since 2007.
 - Music Director
 - Conducting Fellow (prestigious appointment of no more than 6 emerging conductors)
 - Panelist at national conference
 - Executive Director has
 - Served as chair of the Group 7&8 Constituency which represents more than half of all orchestras in the U.S.
 - Served on the National Board of Directors
 - Worked to develop the public value toolbox.
 - Served on the committee on diversity and engagement, leading to the Texarkana Symphony Orchestra own policy on diversity.
 - Regularly attends the League’s Mid-Winter Conference which in many ways serves as an extension of the Association of Performing Arts Professionals conference for orchestra/theatre/presenters to engage with arts management agencies.
 - Recipient of the Noteboom Governance Grant
- Board Source
 - Member since 2012
 - Hired consultants from Board Source to travel to Texarkana to conduct workshops and governance and a non-profit boards role in fundraising.
- Conductor’s Guild

- Member Orchestra since 2017
- Arkansans for the Arts
 - Member
 - Executive Director serves currently as Vice Chair
 - Hosted this organizations annual retreat in Texarkana in January 2020.
- Arkansas Arts Council
 - Recipient of the Emergent Arts Grant Program
 - Annual recipient of Arts Council funding
 - Volunteer Director of Operations, Remica Gray, serves as chair of the Arts Council and was nominate for the role first by Governor Mike Beebe and renominated by Governor Asa Hutchinson.
 - Board member, Mike Malek, served two terms on the Arkansas Arts Council appointed by Governor Mike Huckabee.
- Texans for the Arts
 - Member
 - Executive Director has participated in two Advocacy Day program in Austin and virtually.
- Texas Commission on the Arts
 - Recipient of both Arts Create and Arts Respond grants since 2009
 - Executive Director as a grant review panelist

Operations

Provide a detailed narrative to describe your firm's approach to operations management of the Perot Theatre. Offerors shall address each of the following in order:

The Orchestra, as mentioned before, believes that open communication, excellent training, and superior customer service are key to operating the Theatre. Upon award of the contract, we will work to:

- Develop and operations transfer plan and calendar
- Take inventory of all Theatre assets
- Prepare and send a letter of introduction to all current and former business partners about the new management and our desire to establish working relationships to our mutual benefit.
- Prepare and send a letter of introduction to all Perot Theatre Series season ticket holders (in the past 3 years).
- Update or create job descriptions
- Create an Employee Policy Manual (based on the Orchestra's current manual)
- Hire theatre management staff (with full intention to carry over some of the current staff into new roles)
- Prepare and implement a continuing education program
- Hire any vendors for janitorial services

- Review, renew, extend, or cancel office supply and equipment contracts
- Review and renew or renegotiate Choice Ticketing Services

During the first year of the contract the Executive Director of the Orchestra will work closely with the City, hire a General Manager for the Theatre, and then train and transfer the day-to-day operations to that individual. It has come to our attention that the City of Texarkana, TX may transfer the current Director of Theatre Operations to a role as an employee of the Cit. If this occurs, we anticipate negotiations on this staffing arrangement.

1. An operations staff for the Perot Theatre.

See narrative above.

2. Recruitment, training programs and supervision of all operations staff to ensure optimum quality standards will be achieved in programming, marketing and promotion, financial accountability, community relations, custodial, security, and other related operational functions.

See narrative above.

3. A positive and cooperative relationship with all users of the Perot Theatre, as a collective group and as individual businesses seeking advice and assistance for mutual success. Include specific ideas for generating user support of the Perot Theatre policies and procedures, special event and promotional activities, and related operational issues.

See narrative above.

4. A positive and cooperative relationship with the city, its contract administrator, and city staff that interact with the Perot Theatre on a regular and ongoing basis, including, Economic Development Planning, Redevelopment and Grants, Marketing, Parks and Recreations, Police, Fire and Finance Departments and other related personnel.

See narrative above.

Parking

Provide a detailed plan your firm would utilize in managing an efficient parking program for the Perot Theatre. Your firm's plan should include the following elements: (Proposing Management Company will provide the City with a Parking Plan for events.)

Upon award of the contract, the Texarkana Symphony Orchestra will work with the City and local business owners on developing a parking plan that includes:

- A parking map and guide to be included with all future ticket purchase. (This map will include clearly marked handicapped parking availability, which is the most often voiced complaint to the Orchestra about the Theatre.)
- Address the critical (and exciting!) impact that new downtown housing will place on the current parking situation.

- Explore additional, off sight parking lots to lease for:
 - Valet parking for Theatre VIP packages
 - Shuttling for large attendance events
 - Orchestra musicians or Theatre performer parking
1. **Utilization of the parking inventory currently available, with priority given to on-site parking requirements for related programming and secondary parking uses for offsite activities that will enhance facility revenues.**
The Orchestra has worked with the existing parking at the Theatre for years and is cognizant of the issues that need to be addressed. We are willing to explore all parking options including considering working with the City to provide and potentially monetize premium parking for customers at various events. The Orchestra is also willing to partner with local restaurants for dinner and event parking and to partner with the City transportation system to provide off site safe parking and transportation to and from Theatre events.
 2. **Potential for valet parking, including an assessment of the value to having a valet service. If valet service to patrons is deemed important, describe how your firm would implement an effective, patron friendly valet service at little or no cost to the city.**
The Orchestra is willing to explore valet parking services through Leadership program of various local schools in the ArkLaTex community. These Valet services are provided free to the Theatre in exchange for Leadership credit hours for students. The Orchestra is also willing to explore paid valet parking services to various events as needed.
 3. **Other transportation/parking concepts not currently in place that would provide easier access to the facility and stimulate visitor traffic to the Perot Theatre in general.**
The Orchestra's community advisory board and marketing personnel have a wide variety of creative options to explore with respect to various parking options for the City to consider.

Finance & Accounting

The Perot Theatre fiscal year is October 1st -September 30th. The preliminary budget is due June 15th for each following fiscal year and that budget, following City Council and public input, is adopted in mid-September. (NOTE: these dates are subject to modification at the discretion of the City Manager or his designee.). Include a depiction of your firms approach to each of the following points:

The Orchestra anticipates no issues with the Theatre's fiscal year, although it is an unusual schedule in the industry. We will need to negotiate the budgeting process for the first year, since management will be assumed after the deadlines and dates above.

1. **Provide a detailed description of your firm's approach to establishing and implementing an effective finance and accounting program for the Perot Theatre.**

See a copy of our Financial Policies and Procedures (Appendix G). The Orchestra intends to adopt and follow our established financial practices and policies and implement and modify them as needed to fit Theatre operations. See below.

2. **Preparation of annual operating budgets to include a revenue model with reflects revenue from operations as well as from other sources, including city subsidy funds. Include your firm's proposed proforma income, expense, and net operating income/loss statements in detail for year 1 and summary for years 2-6. Detail how your firm proposes to attain the financial performance required to annually increase the revenues and reduce expenses for the Perot Theatre.**

The Texarkana Symphony Orchestra feels that this item is difficult if not impossible to prepare without the detailed financial information such a plan would require. This is principally due to the lack of information from the City and current management on staff salaries for those positions we would anticipate transferring to our organization. Furthermore, it is also difficult to forecast an accurate budget for year 1 not know what commitments the current management has already made on behalf of the Theatre.

PEROT THEATER BUDGET PROFORMA

Revenue

City Management Fee
Contributions
Grants
Program Ads
Concessions
Theatre Rentals
Fees
Merchandise
Ticket Handling

TOTAL

Expenditures

Personnel
Theatre Profit Split
Ticket Handling--Choice Contract
Ticket Handling--Enhancement Account
Theatre Supplies
Marketing
Office Supplies and Equipment
Utilities

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Texarkana Symphony Orchestra

Contract--Website and Graphic Design

Contract--Janitorial Services

Contract--Drinks and Concessions

TOTAL

3. **Proposed interim reports recommended summarizing monthly/quarterly revenues and expenditures (including reconciliation of actual performance to budget) status of current and projected patron attendance, advertising, marketing, events (including self-promotions and rentals), affirmative action and any other statistical reporting which your firm considers relevant and important to the city. Provide examples of each type.**
Please see reconciliations mentioned earlier and monthly reports of all finances that will be provide to the City.
4. **Primary financial and administrative controls which your firm plans to implement at the Perot Theatre. Include discussion on what steps your firm will take to ensure compliance with all applicable local, state, and federal laws, statues, guidelines and related rules and regulations.**
Please see a copy of the Orchestra's financial policies (Appendix G) which will form the basis of creation of the same for the Theatre.
5. **Financial and administrative system and procedures that your firm proposes to implement at the Perot Theatre. Include a statement of understanding that all of Offeror's records pertaining to services under the Management Agreement are open and available to review and inspection by the city.**
We understand that all financial records pertaining to the Management Agreement are open and available for City and public inspection.
6. **Controls, procedures, and policies your firm will implement to ensure the continued safeguard of all fixed assets and supply inventories, including the acquisition, disposition, and transfer of assets. Including an example of your firm's annual inventory inspection status report.**
Please see the copy of the Orchestra's financial policies (Appendix F) which will form the basis of creation of the same for the Theatre. Inventory inspection checklist will be created upon award of the contract.
7. **Funding of reimbursements to pay authorized expenses for operation and maintenance of the Perot Theatre. The city prefers the current method, which is for the Perot Theatre to request reimbursement from the city from qualified budgeted amounts.**
The Orchestra would agree to mutually authorized expenses for operation and maintenance being paid on a reimbursement plan.

Staffing Plan

Provide a narrative to describe your firm's approach for developing and implementing a qualified, professionally trained, cost effective staffing plan for the management, programming, marketing, promotion, operations, and services of the Perot Theatre. This description should include each of the following points:

1. **Your firm's staffing plan for the management, programming, marketing, promotion, and operations of the Perot Theatre. Include full-time, part-time regular, part-time occasional, volunteers and related staff to be available on-site. Provide a proposed organizational chart, job description for each staff classification, qualifications for each position and a proposed salary range for each staff person to be employed by Offeror for the Perot Theatre. (60) sixty-day employee decision on transfer of Management Company.**

The following staff would be anticipated in the new management company:

- General Manager (full-time, hired during year-one)
- Director of Theatre Operations (could be a City employee)
- Technical Director (full-time)
- Audience Services Manager (full-time)
- Marketing Manager (part-time, salary)
- Janitorial Services (contracted, or part-time hourly)
- Stagehands (part-time, hourly)
- Lighting and Sound Operators (part-time, hourly)
- Stage Manager (part-time hourly)
- Head Usher/Front of House manager (part-time hourly)
- Concession Services (contracted or part-time, hourly)
- Security Services (contracted or part-time, hourly)

2. **Identify the point person to serve as the primary contact for the city. Provide professional bios for the primary contact and other key staff who report to this individual.**

At the onset of being awarded the contract, and for the first year, R. Andrew Clark, executive director of the Orchestra will be the primary contact. It will be a goal of the Orchestra to eventually hire a General Manager, who would report to Mr. Clark and become the primary contact with the City.

3. **Operational functions that may be subcontracted, with a narrative explanation supporting the decision to subcontract those functions, including theatre parking, valet parking, food and beverage (if approved by the city), custodial maintenance, and related functions.**

The Texarkana Symphony Orchestra would reserve the right to subcontract Theatre parking/valet parking management, food and beverage services and custodial functions, and security, based solely on providing superior service with the least expense to the Theatre.

4. **Offeror's employee benefits program, including health/medical, life insurance, disability, retirement, 401k, bonus, vacation/sick leave/holiday time, and related benefits.**

The Orchestra currently offers health and medical insurance to its full-time employees through the City of Texarkana, TX, plan. Vacation/sick leave/holiday time would follow the Orchestra's current Employee Manual. Currently, the Orchestra does not offer retirement, 401K or life insurance benefits. Bonuses would be structured as team awards for goals accomplished based on evaluation of the executive director and board.

5. **Offeror's implementation and *transition plan*. Include your proposed timetable for a seamless transition, your approach to the evaluation of the current staff, and all other related transitional elements.**

Upon being awarded the bid our exploratory committee will become the transition committee. Tasks this committee will undertake immediately and concurrently will be:

- Strategic planning including further data collection, interviews with current staff, polling of current subscribers to season tickets at the Theatre, and input from the general public.
- Audit of the financials of the Theatre, as well as its operational functions—seeking to identify immediate needs and ways to eliminate costs and increase revenues as soon as possible.
- Evaluation of the current management company's prior commitments of the Theatre during the 2021-2022 season, as well as inviting them to continue their ArtSmart student shows in the Theatre.
- Administrative functions including setting up of separate bank account, inventories of supplies and equipment and meeting with City regarding and needed capital upgrades that may be possible during the spring/summer of 2021.
- Interviews with current Theatre staff to evaluate their desire to join with the Orchestra as the new management company. Explaining their roles, any changes to job descriptions and salary and benefit packages.
- Budgeting to meet the City goal of budgeting workshops during the early summer this will be a priority once staff interviews are completed.
- Programming with every effort being made to market and book the Theatre to presenters as well as filling the Theatre with local programming and presenting that meets the goals of our vision for the Theatre.

6. **Offeror's policies regarding equal employment opportunities for full-time and part-time staff.**

Please see the Orchestra's attached Employee Manual (Appendix E) for our statement on equal opportunity. We will seek to expand this Manual to include the Theatre and all new staff added or carried over from the current management company.

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Texarkana Symphony Orchestra

7. Proposed plan for staffing for procurement of goods and services.

Procurement of goods and services will be handled through staff recommendation of need and manager level acceptance of the expenditure(s).

Maintenance and Capital Improvement Program

"The City's Maintenance Department shall be responsible for the existing structure and integrity of the building, (existing structure/s paint, plumbing, doors (both interior and exterior), windows, electrical solely related to existing structure, and generator." The City will coordinate with said Management Company on the City's "Capital Improvement Program" visions.

No response requested per addendum.

Ticketing

Current Ticketing is working off the "Choice Ticketing" software. The management contract recipient will be responsible for the website and all associated costs to marketing and promoting of the Perot Theatre.

The Texarkana Symphony Orchestra has knowledge of and contacts with the Choice Ticketing firm. We would seek to evaluate the remaining contract commitments and consider expanded functionality with Choir or bid out options with other firms.

Section D.—Fee Structure

Please see attached sealed envelope in the original response.

Section E.—Acceptance of Base Agreement

In this section, list any exceptions taken to the Base Agreement, specifications, or other requirements listed in this RFP. You must reference the RFP section where exception is taken, a description of the exception, and the proposed alternative, if any. The Base Agreement and all terms, conditions, specifications, and other requirements of this RFP shall be deemed accepted by the Offeror unless excepted to in accordance with this Section E.

Exception taken with Section C. Proposal, Marketing & Promotion, Number 5: ***Contract includes \$10,000.00 for Marketing Purposes.*** The Orchestra feels that this amount is woefully lacking and will seek to negotiate better terms.

Not mentioned in the RFP but included in conjecture and conversations is the fact that the City is contemplating moving the position of Director of Theatre Productions to be under the City's authority. This will require a rewriting of this job description, a new understanding of "lines of reporting" in any organizational chart, and possibly a negative impact on the financial resources to properly staff the Theatre. While we do believe this could be a mutually beneficial move, we would anticipate negotiating this possible change in current operations of the Theatre.

5. Board/Staff Information

A	B	C	D	E	F	G	H	I	J	K
1	Texarkana Symphony Orchestra									
2	Board and Staff Participation Roster									
3										
4	Last Name	First Name	Position	Sex	Ethnicity	Occupation	Address	City	State	Zip Email
5	Bennett	Steve	Youth Symphony Conductor	M	White	Public School Music Teacher	6011 Pleasant Ln	Texarkana	TX	75503 steve.bennett@tsosd.net
6	Clark	R. Andrew	Executive Director	M	White	Executive Director	2802 Landon Ln	Texarkana	TX	75503 andrews@wldstream.net
7	Doan	Jennifer	Board Member	F	White	Attorney	6900 Summerhill Rd	Texarkana	TX	75503 jdoan@hailomdoan.com
8	Dorsey	Micah	Graphic Designer/Webmaster	M	White	Freelance Graphic Designer	2922 Main St	Texarkana	TX	75503 mdorsey@bctctarkana.org
9	Jackson	Nancy	Bookkeeper Staff	F	White	Bookkeeper	10 Arnold Dr	Texarkana	AR	71854 nancyemerson08@gmail.com
10	Gray	Remica C.	Director of Operations	F	White	Volunteer Director of Operations	10 Cambridge Dr.	Texarkana	AR	71854 remicag@aol.com
11	Hays	Tonja Luker	Board Member	F	White	Volunteer/Dental Hygienist	1300 County Rd #2310	Texarkana	TX	75503 tonjahays@mac.com
12	Hlavinka	Victor	Board Member	M	White	Attorney	22 Britan Pl	Texarkana	TX	75503 vh@arwhlaw.com
13	Howren	Don	Board President	M	White	Retired Church Musician	7102 Shadow Brooke Rd	Texarkana	TX	75503 dhowren@msn.com
14	Ingram	Jennell	Board Member	F	African-American	Public School Superintendent	3403 Pine Knoll Rd	Texarkana	TX	75503 jngram@tsosd.net
15	Kahler	Jo	Board Member	F	White	Retired Nurse/Professor of Nursing	6306 N. Park Rd	Texarkana	TX	75503 josephinekahler@hotmail.com
16	Keeney	Dr. Susan	Board Member	F	White	Physician-Neonatalogist	3 Windmere Pl	Texarkana	TX	75503 skeeney@newborndoc.com
17	Kincaid	Lairie L.	Board Member	M	White	Banker	7301 Gunstock Rd	Texarkana	TX	75503 laireldncald@gmail.com
18	Malek	Michael	Board Secretary	M	White	Retired University Professor	1115 Fox Run	Hope	AR	71801 mikemalok@cablevix.com
19	Mann	Philip R.	Music Director/Conductor	M	White	Professional Conductor/Professor	3204 30th St	Lubbock	TX	79410 conductormann@gmail.com
20	McCash	Paul	Board Member	M	White	Retired Physician-Dermatologist	4 Lambeth Pl	Texarkana	TX	75503 phmcjr@cableone.net
21	McGinnis	Dr. Robert	Board Member	M	White	Radiologist	6709 Ridgcrest Pl	Texarkana	TX	75503 robertsmc3@yahoo.com
22	Mills	Ronald L.	Board Member	M	White	Bank Senior Vice President	3000 New Boston Rd	Texarkana	TX	75503 ron.mills@bys.com
23	Morgan	Judy	Board Member	F	White	Philanthropist/Volunteer	1 Oakhollow Dr	Texarkana	TX	75503 judy@libtelvnet.com
24	Norwood	Diana	Personnel Manager	F	African-American	Professional Violinist	1813 Kensington Dr	Tyler	TX	75703 diamondviolin1@gmail.com
25	Orr	David	City of Texarkana, TX Rep	M	White	City Employee	220 Texas Blvd	Texarkana	TX	75501 david.orr@txkusa.org
26	Potter	David J.	Board Member	M	White	Attorney	901 N. State Line Ave.	Texarkana	TX	75503 dpotter@potter-law.com
27	Rickett	Catherine	Orchestra Librarian	F	White	Homeschool Instructor	10 Dogwood Lake Dr	Texarkana	TX	75503 tsolibrarian@gmail.com
28	Ross	Lauren A.	Board Member	F	White	Corporate Marketing/Public Relations	1 Wade Trail	Texarkana	AR	71854 lauren.a.bussell@gmail.com
29	Schroeder	Megan	Board Member	F	White	Volunteer	P.O. Box 1201	Texarkana	TX	75504 megan@bctctarkana.net
30	Sittlerley	Lisa	Board Member	F	White	Banker/Volunteer	6204 Deerfield Dr	Texarkana	TX	75503 lsittlerley423@icloud.com
31	Thomas	Robin	Board Member	F	White	Church Music Associate	PO Box 7441	Texarkana	TX	75503 rthomas@bctctarkana.org
32	Tye	Beverly	Board Member	F	White	Retired Teacher	6600 N. Park Rd.	Texarkana	TX	75503 beverlytye1@gmail.com
33	Van Herpen	Mark	Board Member	M	White	CFO Ledwell Industries	107 County Rd 2308	Texarkana	TX	75503 mvanherpen@ledwell.com
34	Washington	Denis	Board Member	M	African-American	President, Regions Bank Texarkana	33102 Kevin St.	Texarkana	TX	75503 denis.washington@regions.com
35	White	Phillip	Board Member	M	White	IT Professional/International Paper	9502 Rhine Ave	Texarkana	TX	75503 pdwhite@cableone.net
36										

R. Andrew Clark

Phone: 903-949-1264

Email: raclark72@windstream.net



PROFESSIONAL SUMMARY

Professional musician, arts administrator, educator and community volunteer with diverse experience in strategic planning, project management, contract negotiations, fundraising, non-profit management. As a musicologist my research interests include: sacred music, American music, and the governance and management of American arts organizations from the late 19th century to the present.

EDUCATION

University of North Texas, Denton, TX

Master of Arts in Music (Musicology), May 2001.

Minor in Information Science.

Ouachita Baptist University, Arkadelphia, AR

Bachelor of Music, May 1995.

PROFESSIONAL WORK EXPERIENCE

Executive Director Texarkana Symphony Orchestra, Texarkana, TX April 2008-Present

Responsible for managing the human and financial aspects of the orchestra including: artistic planning, orchestra operations, musician and guest artists contracts, educational and community outreach initiatives, strategic planning and public relations. Manage 5 part-time employees, over 200 independent contractor musicians, 1 full-time volunteer Director of Operations and a budget of \$600,000.

Parish Musician St. James Episcopal Church, Texarkana, TX October 2008-Present

Serve as the part-time director of the parish choir and organists for weekly Masses.

Adjunct Instructor Texas A&M University-Texarkana, Texarkana, TX January 2010-Present

Teach the University's only section of music appreciation.

Director of Music First Presbyterian Church, Dalton, GA August 2004-April 2008

Responsible for managing all facets of this corporate sized church's music ministry including 1 part-time employee, 8 volunteer children's choir directors, annual arts concert series, and a budget of over \$50,000.

Instructor Texarkana College, Texarkana, TX September 1997-May 2004

Taught courses in music appreciation, aural skills, and music theory.

Director of Music First Presbyterian Church Texarkana, AR September 1997-July 2004

Served as the church's first full-time director of music. Project manager for a \$500,000 sanctuary renovation and pipe organ installation from 1998-2000.

RELEVANT SKILLS

- 20 years experience as a professional musician, educator, administrator, and community arts volunteer.
- Project management, strategic planning, public speaking, marketing, data collection and analysis, creative problem solving, and leadership in the midst of institutional change.
- Strong skills: *Microsoft Word, Excel, and Powerpoint*; Proficient skills: *Adobe Creative Suite, and Intuit Quickbooks, and HTML code.*
- Continuing education hours in fundraising with The Lilly School of Philanthropy at Indiana University to culminate in the Certificate of Fundraising from The Lilly School.

Community Involvement, Honors, Professional Memberships***President's Alumni Milestone Award, Ouachita Baptist University, Arkadelphia, AR: 2015***

Will receive this award on October 3, 2015, representing the decade of the 1990s for significant contributions to Ouachita and to the community in which I live and work.

Friends of Fine Arts, Ouachita Baptist University, Arkadelphia, AR: 2009-2016

Chair of Alumni Organization (2010-2016)

Member of Regional Coordinating Council (2009-2010)

League of American Orchestras: 2008-2012

Member of the League Board of Directors (2010-2012)

Chair of Advisory C, Group 7-8 Orchestras (2010-2012)

Secretary of Advisory C, Group 7-8 Orchestras (2008-2010)

Leadership Texarkana: 2010

Member of the 30th Anniversary Graduating Class of 2010

TEXARKANA SYMPHONY ACCOMPLISHMENTS

- *Personnel Management and Governance*
 - Manage 1 full-time and 5 part-time employees; full-time volunteer data entry clerk and operations assistant.
 - Systematized the management structures including: conductor's contract, employee policy manual, musician's pay agreements, operations policies, financial policies, two strategic planning processes and updates, and coordination of contracts with the City of Texarkana, TX and the Perot Theatre Management Company.
 - Serve as the public face of the orchestra and collaborate with the leadership of other Texarkana arts and cultural organizations to combine and share marketing and operations costs to better promote and manage our events.
 - Collaborate with other community art and business organizations through the Arts & Historic District, including: top level representatives of both cities of Texarkana, the regional arts center, museums, and main street program.
- *Financial/Funding*
 - Refocused the orchestra's business and artistic plans to include: restructuring per-service musician's pay to be more competitive; restructuring ticket prices; renegotiations of the Perot Theatre contracts aimed at improved services and cost reductions; and experimentation with concert formats.
 - Expanded the major gifts program to provide a larger base of underwriting for concerts and the affiliate youth symphony.
 - Developed the program sponsorship ad campaign to expand our reach to small business owners in the Texarkana area and provide a new revenue stream.
- *Artistic/Operations*
 - Worked with the music director to expand the concert season from 4 to 6 concerts.
 - Created and now responsible for the production of *Christmas at the Perot*, the orchestra's annual holiday concert that serves as both the centerpiece pops concert and largest ticket revenue producer.
 - Oversee the contracting of all guest artists, both classical and pops.
 - Manage all concert logistics between the orchestra, Perot Theatre, and the City of Texarkana, TX.

PHILIP MANN

USA PHONE: (812) 219-8032

philip@texarkanasymphony.org

Conducting Positions

Music Director, Texarkana Symphony Orchestra, Named July 2019

Currently in 2nd season, and have track record in first season of increases to donations, subscription and single ticket sales, noted artist growth, expansion of masterworks series by a week, and a recognized Covid response

Music Director, Arkansas Symphony Orchestra, Appointed from 2010/11 season, until July 2019.

-First 4 seasons saw all-time attendance records, dramatic artistic growth, and financial surplus. Also included the creation of 4 new performance series (ASO INC-Intimate Neighborhood Concerts, ASO ACTs OUT, Capital Hotel Series, expansion of education series, commissions, recordings, Francis McBeth Memorial Recording, new concert hall construction, construction of new performance/rehearsal/office space. 300% increase in board member contributions and 70 additional households joined Philip Mann Society at 5k+ level. Emcee of Governor's Farewell Gala. Playing in more cities for more people than in history of ASO.

Associate Conductor, San Diego Symphony, 2007-09, renewed through 2011, promoted from Assistant Conductor/American Conducting Fellow,

-Conducting subscription, family, education, pops, special event performances. Presenting, Outreach

Karajan Fellow, Vienna Philharmonic, Salzburg Festival, Summer 2006 (American Austrian Foundation)5

-In residence at the Salzburg Festival, collaborating with festival conductors/musicians

Cover/assistant conductor, Cleveland Orchestra, Oregon Symphony Orchestra, 2008

Schmitt Conducting Fellow, Indianapolis Symphony Orchestra, 2006-2007 season, IN, USA

-Conducting in rehearsal and covering; returned as guest conductor

Music Director, Oxford City Opera, 2002-2003 season, UK

-Conducted all musical rehearsals and performances, including "Eugene Onegin"

Music Director, Oxford Pro Musica Chamber Orchestra & Oxford Pops, 2003-2005, UK

-Founding member, secured significant patronage, collaborations, and national press

Principal Conductor, Oxford University Philharmonia, Feb. 2003-Mar. 2004, UK

-Conducted all rehearsals and performances, including a tour of Sweden

Planned ambitious season that left the organization in profit while tripling its budget

Assistant Conductor: Indiana University Opera Theater, Festival Orchestra, 2005-2006

Associate Conductor, San Marcos Symphony, 1999-2001 seasons, Chandler, AZ

Principal Conductor, Wadham Sym. Orchestra and Christ Church College Orchestras, 2002-2003, UK

Principal Guest Conductor, Arizona Camerata, 2000-2002, Phoenix, AZ

Selected Guest Conducting

London Symphony Orchestra, Royal Scottish National Orchestra, Georgian National Opera (Tbilisi), Mexico City Philharmonic, Sofia Philharmonic, Avery Fischer Hall, Lincoln Center. Orchestre symphonique de Québec, , Busan Phil., Indianapolis Sym., Phoenix Sym, Sarasota Orch, Symphony in C, Barbican Center, London, Guildhall School of Music and Drama Opera Studio, Grand Rapids Symphony, New West Symphony, New Mexico Philharmonic., Cyprus National SO Tulsa Symphony, Oxford Philomusica, Music in the Mountains, Santa Fe Sym, Sibelius Academy, Romanian National Radio Orch, Voronezh Philharmonic

Assistant Conductor to:

Franz Welser-Möst, Pinchas Zukerman, Ricardo Muti, Nicholas Harnoncourt, Leonard Slatkin, Jahja Ling, Mario Venzago, Simon Rattle, Roberto Abbado, Gerhard Zimmerman, Michael Stern, Christoph Capestri, Imre Pálo

Attachment: 2021-036 ATTH 03 TSO-Perot Bid-Proposal (2471 : 2021-036 RES Perot Mgmt Contact w/ TSO)

Recording Labels

Decca, Evidence Classics, MSR, Arté artist, Sony (2021)

Academic and Conservatory Festival Positions

Texas Tech University

- Director of Orchestral Studies*, 2017-present
- increased Orch Studies to 8 ensembles and a thriving department from an initial 1+ functioning groups
- My conducting students have won multiple gold medals at international conducting Competitions, won appointments to major orchestras, have won major university positions, and have appeared with major symphony orchestras internationally as guest conductors.
- Released multiple commercial recordings and collaborations with major guest artists like Susan Graham, Jason Vieaux, Alexa Still, Joan Tower, Michael Fine, Jim Stephenson, Carol Wincenc, Kim Walker, etc.

Indiana University, Jacobs School of Music

- Visiting Lecturer-Instrumental Conducting*, 2004-2006.
- Associate Instructor-Opera Theater*

Oxford University, St. Catherine's College.

- Tutor (senior lecturer)*, undergraduate conducting coursework, 2003-2004 academic year

Conservatory Music in the Mountains. (CO, USA) Summers 2000-2007

Selected Premieres: John Corigliano, Joan Tower, Michael Torke, Jennifer Higdon, Christopher Theofanidis, Samuel Adler, Lucas Richmond, Francis McBeth, Christopher Dietz, Herman Kolgen, DJ Sparr, Michael Fine, Jim Stephenson, Dan Visconti, Carlos Chavez

Selected Honors/Awards/Competitions

- Rhodes Scholar, 2001
- 2012 Arkansas Communicator of the Year, "for innovative communication in creating connections between music and audience"
- Citations by Arkansas House of Representatives and Commendation of the Arkansas Governor for my contributions in advancing Arkansas and the success of the Arkansas Symphony Orchestra. Named master of ceremonies for events of two Governor's administrations for departing and opening the Arkansas Governor's Mansion.
- Commendation from the Lieutenant Governor of California, USA, 2001
- Denver Post's "People to Watch" in the Jan. 1, 2001 New Year's Edition, only artist selected in chronicle of 14 individuals predicted to change the future of Colorado.
- Arkansas 40 Under 40, 2014.
- EIPRS/IPA, Winner of Australia's highest Post-Graduate Research Award (2 given annually)
- "Honors Award for Artistic Ambition," member of "Centuria of Excellence," Search Excellence National Merit Scholarship Program 2001 (USA)
- Delegate, I.A. Summit, International Academy of Achievement, Washington D.C. 2003
- Outstanding Service Award, from the Mayor of the City of Chandler, Arizona
- Outstanding Graduate (valedictorian), Arizona State University, Herberger College of Fine Arts, Presented 2001 Convocation address, and Outstanding Music Education Student, ASU
- Barrett Honors College Distinguished Alumni Award 2016 & Thesis of Distinction, 2000

- Dean's Award, Indiana University Jacob's School of Music
- Winner of Oxford University Philharmonia Conducting Competition/Audition
- Arkansas Diamond Award, for "significant contributions resulting in the enhancement of the image of AR"

Education

- Ph.D.** University of Sydney, Sydney Conservatorium, 2012
Dissertation "The Conductor Conducted: Mahler, the Orchestra, and Performance"
- M.M.** Instrumental/Opera Conducting, with cognate in Political Science, 2006
Indiana University, Jacobs School of Music
Imre Pallo, Thomas Baldner, David Effron, John Poole, *conducting*
- B.M.** Instrumental Music-String Concentration, *summa cum laude*, 2001
Arizona State University, Herberger College of Fine Arts, Barrett Honors College
-M.M. and D.M.A. coursework in conducting
- Oxford University**, 2001-2004, Marios Papadopolous, *conducting*
-Research as postgraduate and Rhodes Scholar in musicology, performance practice, conducting
- National Symphony Orchestra, National Conducting Institute, Kennedy Center**, 2007
-Leonard Slatkin Music Director and mentor
- Los Angeles Philharmonic Conducting Masterclasses**, 2007, **Baltimore Symphony**, 2009
- Esa-Pekka Salonen, Marin Alsop and Jorma Panula Music Director and Mentors
- New World Symphony, FL USA**, February 2007, conductor in residence
-Michael Tilson Thomas Music Director and mentor
- Moscow State Conservatory**, (International Summer Academy) 1999,
-Alexander Vedernikov, *conducting* ---Certificate in Orchestral Conducting
- Atlanta Symphony Orchestra/League of Amercian Orchestras**, Mozart Requiem Masterclass
-Robert Spano, mentor. Presented at Annual LOA conference.

Additional Conducting Studies

- | | |
|---|---|
| Kurt Masur , Conducting Seminar | Gustav Meier , Masterclasses and Workshops |
| Colin Metters , Royal Academy of Music, UK | Alan Hazeldine , Guildhall School of Music and Drama |
| Kenneth Keisler , Oxford Philomusica | Robert Ward , Conductor's Institute at Spoleto |

Additional Experience

- Violinist**: soloist, concertmaster, recitalist, orchestral/chamber musician, in N. America and Europe
- Music Supervisor**: San Diego Symphony Label. 3 discs released annually and numerous national broadcasts
- Associate Producer**: releases on Telarc and Naxos Records, familiar with all aspects of recording
- Writer and Presenter**: numerous acclaimed education and "innovative-format" series for adults and children
- Extensive Research at Oxford University in Baroque and Classical Performance Practices and HIP, with

Mann 4

additional writing involving the interrelated genres Gustav Mahler's conducting/composition.

WILF & HENDERSON, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

Member of American Institute of Certified Public Accountants
Member of Center for Public Company Audit Firms
Member of AICPA Governmental Audit Quality Center

Independent Auditors' Report

September 18, 2015

To the Board of Directors
Texarkana Symphony Orchestra, Inc.

We have audited the accompanying financial statements of Texarkana Symphony Orchestra, Inc. (a nonprofit organization), which comprise the statement of financial position as of May 31, 2015 and 2014, and the related statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risks assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Texarkana Symphony Orchestra, Inc. as of May 31, 2015 and 2014, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Wilf & Henderson, P.C.
WILF & HENDERSON, P.C.
Certified Public Accountants
Texarkana, Texas

***TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
FINANCIAL STATEMENTS***

Attachment: 2021-036 ATTH 03 TSO-Perot Bid-Proposal (2471 : 2021-036 RES Perot Mgmt Contact w/ TSO)

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF FINANCIAL POSITION
MAY 31, 2015 AND 2014

	<u>2015</u>	<u>2014</u>
ASSETS		
Current Assets:		
Cash	\$ 90,679	\$ 106,524
Certificate of Deposit	-	52,395
Deposits	250	250
Accounts Receivable	21,118	29,718
Total Current Assets	<u>112,047</u>	<u>188,887</u>
Property and Equipment:		
Equipment	27,666	27,666
Less Accumulated Depreciation	(21,175)	(19,010)
Net Property and Equipment	<u>6,491</u>	<u>8,656</u>
TOTAL ASSETS	<u>\$ 118,538</u>	<u>\$ 197,543</u>
LIABILITIES AND NET ASSETS		
Current Liabilities:		
Accounts Payable	\$ 1,144	\$ 5,553
Deferred Revenue	90,040	138,218
Payroll Taxes and Withholding	1,385	13,517
Total Current Liabilities	<u>92,569</u>	<u>157,288</u>
Net Assets:		
Unrestricted	25,969	40,255
Total Net Assets	<u>25,969</u>	<u>40,255</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 118,538</u>	<u>\$ 197,543</u>

The accompanying notes are an integral part of this statement.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF ACTIVITIES
FOR THE YEARS ENDED MAY 31, 2015 AND 2014

	<u>2015</u>	<u>2014</u>
UNRESTRICTED REVENUE, GAINS AND OTHER SUPPORT		
Contributions	\$ 260,659	\$ 272,320
Performance Revenues	130,156	143,838
Fundraiser Revenues	78,930	80,483
Grant Revenues	71,523	89,589
Interest		
Miscellaneous Income	2,136	444
Interest	423	24
Total Unrestricted Revenue, Gains and Other Support	<u>543,827</u>	<u>586,698</u>
 EXPENSES		
Program Services	396,617	417,638
Supporting Services:		
Management and General	146,900	140,615
Fundraising	14,596	17,902
Total Expenses	<u>558,113</u>	<u>576,155</u>
 Increase / (Decrease) in Net Assets	 (14,286)	 10,543
Net Assets, Beginning of Year	<u>40,255</u>	<u>29,712</u>
Net Assets, End of Year	<u><u>\$ 25,969</u></u>	<u><u>\$ 40,255</u></u>

The accompanying notes are an integral part of this statement.

2014			
Supporting Services			
Program Services	General and Administrative	Fundraising Expenses	Total Expenses
\$ 68,516	\$ -	\$ -	\$ 68,516
-	3,034	-	3,034
-	7,084	-	7,084
185	-	-	185
1,085	-	-	1,085
-	4,932	-	4,932
-	3,281	-	3,281
-	3,058	-	3,058
-	3,439	-	3,439
23,569	-	-	23,569
6,555	-	-	6,555
-	-	17,902	17,902
42,812	-	-	42,812
-	2,192	-	2,192
3,638	-	-	3,638
7,130	-	-	7,130
148,927	-	-	148,927
-	9,574	-	9,574
-	1,711	-	1,711
34,608	89,296	-	123,904
16,932	-	-	16,932
180	-	-	180
792	800	-	1,592
-	7,811	-	7,811
26,234	-	-	26,234
500	-	-	500
12,388	-	-	12,388
-	805	-	805
12,540	3,598	-	16,138
11,047	-	-	11,047
<u>\$ 417,638</u>	<u>\$ 140,615</u>	<u>\$ 17,902</u>	<u>\$ 576,155</u>

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF CASH FLOWS
FOR THE YEARS ENDED MAY 31, 2015 AND 2014

	<u>2015</u>	<u>2014</u>
CASH FLOWS FROM OPERATING ACTIVITIES:		
Increase / (Decrease) in net assets	\$ (14,286)	\$ 10,543
Adjustments to reconcile change in net cash provided (used) by operating activities:		
Depreciation	2,164	3,058
(Increase) Decrease in Accounts Receivable	8,600	4,160
Increase (Decrease) in Accounts Payable and Accrued Expenses	(16,540)	4,069
Increase (Decrease) in Deferred Revenue	(48,178)	32,256
Net Cash Provided (Used) by Operating Activities	<u>(68,240)</u>	<u>54,086</u>
CASH FLOWS FROM INVESTING ACTIVITIES:		
Maturity / (Purchase) of Certificate of Deposit	<u>52,395</u>	<u>(52,395)</u>
Net Cash Provided (Used) by Investing Activities	<u>52,395</u>	<u>(52,395)</u>
Net Increase (Decrease) in Cash and Cash Equivalents	(15,845)	1,691
Cash and Cash Equivalents - Beginning of Year	<u>106,524</u>	<u>104,833</u>
Cash and Cash Equivalents - End of Year	<u><u>\$ 90,679</u></u>	<u><u>\$ 106,524</u></u>
Supplemental Data:		
Noncash operating activities:		
In-Kind Donation of Facility Use	14,476	12,388

The accompanying notes are an integral part of this statement.

**TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2015 AND 2014**

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of Orchestra – The Texarkana Symphony Orchestra, Inc. is a non-profit organization organized in January 2006 with the mission of providing live quality symphony concerts in the Texarkana area. The Orchestra's support comes primarily through grants, donor contributions, and concert admission fees.

Basis of Presentation – The financial statements have been prepared on the accrual basis of accounting in accordance with generally accepted accounting principles. Net assets and revenues, expenses, gains and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the Orchestra and changes therein are classified and reported as follows:

Unrestricted Net Assets – Net assets that are not subject to donor-imposed stipulations.

Temporarily Restricted Net Assets – Net assets subject to donor-imposed stipulations that may or will be met, either by actions of the Orchestra and/or the passage of time. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

Permanently Restricted Net Assets – Net assets subject to donor-imposed stipulations that may be maintained permanently by the Orchestra. Generally, the donors of these assets permit the Orchestra to use all or part of the income earned on any related investments for general or specific purposes.

Estimates – The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Promise to Give – Contributions are recognized when the donor makes a promise to give to the Orchestra that is in substance, unconditional. Unconditional promises to give, due in the next year, are reflected as current promises to give and are recorded at their net realizable value. Unconditional promises to give, due in subsequent years, are reflected as long-term promises to give and are recorded at the present value of their net realizable value, using risk-free interest rates applicable to the years in which the promises are received to discount the amounts. An allowance for uncollectible promises is provided based on management's evaluation of potential uncollectible promises received at year end.

Contributed Materials and Services – The Orchestra records in-kind contributions; meeting the requirements for recognition in the financial statements if amounts are material. Contributions of non-cash assets are recorded at their fair values in the period received. Contributions of donated services that create or enhance nonfinancial assets or that require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donations, are recorded at their fair values in the period received.

In the prior year, an in-kind contribution of free use of facilities of the Perot Theatre was not recorded on the financial statements. The fair value of the facility use of \$12,388 is included in 2014 column of the current year comparative financial statements as contribution revenue and program service rent expense. There is no effect on net assets as of May 31, 2014. The current year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$14,476 for the year ended May 31, 2015.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2015 AND 2014

Income Taxes and Uncertain Tax Positions

Income Tax Status – The Orchestra qualifies as an organization exempt from income taxes under Section 501(c)(3) of the *Internal Revenue Code* and is subject to a tax on income from any unrelated business, as defined by Section 509(a)(1) of the Code. The Orchestra currently has no unrelated business income. Accordingly, no provision for income taxes has been recorded.

The Orchestra has adopted the recognition requirements for uncertain income tax positions as required by generally accepted accounting principles. Income tax benefits are recognized for income tax positions taken or expected to be taken in a tax return only when it is determined that the income tax position will more-likely-than-not be sustained upon examinations by taxing authorities. The Orchestra has analyzed tax positions taken for filing with the Internal Revenue Service and all state jurisdictions where it operates. The Orchestra believes that income tax filing positions will be sustained upon examination and does not anticipate any adjustments that would result in a material adverse effect on the Orchestra's financial condition, results of operations, or cash flows. Accordingly, the Orchestra has not recorded any reserves, or related accruals for interest and penalties for uncertain income tax positions at May 31, 2015 and 2014.

Federal and state income tax statutes dictate that tax returns filed in any of the previous three reporting periods remain open to examination. Currently, the Orchestra has no open examinations with the Internal Revenue Service.

Cash and Cash Equivalents - For cash flow statement purposes, the Orchestra considers all highly liquid investments available for current use with an initial maturity of three months or less to be cash equivalents. All funds are held with institutions insured by the FDIC. As of May 31, 2015 and 2014, all funds were fully insured.

Advertising Costs – The Orchestra uses advertising to promote its events among the audiences it serves. Advertising costs of \$67,002 were expensed for the year ended May 31, 2015. Advertising costs of \$68,516 were expensed for the year ended May 31, 2014.

NOTE 2 – COMPENSATED ABSENCES

Compensated absences for sick pay and personal time have not been accrued since they cannot be reasonably estimated. The Orchestra's policy is to recognize these costs when actually paid.

NOTE 3 – GRANT REVENUE

Grant revenue recognized as unrestricted revenue in the Orchestra's 2015 and 2014 financial statements consists of funds received for specific purposes and fully expended for that purpose during the same fiscal year.

NOTE 4 – DEFERRED REVENUE

Deferred revenue, in these financial statements, consists of amounts contributed by Orchestra patrons near year-end as part of the Orchestra's fund drive for the following concert season. Patrons are listed in programs for the season and, depending upon the level of contribution, may receive complimentary tickets and other benefits. At May 31, 2015 and 2014, the balances of deferred revenues were \$90,040 and \$138,218, respectively.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2015 AND 2014

NOTE 5 – ACCOUNTS RECEIVABLE

The balances owed to the Orchestra is comprised of the following:

	<u>2015</u>	<u>2014</u>
City of Texarkana, AR	\$ 6,417	\$ 4,667
Texarkana, TX Hotel Tax	13,698	18,588
Other Grants and Invoices	1,003	6,463
Total	<u>\$ 21,118</u>	<u>\$ 29,718</u>

NOTE 6 – PROPERTY AND EQUIPMENT

Property and equipment with a cost or value over \$500 are recorded at cost or estimated fair value, if donated. Depreciation is computed on the straight-line basis over estimated useful life of the assets. Balances of equipment and accumulated depreciation as of May 31, 2015 and 2014 are summarized below:

	<u>2015</u>	<u>2014</u>
Beginning Balance	\$ 27,666	\$ 27,666
Additions	-	-
Retirements	-	-
Ending Balance	<u>27,666</u>	<u>27,666</u>
Accumulated Depreciation	<u>(21,175)</u>	<u>(19,010)</u>
Equipment, Net	<u>\$ 6,491</u>	<u>\$ 8,656</u>

Depreciation expense for the year ended May 31, 2015 and 2014 totaled \$2,165 and \$3,058, respectively.

NOTE 7 – OPERATING LEASE

In November 2014, the Orchestra executed a new operating lease for office equipment under a four-year non-cancelable operating lease expiring in December 2018 and contains provisions for purchase at fair value upon the completion of the lease term. Future minimum lease payments are as follows:

<u>Year Ending May 31,</u>	
2016	2,195
2017	2,195
2018	2,195
Total	<u>\$ 6,585</u>

For 2015, amounts expensed under the agreement was \$1,098.

NOTE 8 – SUBSEQUENT EVENTS

Management of Texarkana Symphony Orchestra, Inc. has evaluated subsequent events through September 18, 2015, which is the date the financial statements were available to be issued.

WILF & HENDERSON, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

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Independent Auditors' Report

October 7, 2016

**To the Board of Directors
Texarkana Symphony Orchestra, Inc.**

We have audited the accompanying financial statements of Texarkana Symphony Orchestra, Inc. (a nonprofit organization), which comprise the statement of financial position as of May 31, 2016 and 2015, and the related statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risks assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Texarkana Symphony Orchestra, Inc. as of May 31, 2016 and 2015, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.



WILF & HENDERSON, P.C.
Certified Public Accountants
Texarkana, Texas

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF FINANCIAL POSITION
MAY 31, 2016 AND 2015

	<u>2016</u>	<u>2015</u>
ASSETS		
Current Assets:		
Cash	\$ 49,335	\$ 90,679
Deposits	250	250
Accounts Receivable	15,273	21,118
Total Current Assets	<u>64,858</u>	<u>112,047</u>
Property and Equipment:		
Equipment	31,315	27,666
Less Accumulated Depreciation	(22,429)	(21,175)
Net Property and Equipment	<u>8,886</u>	<u>6,491</u>
TOTAL ASSETS	<u><u>\$ 73,744</u></u>	<u><u>\$ 118,538</u></u>
LIABILITIES AND NET ASSETS		
Current Liabilities:		
Accounts Payable	\$ 471	\$ 1,144
Deferred Revenue	97,274	90,040
Payroll Taxes and Withholding	1,436	1,385
Total Current Liabilities	<u>99,181</u>	<u>92,569</u>
Net Assets:		
Unrestricted	(25,437)	25,969
Total Net Assets	<u>(25,437)</u>	<u>25,969</u>
TOTAL LIABILITIES AND NET ASSETS	<u><u>\$ 73,744</u></u>	<u><u>\$ 118,538</u></u>

The accompanying notes are an integral part of this statement.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF ACTIVITIES
FOR THE YEARS ENDED MAY 31, 2016 AND 2015

	<u>2016</u>	<u>2015</u>
UNRESTRICTED REVENUE, GAINS AND OTHER SUPPORT		
Contributions	\$ 274,736	\$ 260,659
Performance Revenues	155,627	130,156
Fundraiser Revenues	69,837	78,930
Grant Revenues	72,678	71,523
Miscellaneous Income	733	2,136
Interest	1	423
Total Unrestricted Revenue, Gains and Other Support	<u>573,612</u>	<u>543,827</u>
 EXPENSES		
Program Services	454,869	396,617
Supporting Services:		
Management and General	157,794	146,900
Fundraising	12,355	14,596
Total Expenses	<u>625,018</u>	<u>558,113</u>
 Increase / (Decrease) in Net Assets	 (51,406)	 (14,286)
Net Assets, Beginning of Year	<u>25,969</u>	<u>40,255</u>
Net Assets, End of Year	<u><u>\$ (25,437)</u></u>	<u><u>\$ 25,969</u></u>

The accompanying notes are an integral part of this statement.

2015			
Program Services	Supporting Services		Total Expenses
	General and Administrative	Fundraising Expenses	
\$ 67,002	\$ -	\$ 5,840	\$ 72,842
-	2,041	-	2,041
-	4,780	-	4,780
695	-	-	695
1,925	-	-	1,925
-	4,613	-	4,613
-	2,713	-	2,713
-	2,164	-	2,164
-	3,911	-	3,911
23,218	-	-	23,218
3,179	-	-	3,179
30,471	-	-	30,471
-	2,414	-	2,414
-	-	-	-
578	-	-	578
6,407	-	-	6,407
155,004	-	-	155,004
-	9,870	-	9,870
-	2,898	-	2,898
34,608	98,914	-	133,522
15,903	-	-	15,903
4,012	-	-	4,012
-	488	-	488
-	6,600	-	6,600
21,291	-	-	21,291
625	-	-	625
14,476	-	-	14,476
-	655	-	655
4,550	4,839	8,756	18,145
12,673	-	-	12,673
<u>\$ 396,617</u>	<u>\$ 146,900</u>	<u>\$ 14,596</u>	<u>\$ 558,113</u>

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF CASH FLOWS
FOR THE YEARS ENDED MAY 31, 2016 AND 2015

	<u>2016</u>	<u>2015</u>
CASH FLOWS FROM OPERATING ACTIVITIES:		
Increase / (Decrease) in net assets	\$ (51,406)	\$ (14,286)
Adjustments to reconcile change in net cash provided (used) by operating activities:		
Depreciation	2,924	2,164
(Increase) Decrease in Accounts Receivable	5,845	8,600
Increase (Decrease) in Accounts Payable and Accrued Expenses	(622)	(16,540)
Increase (Decrease) in Deferred Revenue	7,234	(48,178)
Net Cash Provided (Used) by Operating Activities	<u>(36,025)</u>	<u>(68,240)</u>
CASH FLOWS FROM INVESTING ACTIVITIES:		
Purchase of Capital Assets	(5,319)	-
Maturity / (Purchase) of Certificate of Deposit	-	52,395
Net Cash Provided (Used) by Investing Activities	<u>(5,319)</u>	<u>52,395</u>
Net Increase (Decrease) in Cash and Cash Equivalents	(41,344)	(15,845)
Cash and Cash Equivalents - Beginning of Year	<u>90,679</u>	<u>106,524</u>
Cash and Cash Equivalents - End of Year	<u>\$ 49,335</u>	<u>\$ 90,679</u>
Supplemental Data:		
Noncash operating activities:		
In-Kind Donation of Facility Use	18,000	14,476

The accompanying notes are an integral part of this statement.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2016 AND 2015

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of Orchestra – The Texarkana Symphony Orchestra, Inc. is a non-profit organization organized in January 2006 with the mission of providing live quality symphony concerts in the Texarkana area. The Orchestra's support comes primarily through grants, donor contributions, and concert admission fees.

Basis of Presentation – The financial statements have been prepared on the accrual basis of accounting in accordance with generally accepted accounting principles. Net assets and revenues, expenses, gains and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the Orchestra and changes therein are classified and reported as follows:

Unrestricted Net Assets – Net assets that are not subject to donor-imposed stipulations.

Temporarily Restricted Net Assets – Net assets subject to donor-imposed stipulations that may or will be met, either by actions of the Orchestra and/or the passage of time. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

Permanently Restricted Net Assets – Net assets subject to donor-imposed stipulations that may be maintained permanently by the Orchestra. Generally, the donors of these assets permit the Orchestra to use all or part of the income earned on any related investments for general or specific purposes.

Estimates – The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Promise to Give – Contributions are recognized when the donor makes a promise to give to the Orchestra that is in substance, unconditional. Unconditional promises to give, due in the next year, are reflected as current promises to give and are recorded at their net realizable value. Unconditional promises to give, due in subsequent years, are reflected as long-term promises to give and are recorded at the present value of their net realizable value, using risk-free interest rates applicable to the years in which the promises are received to discount the amounts. An allowance for uncollectible promises is provided based on management's evaluation of potential uncollectible promises received at year end.

Contributed Materials and Services – The Orchestra records in-kind contributions; meeting the requirements for recognition in the financial statements if amounts are material. Contributions of non-cash assets are recorded at their fair values in the period received. Contributions of donated services that create or enhance nonfinancial assets or that require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donations, are recorded at their fair values in the period received.

The current year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$18,000 for the year ended May 31, 2016. The prior year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$14,476 for the year ended May 31, 2015.

Income Taxes and Uncertain Tax Positions

Income Tax Status – The Orchestra qualifies as an organization exempt from income taxes under Section 501(c)(3) of the *Internal Revenue Code* and is subject to a tax on income from any unrelated business, as defined by Section 509(a)(1) of the Code. The Orchestra currently has no unrelated business income. Accordingly, no provision for income taxes has been recorded.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2016 AND 2015

The Orchestra has adopted the recognition requirements for uncertain income tax positions as required by generally accepted accounting principles. Income tax benefits are recognized for income tax positions taken or expected to be taken in a tax return only when it is determined that the income tax position will more-likely-than-not be sustained upon examinations by taxing authorities. The Orchestra has analyzed tax positions taken for filing with the Internal Revenue Service and all state jurisdictions where it operates. The Orchestra believes that income tax filing positions will be sustained upon examination and does not anticipate any adjustments that would result in a material adverse effect on the Orchestra's financial condition, results of operations, or cash flows. Accordingly, the Orchestra has not recorded any reserves, or related accruals for interest and penalties for uncertain income tax positions at May 31, 2016 and 2015.

Federal and state income tax statutes dictate that tax returns filed in any of the previous three reporting periods remain open to examination. Currently, the Orchestra has no open examinations with the Internal Revenue Service.

Cash and Cash Equivalents - For cash flow statement purposes, the Orchestra considers all highly liquid investments available for current use with an initial maturity of three months or less to be cash equivalents. All funds are held with institutions insured by the FDIC. As of May 31, 2016 and 2015, all funds were fully insured.

Advertising Costs - The Orchestra uses advertising to promote its events among the audiences it serves. Advertising costs of \$61,547 were expensed for the year ended May 31, 2016. Advertising costs of \$67,002 were expensed for the year ended May 31, 2015.

NOTE 2 - COMPENSATED ABSENCES

Compensated absences for sick pay and personal time have not been accrued since they cannot be reasonably estimated. The Orchestra's policy is to recognize these costs when actually paid.

NOTE 3 - GRANT REVENUE

Grant revenue recognized as unrestricted revenue in the Orchestra's 2016 and 2015 financial statements consists of funds received for specific purposes and fully expended for that purpose during the same fiscal year.

NOTE 4 - DEFERRED REVENUE

Deferred revenue, in these financial statements, consists of amounts contributed by Orchestra patrons near year-end as part of the Orchestra's fund drive for the following concert season. Patrons are listed in programs for the season and, depending upon the level of contribution, may receive complimentary tickets and other benefits. At May 31, 2016 and 2015, the balances of deferred revenues were \$97,274 and \$90,040, respectively.

NOTE 5 - ACCOUNTS RECEIVABLE

The balances owed to the Orchestra is comprised of the following:

	<u>2016</u>	<u>2015</u>
City of Texarkana, AR	\$ 8,750	\$ 6,417
Texarkana, TX Hotel Tax	6,176	13,698
Other Grants and Invoices	347	1,003
Total	<u>\$ 15,273</u>	<u>\$ 21,118</u>

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2016 AND 2015

NOTE 6 – PROPERTY AND EQUIPMENT

Property and equipment with a cost or value over \$500 are recorded at cost or estimated fair value, if donated. Depreciation is computed on the straight-line basis over estimated useful life of the assets. Balances of equipment and accumulated depreciation as of May 31, 2016 and 2015 are summarized below:

	2016	2015
Beginning Balance	\$ 27,666	\$ 27,666
Additions	5,319	-
Retirements	(1,670)	-
Ending Balance	31,315	27,666
Accumulated Depreciation	(22,429)	(21,175)
Equipment, Net	\$ 8,886	\$ 6,491

Depreciation expense for the year ended May 31, 2016 and 2015 totaled \$2,924 and \$2,165, respectively.

NOTE 7 – OPERATING LEASE

In November 2014, the Orchestra executed a new operating lease for office equipment under a four-year non-cancelable operating lease expiring in December 2018 and contains provisions for purchase at fair value upon the completion of the lease term. Future minimum lease payments are as follows:

<u>Year Ending May 31,</u>	
2017	2,195
2018	2,195
Total	\$ 4,390

For 2016, amounts expensed under the agreement was \$2,195.

NOTE 8 – SUBSEQUENT EVENTS

Management of Texarkana Symphony Orchestra, Inc. has evaluated subsequent events through October 7, 2016, which is the date the financial statements were available to be issued.

WILF & HENDERSON, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

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Member of Center for Public Company Audit Firms
Member of AICPA Governmental Audit Quality Center

Independent Auditors' Report

November 27, 2017

To the Board of Directors
Texarkana Symphony Orchestra, Inc.

We have audited the accompanying financial statements of Texarkana Symphony Orchestra, Inc. (a nonprofit organization), which comprise the statement of financial position as of May 31, 2017 and 2016, and the related statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risks assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Texarkana Symphony Orchestra, Inc. as of May 31, 2017 and 2016, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.



WILF & HENDERSON, P.C.
Certified Public Accountants
Texarkana, Texas

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF FINANCIAL POSITION
MAY 31, 2017 AND 2016

	<u>2017</u>	<u>2016</u>
ASSETS		
Current Assets:		
Cash	\$ 59,049	\$ 49,335
Deposits	250	250
Accounts Receivable	20,907	15,273
Total Current Assets	<u>80,206</u>	<u>64,858</u>
Property and Equipment:		
Equipment	31,315	31,315
Less Accumulated Depreciation	(25,202)	(22,429)
Net Property and Equipment	<u>6,113</u>	<u>8,886</u>
TOTAL ASSETS	<u><u>\$ 86,319</u></u>	<u><u>\$ 73,744</u></u>
LIABILITIES AND NET ASSETS		
Current Liabilities:		
Accounts Payable	\$ 182	\$ 471
Notes Payable	20,000	-
Deferred Revenue	63,031	97,274
Payroll Taxes and Withholding	1,339	1,436
Total Current Liabilities	<u>84,552</u>	<u>99,181</u>
Net Assets:		
Unrestricted	1,767	(25,437)
Total Net Assets	<u>1,767</u>	<u>(25,437)</u>
TOTAL LIABILITIES AND NET ASSETS	<u><u>\$ 86,319</u></u>	<u><u>\$ 73,744</u></u>

The accompanying notes are an integral part of this statement.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF ACTIVITIES
FOR THE YEARS ENDED MAY 31, 2017 AND 2016

	<u>2017</u>	<u>2016</u>
UNRESTRICTED REVENUE, GAINS AND OTHER SUPPORT		
Contributions	\$ 279,344	\$ 274,736
Performance Revenues	161,466	155,627
Fundraiser Revenues	57,814	69,837
Grant Revenues	87,264	72,678
Miscellaneous Income	-	733
Interest	-	1
Total Unrestricted Revenue, Gains and Other Support	<u>585,888</u>	<u>573,612</u>
 EXPENSES		
Program Services	402,574	454,869
Supporting Services:		
Management and General	141,952	157,794
Fundraising	14,158	12,355
Total Expenses	<u>558,684</u>	<u>625,018</u>
 Increase / (Decrease) in Net Assets	 27,204	 (51,406)
Net Assets, Beginning of Year	<u>(25,437)</u>	<u>25,969</u>
Net Assets, End of Year	<u>\$ 1,767</u>	<u>\$ (25,437)</u>

The accompanying notes are an integral part of this statement.

2016			
Program Services	Supporting Services		Total Expenses
	General and Administrative	Fundraising Expenses	
\$ 61,547	\$ -	\$ 4,920	\$ 66,467
-	3,335	-	3,335
-	2,943	-	2,943
518	-	-	518
1,190	-	-	1,190
-	3,948	-	3,948
-	3,127	-	3,127
-	2,924	-	2,924
-	3,871	-	3,871
22,863	-	-	22,863
5,920	-	-	5,920
70,920	-	-	70,920
-	3,312	-	3,312
-	54	-	54
1,506	-	125	1,631
4,909	-	-	4,909
161,305	-	-	161,305
-	9,437	-	9,437
-	2,700	-	2,700
35,300	102,604	-	137,904
17,393	-	-	17,393
8,063	-	-	8,063
-	550	-	550
-	6,600	-	6,600
19,976	-	-	19,976
625	-	-	625
18,000	-	-	18,000
-	729	-	729
10,411	11,660	7,310	29,381
14,423	-	-	14,423
<u>\$ 454,869</u>	<u>\$ 157,794</u>	<u>\$ 12,355</u>	<u>\$ 625,018</u>

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF CASH FLOWS
FOR THE YEARS ENDED MAY 31, 2017 AND 2016

	<u>2017</u>	<u>2016</u>
CASH FLOWS FROM OPERATING ACTIVITIES:		
Increase / (Decrease) in net assets	\$ 27,204	\$ (51,406)
Adjustments to reconcile change in net cash provided (used) by operating activities:		
Depreciation	2,773	2,924
(Increase) Decrease in Accounts Receivable	(5,634)	5,845
Increase (Decrease) in Accounts Payable and Accrued Expenses	(386)	(622)
Increase (Decrease) in Deferred Revenue	<u>(34,243)</u>	<u>7,234</u>
Net Cash Provided (Used) by Operating Activities	<u>(10,286)</u>	<u>(36,025)</u>
CASH FLOWS FROM INVESTING ACTIVITIES:		
Purchase of Capital Assets	<u>-</u>	<u>(5,319)</u>
Net Cash Provided (Used) by Investing Activities	<u>-</u>	<u>(5,319)</u>
CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES:		
Proceeds from Related Party Notes Payable	<u>20,000</u>	<u>-</u>
Net Cash Provided (Used) by Noncapital and Related Financing Activities	<u>20,000</u>	<u>-</u>
Net Increase (Decrease) in Cash and Cash Equivalents	9,714	(41,344)
Cash and Cash Equivalents - Beginning of Year	<u>49,335</u>	<u>90,679</u>
Cash and Cash Equivalents - End of Year	<u>\$ 59,049</u>	<u>\$ 49,335</u>
Supplemental Data:		
Noncash operating activities:		
In-Kind Donation of Facility Use	16,800	18,000

The accompanying notes are an integral part of this statement.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2017 AND 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of Orchestra – The Texarkana Symphony Orchestra, Inc. is a non-profit organization organized in January 2006 with the mission of providing live quality symphony concerts in the Texarkana area. The Orchestra's support comes primarily through grants, donor contributions, and concert admission fees.

Basis of Presentation – The financial statements have been prepared on the accrual basis of accounting in accordance with generally accepted accounting principles. Net assets and revenues, expenses, gains and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the Orchestra and changes therein are classified and reported as follows:

Unrestricted Net Assets – Net assets that are not subject to donor-imposed stipulations.

Temporarily Restricted Net Assets – Net assets subject to donor-imposed stipulations that may or will be met, either by actions of the Orchestra and/or the passage of time. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

Permanently Restricted Net Assets – Net assets subject to donor-imposed stipulations that may be maintained permanently by the Orchestra. Generally, the donors of these assets permit the Orchestra to use all or part of the income earned on any related investments for general or specific purposes.

Estimates – The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Promise to Give – Contributions are recognized when the donor makes a promise to give to the Orchestra that is in substance, unconditional. Unconditional promises to give, due in the next year, are reflected as current promises to give and are recorded at their net realizable value. Unconditional promises to give, due in subsequent years, are reflected as long-term promises to give and are recorded at the present value of their net realizable value, using risk-free interest rates applicable to the years in which the promises are received to discount the amounts. An allowance for uncollectible promises is provided based on management's evaluation of potential uncollectible promises received at year end.

Contributed Materials and Services – The Orchestra records in-kind contributions; meeting the requirements for recognition in the financial statements if amounts are material. Contributions of non-cash assets are recorded at their fair values in the period received. Contributions of donated services that create or enhance nonfinancial assets or that require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donations, are recorded at their fair values in the period received.

The current year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$16,800 for the year ended May 31, 2017. The prior year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$18,000 for the year ended May 31, 2016.

Income Taxes and Uncertain Tax Positions

Income Tax Status – The Orchestra qualifies as an organization exempt from income taxes under Section 501(c)(3) of the *Internal Revenue Code* and is subject to a tax on income from any unrelated business, as defined by Section 509(a)(1) of the Code. The Orchestra currently has no unrelated business income. Accordingly, no provision for income taxes has been recorded.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2017 AND 2016

The Orchestra has adopted the recognition requirements for uncertain income tax positions as required by generally accepted accounting principles. Income tax benefits are recognized for income tax positions taken or expected to be taken in a tax return only when it is determined that the income tax position will more-likely-than-not be sustained upon examinations by taxing authorities. The Orchestra has analyzed tax positions taken for filing with the Internal Revenue Service and all state jurisdictions where it operates. The Orchestra believes that income tax filing positions will be sustained upon examination and does not anticipate any adjustments that would result in a material adverse effect on the Orchestra's financial condition, results of operations, or cash flows. Accordingly, the Orchestra has not recorded any reserves, or related accruals for interest and penalties for uncertain income tax positions at May 31, 2017 and 2016.

Federal and state income tax statutes dictate that tax returns filed in any of the previous three reporting periods remain open to examination. Currently, the Orchestra has no open examinations with the Internal Revenue Service.

Cash and Cash Equivalents - For cash flow statement purposes, the Orchestra considers all highly liquid investments available for current use with an initial maturity of three months or less to be cash equivalents. All funds are held with institutions insured by the FDIC. As of May 31, 2017 and 2016, all funds were fully insured.

Advertising Costs - The Orchestra uses advertising to promote its events among the audiences it serves. Advertising costs of \$64,750 were expensed for the year ended May 31, 2017. Advertising costs of \$61,547 were expensed for the year ended May 31, 2016.

NOTE 2 – COMPENSATED ABSENCES

Compensated absences for sick pay and personal time have not been accrued since they cannot be reasonably estimated. The Orchestra's policy is to recognize these costs when actually paid.

NOTE 3 – GRANT REVENUE

Grant revenue recognized as unrestricted revenue in the Orchestra's 2017 and 2016 financial statements consists of funds received for specific purposes and fully expended for that purpose during the same fiscal year.

NOTE 4 – DEFERRED REVENUE

Deferred revenue, in these financial statements, consists of amounts contributed by Orchestra patrons near year-end as part of the Orchestra's fund drive for the following concert season. Patrons are listed in programs for the season and, depending upon the level of contribution, may receive complimentary tickets and other benefits. At May 31, 2017 and 2016, the balances of deferred revenues were \$63,031 and \$97,274, respectively.

NOTE 5 – ACCOUNTS RECEIVABLE

The balances owed to the Orchestra is comprised of the following:

	<u>2017</u>	<u>2016</u>
City of Texarkana, AR	\$ 9,333	\$ 8,750
Texarkana, TX Hotel Tax	8,449	6,176
Other Grants and Invoices	3,125	347
Total	<u>\$ 20,907</u>	<u>\$ 15,273</u>

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2017 AND 2016

NOTE 6 – PROPERTY AND EQUIPMENT

Property and equipment with a cost or value over \$500 are recorded at cost or estimated fair value, if donated. Depreciation is computed on the straight-line basis over estimated useful life of the assets. Balances of equipment and accumulated depreciation as of May 31, 2017 and 2016 are summarized below:

	<u>2017</u>	<u>2016</u>
Beginning Balance	\$ 31,315	\$ 27,666
Additions	-	5,319
Retirements	-	(1,670)
Ending Balance	<u>31,315</u>	<u>31,315</u>
Accumulated Depreciation	<u>(25,202)</u>	<u>(22,429)</u>
Equipment, Net	<u>\$ 6,113</u>	<u>\$ 8,886</u>

Depreciation expense for the year ended May 31, 2017 and 2016 totaled \$2,773 and \$2,924, respectively.

NOTE 7 – OPERATING LEASE

In November 2014, the Orchestra executed a new operating lease for office equipment under a four-year non-cancelable operating lease expiring in December 2018 and contains provisions for purchase at fair value upon the completion of the lease term. Future minimum lease payments are as follows:

<u>Year Ending May 31,</u>	
2018	<u>2,195</u>
Total	<u>\$ 2,195</u>

For 2017, amounts expensed under the agreement was \$2,195.

NOTE 8 – NOTES PAYABLE FROM RELATED PARTY

In March 2017, Texarkana Symphony Orchestra received two \$10,000 short-term private loans from an anonymous related-party member to meet the requirements of an impending cash flow shortage. The balance was \$20,000 at May 31, 2017. Each loan was due in 120 days at an interest rate of 3.00%.

NOTE 9 – SUBSEQUENT EVENTS

Management of Texarkana Symphony Orchestra, Inc. has evaluated subsequent events through November 27, 2017, which is the date the financial statements were available to be issued.



WILF & HENDERSON, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

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Independent Auditors' Report

September 7, 2018

**To the Board of Directors
Texarkana Symphony Orchestra, Inc.**

We have audited the accompanying financial statements of Texarkana Symphony Orchestra, Inc. (a nonprofit organization), which comprise the statement of financial position as of May 31, 2018 and 2017, and the related statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risks assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Texarkana Symphony Orchestra, Inc. as of May 31, 2018 and 2017, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.



WILF & HENDERSON, P.C.
Certified Public Accountants
Texarkana, Texas

***TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS***

FINANCIAL STATEMENTS

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF FINANCIAL POSITION
MAY 31, 2018 AND 2017

	<u>2018</u>	<u>2017</u>
ASSETS		
Current Assets:		
Cash	\$ 29,641	\$ 59,049
Deposits	250	250
Accounts Receivable	17,910	20,907
Prepaid Assets	1,966	-
Total Current Assets	<u>49,767</u>	<u>80,206</u>
Property and Equipment:		
Equipment	31,315	31,315
Less Accumulated Depreciation	(27,340)	(25,202)
Net Property and Equipment	<u>3,975</u>	<u>6,113</u>
TOTAL ASSETS	<u><u>\$ 53,742</u></u>	<u><u>\$ 86,319</u></u>
LIABILITIES AND NET ASSETS		
Current Liabilities:		
Accounts Payable	\$ 897	\$ 182
Notes Payable	30,000	20,000
Deferred Revenue	38,450	63,031
Payroll Taxes and Withholding	2,643	1,339
Total Current Liabilities	<u>71,990</u>	<u>84,552</u>
Net Assets:		
Unrestricted	(18,248)	1,767
Total Net Assets	<u>(18,248)</u>	<u>1,767</u>
TOTAL LIABILITIES AND NET ASSETS	<u><u>\$ 53,742</u></u>	<u><u>\$ 86,319</u></u>

The accompanying notes are an integral part of this statement.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF ACTIVITIES
FOR THE YEARS ENDED MAY 31, 2018 AND 2017

	2018	2017
UNRESTRICTED REVENUE, GAINS AND OTHER SUPPORT		
Contributions	\$ 223,190	\$ 279,344
Performance Revenues	123,163	161,466
Fundraiser Revenues	93,614	57,814
Grant Revenues	74,617	87,264
Other Income	68	-
Total Unrestricted Revenue, Gains and Other Support	514,652	585,888
 EXPENSES		
Program Services	374,877	402,574
Supporting Services:		
Management and General	144,672	141,952
Fundraising	15,118	14,158
Total Expenses	534,667	558,684
 Increase / (Decrease) in Net Assets	(20,015)	27,204
Net Assets, Beginning of Year	1,767	(25,437)
Net Assets, End of Year	\$ (18,248)	\$ 1,767

The accompanying notes are an integral part of this statement.

2017			
Program Services	Supporting Services		Total Expenses
	General and Administrative	Fundraising Expenses	
\$ 64,750	\$ -	\$ 6,830	\$ 71,580
-	3,816	-	3,816
-	7,146	-	7,146
363	-	-	363
870	-	-	870
-	3,104	-	3,104
-	3,160	-	3,160
-	2,773	-	2,773
-	4,718	-	4,718
23,387	-	-	23,387
6,963	-	-	6,963
46,182	-	-	46,182
-	3,267	-	3,267
-	-	-	-
861	-	656	1,517
4,228	-	-	4,228
147,991	-	-	147,991
-	10,160	-	10,160
-	1,667	-	1,667
37,500	91,059	-	128,559
18,359	-	-	18,359
330	-	-	330
-	1,181	-	1,181
-	6,600	-	6,600
14,742	-	-	14,742
750	-	-	750
16,800	-	-	16,800
-	645	-	645
3,981	2,656	6,672	13,309
14,517	-	-	14,517
<u>\$ 402,574</u>	<u>\$ 141,952</u>	<u>\$ 14,158</u>	<u>\$ 558,684</u>

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF CASH FLOWS
FOR THE YEARS ENDED MAY 31, 2018 AND 2017

	2018	2017
CASH FLOWS FROM OPERATING ACTIVITIES:		
Increase / (Decrease) in net assets	\$ (20,015)	\$ 27,204
Adjustments to reconcile change in net cash provided (used) by operating activities:		
Depreciation	2,138	2,773
(Increase) Decrease in Accounts Receivable	2,997	(5,634)
(Increase) Decrease in Prepaid Assets	(1,966)	-
Increase (Decrease) in Accounts Payable and Accrued Expenses	2,019	(386)
Increase (Decrease) in Deferred Revenue	(24,581)	(34,243)
Net Cash Provided (Used) by Operating Activities	(39,408)	(10,286)
CASH FLOWS FROM INVESTING ACTIVITIES:		
Purchase of Capital Assets	-	-
Net Cash Provided (Used) by Investing Activities	-	-
CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES:		
Proceeds from Related Party Notes Payable	30,000	20,000
Payment on Related Party Notes Payable	(20,000)	-
Net Cash Provided (Used) by Noncapital and Related Financing Activities	10,000	20,000
Net Increase (Decrease) in Cash and Cash Equivalents	(29,408)	9,714
Cash and Cash Equivalents - Beginning of Year	59,049	49,335
Cash and Cash Equivalents - End of Year	\$ 29,641	\$ 59,049
Supplemental Data:		
Noncash operating activities:		
In-Kind Donation of Facility Use	15,563	16,800

The accompanying notes are an integral part of this statement.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2018 AND 2017

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of Orchestra – The Texarkana Symphony Orchestra, Inc. is a non-profit organization organized in January 2006 with the mission of providing live quality symphony concerts in the Texarkana area. The Orchestra's support comes primarily through grants, donor contributions, and concert admission fees.

Basis of Presentation – The financial statements have been prepared on the accrual basis of accounting in accordance with generally accepted accounting principles. Net assets and revenues, expenses, gains and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, net assets of the Orchestra and changes therein are classified and reported as follows:

Unrestricted Net Assets – Net assets that are not subject to donor-imposed stipulations.

Temporarily Restricted Net Assets – Net assets subject to donor-imposed stipulations that may or will be met, either by actions of the Orchestra and/or the passage of time. When a restriction expires, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

Permanently Restricted Net Assets – Net assets subject to donor-imposed stipulations that may be maintained permanently by the Orchestra. Generally, the donors of these assets permit the Orchestra to use all or part of the income earned on any related investments for general or specific purposes.

Estimates – The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Promise to Give – Contributions are recognized when the donor makes a promise to give to the Orchestra that is in substance, unconditional. Unconditional promises to give, due in the next year, are reflected as current promises to give and are recorded at their net realizable value. Unconditional promises to give, due in subsequent years, are reflected as long-term promises to give and are recorded at the present value of their net realizable value, using risk-free interest rates applicable to the years in which the promises are received to discount the amounts. An allowance for uncollectible promises is provided based on management's evaluation of potential uncollectible promises received at year end.

Contributed Materials and Services – The Orchestra records in-kind contributions; meeting the requirements for recognition in the financial statements if amounts are material. Contributions of non-cash assets are recorded at their fair values in the period received. Contributions of donated services that create or enhance nonfinancial assets or that require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donations, are recorded at their fair values in the period received.

The current year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$15,563 for the year ended May 31, 2018. The prior year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$16,800 for the year ended May 31, 2017.

Income Taxes and Uncertain Tax Positions

Income Tax Status – The Orchestra qualifies as an organization exempt from income taxes under Section 501(c)(3) of the *Internal Revenue Code* and is subject to a tax on income from any unrelated business, as defined by Section 509(a)(1) of the Code. The Orchestra currently has no unrelated business income. Accordingly, no provision for income taxes has been recorded.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2018 AND 2017

The Orchestra has adopted the recognition requirements for uncertain income tax positions as required by generally accepted accounting principles. Income tax benefits are recognized for income tax positions taken or expected to be taken in a tax return only when it is determined that the income tax position will more-likely-than-not be sustained upon examinations by taxing authorities. The Orchestra has analyzed tax positions taken for filing with the Internal Revenue Service and all state jurisdictions where it operates. The Orchestra believes that income tax filing positions will be sustained upon examination and does not anticipate any adjustments that would result in a material adverse effect on the Orchestra's financial condition, results of operations, or cash flows. Accordingly, the Orchestra has not recorded any reserves, or related accruals for interest and penalties for uncertain income tax positions at May 31, 2018 and 2017.

Federal and state income tax statutes dictate that tax returns filed in any of the previous three reporting periods remain open to examination. Currently, the Orchestra has no open examinations with the Internal Revenue Service.

Cash and Cash Equivalents - For cash flow statement purposes, the Orchestra considers all highly liquid investments available for current use with an initial maturity of three months or less to be cash equivalents. All funds are held with institutions insured by the FDIC. As of May 31, 2018 and 2017, all funds were fully insured.

Program Advertising Costs - The Orchestra uses advertising to promote its events among the audiences it serves. Advertising costs of \$61,833 were expensed for the year ended May 31, 2018. Advertising costs of \$64,750 were expensed for the year ended May 31, 2017.

NOTE 2 – COMPENSATED ABSENCES

Compensated absences for sick pay and personal time have not been accrued since they cannot be reasonably estimated. The Orchestra's policy is to recognize these costs when actually paid.

NOTE 3 – GRANT REVENUE

Grant revenue recognized as unrestricted revenue in the Orchestra's 2018 and 2017 financial statements consists of funds received for specific purposes and fully expended for that purpose during the same fiscal year.

NOTE 4 – DEFERRED REVENUE

Deferred revenue, in these financial statements, consists of amounts contributed by Orchestra patrons near year-end as part of the Orchestra's fund drive for the following concert season. Patrons are listed in programs for the season and, depending upon the level of contribution, may receive complimentary tickets and other benefits. At May 31, 2018 and 2017, the balances of deferred revenues were \$38,450 and \$63,031, respectively.

NOTE 5 – ACCOUNTS RECEIVABLE

The balances owed to the Orchestra is comprised of the following:

	<u>2018</u>	<u>2017</u>
City of Texarkana, AR	\$ 9,333	\$ 9,333
Texarkana, TX Hotel Tax	6,896	8,449
Other Grants and Invoices	1,681	3,125
Total	<u>\$ 17,910</u>	<u>\$ 20,907</u>

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2018 AND 2017

NOTE 6 – PROPERTY AND EQUIPMENT

Property and equipment with a cost or value over \$500 are recorded at cost or estimated fair value, if donated. Depreciation is computed on the straight-line basis over estimated useful life of the assets. Balances of equipment and accumulated depreciation as of May 31, 2018 and 2017 are summarized below:

	<u>2018</u>	<u>2017</u>
Beginning Balance	\$ 31,315	\$ 31,315
Additions	-	-
Retirements	-	-
Ending Balance	31,315	31,315
Accumulated Depreciation	<u>(27,340)</u>	<u>(25,202)</u>
Equipment, Net	<u>\$ 3,975</u>	<u>\$ 6,113</u>

Depreciation expense for the year ended May 31, 2018 and 2017 totaled \$2,138 and \$2,773, respectively.

NOTE 7 – OPERATING LEASE

In November 2014, the Orchestra executed a new operating lease for office equipment under a four-year non-cancelable operating lease expiring in December 2018 and contains provisions for purchase at fair value upon the completion of the lease term. Future minimum lease payments are as follows:

<u>Year Ending May 31,</u>	
2019	1,281
Total	<u>\$ 1,281</u>

For 2018, amounts expensed under the agreement was \$2,195.

NOTE 8 – NOTES PAYABLE FROM RELATED PARTY

In March 2017, Texarkana Symphony Orchestra received two \$10,000 short-term private loans from an anonymous related-party member to meet the requirements of an impending cash flow shortage. The balance was \$20,000 at May 31, 2017. Each loan was due in 120 days at an interest rate of 3.00%. This loan was paid in full in FY 2018.

In April 2018, Texarkana Symphony Orchestra received three \$10,000 short-term private loans from an anonymous related-party member to meet the requirements of an impending cash flow shortage. The balance was \$30,000 at May 31, 2018. Each loan was due in 120 days at an interest rate of 3.00%.

NOTE 9 – SUBSEQUENT EVENTS

Management of Texarkana Symphony Orchestra, Inc. has evaluated subsequent events through September 7, 2018, which is the date the financial statements were available to be issued.



WILF & HENDERSON, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

Member of American Institute of Certified Public Accountants
Member of Private Company Practice Section
Member of AICPA Governmental Audit Quality Center

Independent Auditors' Report

September 12, 2019

To the Board of Directors
Texarkana Symphony Orchestra, Inc.

We have audited the accompanying financial statements of Texarkana Symphony Orchestra, Inc. (a nonprofit organization), which comprise the statement of financial position as of May 31, 2019 and 2018, and the related statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risks assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Texarkana Symphony Orchestra, Inc. as of May 31, 2019 and 2018, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.



WILF & HENDERSON, P.C.
Certified Public Accountants
Texarkana, Texas

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF FINANCIAL POSITION
MAY 31, 2019 AND 2018

	<u>2019</u>	<u>2018</u>
ASSETS		
Current Assets:		
Cash	\$ 12,492	\$ 29,641
Deposits	250	250
Accounts Receivable	18,301	17,910
Prepaid Assets	880	1,966
Total Current Assets	<u>31,923</u>	<u>49,767</u>
Property and Equipment:		
Equipment	33,186	31,315
Less Accumulated Depreciation	(29,409)	(27,340)
Net Property and Equipment	<u>3,777</u>	<u>3,975</u>
TOTAL ASSETS	<u>\$ 35,700</u>	<u>\$ 53,742</u>
LIABILITIES AND NET ASSETS		
Current Liabilities:		
Accounts Payable	\$ -	\$ 897
Notes Payable	50,000	30,000
Deferred Revenue	5,000	38,450
Payroll Taxes and Withholding	1,325	2,643
Total Current Liabilities	<u>56,325</u>	<u>71,990</u>
Net Assets:		
Without Donor Restrictions	(20,625)	(18,248)
Total Net Assets	<u>(20,625)</u>	<u>(18,248)</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 35,700</u>	<u>\$ 53,742</u>

The accompanying notes are an integral part of this statement.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF ACTIVITIES
FOR THE YEARS ENDED MAY 31, 2019 AND 2018

	<u>2019</u>	<u>2018</u>
OPERATING REVENUES		
Contributions	\$ 236,880	\$ 223,190
Performance Revenues	123,358	123,163
Fundraiser Revenues	97,512	93,614
Grant Revenues	97,040	74,617
Other Income	53	68
Total Operating Revenues	<u>554,843</u>	<u>514,652</u>
OPERATING EXPENSES		
Program Services	399,908	374,877
Supporting Services:		
Management and General	144,144	144,672
Fundraising	13,168	15,118
Total Operating Expenses	<u>557,220</u>	<u>534,667</u>
Increase / (Decrease) in Net Assets	(2,377)	(20,015)
Net Assets, Beginning of Year	<u>(18,248)</u>	<u>1,767</u>
Net Assets, End of Year	<u><u>\$ (20,625)</u></u>	<u><u>\$ (18,248)</u></u>

The accompanying notes are an integral part of this statement.

2018			
Program Services	Supporting Services		Total Expenses
	General and Administrative	Fundraising Expenses	
\$ 61,833	\$ -	\$ 5,795	\$ 67,628
-	3,858	-	3,858
-	2,649	-	2,649
463	-	-	463
725	-	-	725
-	3,183	-	3,183
-	3,197	-	3,197
-	2,138	-	2,138
-	4,554	-	4,554
18,588	-	-	18,588
7,253	-	-	7,253
47,472	-	-	47,472
-	-	-	-
-	3,407	-	3,407
-	198	-	198
640	-	747	1,387
5,294	-	-	5,294
146,518	-	-	146,518
-	10,903	-	10,903
-	1,825	-	1,825
20,000	98,269	-	118,269
15,404	-	-	15,404
854	-	-	854
-	1,110	-	1,110
-	6,605	-	6,605
12,680	-	-	12,680
850	-	-	850
15,563	-	-	15,563
-	1,500	-	1,500
8,035	1,276	8,576	17,887
12,705	-	-	12,705
<u>\$ 374,877</u>	<u>\$ 144,672</u>	<u>\$ 15,118</u>	<u>\$ 534,667</u>

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF CASH FLOWS
FOR THE YEARS ENDED MAY 31, 2019 AND 2018

	<u>2019</u>	<u>2018</u>
CASH FLOWS FROM OPERATING ACTIVITIES:		
Increase / (Decrease) in net assets	\$ (2,377)	\$ (20,015)
Adjustments to reconcile change in net cash provided (used) by operating activities:		
Depreciation	2,069	2,138
(Increase) Decrease in Accounts Receivable	(391)	2,997
(Increase) Decrease in Prepaid Assets	1,086	(1,966)
Increase (Decrease) in Accounts Payable and Accrued Expenses	(2,215)	2,019
Increase (Decrease) in Deferred Revenue	(33,450)	(24,581)
Net Cash Provided (Used) by Operating Activities	<u>(35,278)</u>	<u>(39,408)</u>
CASH FLOWS FROM INVESTING ACTIVITIES:		
Purchase of Capital Assets	(1,871)	-
Net Cash Provided (Used) by Investing Activities	<u>(1,871)</u>	<u>-</u>
CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES:		
Proceeds from Related Party Notes Payable	50,000	30,000
Payment on Related Party Notes Payable	(30,000)	(20,000)
Net Cash Provided (Used) by Noncapital and Related Financing Activities	<u>20,000</u>	<u>10,000</u>
Net Increase (Decrease) in Cash and Cash Equivalents	<u>(17,149)</u>	<u>(29,408)</u>
Cash and Cash Equivalents - Beginning of Year	<u>29,641</u>	<u>59,049</u>
Cash and Cash Equivalents - End of Year	<u>\$ 12,492</u>	<u>\$ 29,641</u>
Supplemental Data:		
Noncash operating activities:		
In-Kind Donation of Facility Use	13,050	15,563

The accompanying notes are an integral part of this statement.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2018 AND 2019

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of Orchestra – The Texarkana Symphony Orchestra, Inc. is a non-profit organization organized in January 2006 with the mission of providing live quality symphony concerts in the Texarkana area. The Orchestra's support comes primarily through grants, donor contributions, and concert admission fees.

Basis of Presentation – The financial statements of the Orchestra have been prepared on the accrual basis in accordance with accounting principles generally accepted in the United States of America. The financial statements are presented in accordance with the Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) 958 dated August 2016, and the provisions of the American Institute of Certified Public Accountants (AICPA) "Audit and Accounting Guide for Not-for-Profit Organizations" (the "Guide"). (ASC) 958-205 was effective January 1, 2018.

Under the provisions of the Guide, net assets and revenues, and gains and losses are classified based on the existence of absence of donor-imposed restrictions. Accordingly, the net assets of the Foundation and changes therein are classified as follows:

Net assets without donor restrictions: Net assets that are not subject to donor-imposed restrictions and may be expended for any purpose in performing the primary objectives of the Orchestra. The Orchestra's board may designate assets without restrictions for specific operational purposes from time to time.

Net assets with donor restrictions: Net assets subject to stipulations imposed by donors, and grantors. Some donor restrictions are temporary in nature; those restrictions will be met by actions of the Non-Profit Organization or by the passage of time. Other donor restrictions are perpetual in nature, where by the donor has stipulated the fund be maintained in perpetuity.

Estimates – The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Promise to Give – Contributions are recognized when the donor makes a promise to give to the Orchestra that is in substance, unconditional. Unconditional promises to give, due in the next year, are reflected as current promises to give and are recorded at their net realizable value. Unconditional promises to give, due in subsequent years, are reflected as long-term promises to give and are recorded at the present value of their net realizable value, using risk-free interest rates applicable to the years in which the promises are received to discount the amounts. An allowance for uncollectible promises is provided based on management's evaluation of potential uncollectible promises received at year end.

Contributed Materials and Services – The Orchestra records in-kind contributions; meeting the requirements for recognition in the financial statements if amounts are material. Contributions of non-cash assets are recorded at their fair values in the period received. Contributions of donated services that create or enhance nonfinancial assets or that require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donations, are recorded at their fair values in the period received.

The current year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$13,050 for the year ended May 31, 2019. The prior year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$15,563 for the year ended May 31, 2018.

Income Taxes and Uncertain Tax Positions

Income Tax Status – The Orchestra qualifies as an organization exempt from income taxes under Section 501(c)(3) of the *Internal Revenue Code* and is subject to a tax on income from any unrelated business, as defined by Section 509(a)(1) of the Code. The Orchestra currently has no unrelated business income. Accordingly, no provision for income taxes has been recorded.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2018 AND 2019

The Orchestra has adopted the recognition requirements for uncertain income tax positions as required by generally accepted accounting principles. Income tax benefits are recognized for income tax positions taken or expected to be taken in a tax return only when it is determined that the income tax position will more-likely-than-not be sustained upon examinations by taxing authorities. The Orchestra has analyzed tax positions taken for filing with the Internal Revenue Service and all state jurisdictions where it operates. The Orchestra believes that income tax filing positions will be sustained upon examination and does not anticipate any adjustments that would result in a material adverse effect on the Orchestra's financial condition, results of operations, or cash flows. Accordingly, the Orchestra has not recorded any reserves, or related accruals for interest and penalties for uncertain income tax positions at May 31, 2019 and 2018.

Federal and state income tax statutes dictate that tax returns filed in any of the previous three reporting periods remain open to examination. Currently, the Orchestra has no open examinations with the Internal Revenue Service.

Cash and Cash Equivalents - For cash flow statement purposes, the Orchestra considers all highly liquid investments available for current use with an initial maturity of three months or less to be cash equivalents. All funds are held with institutions insured by the FDIC. As of May 31, 2019, and 2018, all funds were fully insured.

New Accounting Pronouncement: On August 18, 2016, FASB issued ASU 2016-14, Not-For-Profit Entities (Topic 958) – Presentation of Financial Statements of Not-for-Profit Entities. The update addresses the complexity and understandability of net asset classification, deficiencies in information about liquidity and availability of resources, and the lack of consistency in the type of information provided about expenses and investment return. Non-Profit Organization, Inc. has adjusted the presentation of these statements accordingly. The ASU has been applied retrospectively to all period presented.

Program Advertising Costs – The Orchestra uses advertising to promote its events among the audiences it serves. Advertising costs of \$50,291 were expensed for the year ended May 31, 2019. Advertising costs of \$61,833 were expensed for the year ended May 31, 2018.

NOTE 2 – LIQUIDITY AND AVAILABILITY OF FINANCIAL ASSETS

The Orchestra's financial assets as of the balance sheet date total \$35,700, reduced by property and equipment, net of accumulated depreciation of \$3,777. The financial assets available to meet cash needs of general expenditures within one-year total \$31,923.

NOTE 3 – COMPENSATED ABSENCES

Compensated absences for sick pay and personal time have not been accrued since they cannot be reasonably estimated. The Orchestra's policy is to recognize these costs when actually paid.

NOTE 4 – GRANT REVENUE

Grant revenue recognized as unrestricted revenue in the Orchestra's 2019 and 2018 financial statements consists of funds received for specific purposes and fully expended for that purpose during the same fiscal year.

NOTE 5 – DEFERRED REVENUE

Deferred revenue, in these financial statements, consists of amounts contributed by Orchestra patrons near year-end as part of the Orchestra's fund drive for the following concert season. Patrons are listed in programs for the season and, depending upon the level of contribution, may receive complimentary tickets and other benefits. At May 31, 2019 and 2018, the balances of deferred revenues were \$5,000 and \$38,450, respectively.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2018 AND 2019

NOTE 6 – ACCOUNTS RECEIVABLE

The balances owed to the Orchestra is comprised of the following:

	<u>2019</u>	<u>2018</u>
City of Texarkana, AR	\$ 6,708	\$ 9,333
Texarkana, TX Hotel Tax	10,183	6,896
Other Grants and Invoices	1,410	1,681
Total	<u>\$ 18,301</u>	<u>\$ 17,910</u>

NOTE 7 – PROPERTY AND EQUIPMENT

Property and equipment with a cost or value over \$500 are recorded at cost or estimated fair value, if donated. Depreciation is computed on the straight-line basis over estimated useful life of the assets. Balances of equipment and accumulated depreciation as of May 31, 2019 and 2018 are summarized below:

	<u>2019</u>	<u>2018</u>
Beginning Balance	\$31,315	\$31,315
Additions	1,871	-
Retirements	-	-
Ending Balance	<u>33,186</u>	<u>31,315</u>
Accumulated Depreciation	<u>(29,409)</u>	<u>(27,340)</u>
Equipment, Net	<u>\$ 3,777</u>	<u>\$ 3,975</u>

Depreciation expense for the year ended May 31, 2019 and 2018 totaled \$2,069 and \$2,138, respectively.

NOTE 8 – OPERATING LEASE

In November 2014, the Orchestra executed a new operating lease for office equipment under a four-year non-cancelable operating lease expiring in December 2018 and contains provisions for purchase at fair value upon the completion of the lease term.

NOTE 9 – NOTES PAYABLE FROM RELATED PARTY

In April 2018, Texarkana Symphony Orchestra received three \$10,000 short-term private loans from an anonymous related-party member to meet the requirements of an impending cash flow shortage. The balance was \$30,000 at May 31, 2018. Each loan was due in 120 days at an interest rate of 3.00%. This loan was paid in full in FY 2019.

In April 2019, Texarkana Symphony Orchestra received five \$10,000 short-term private loans from an anonymous related-party member to meet the requirements of an impending cash flow shortage. The balance was \$50,000 at May 31, 2019. Each loan was due in 120 days at an interest rate of 3.00%. The loan has not been paid as of the date of this report.

NOTE 10 – SUBSEQUENT EVENTS

Management of Texarkana Symphony Orchestra, Inc. has evaluated subsequent events through September 12, 2019, which is the date the financial statements were available to be issued.

Independent Auditors' Report

August xx, 2020

**To the Board of Directors
Texarkana Symphony Orchestra, Inc.**

We have audited the accompanying financial statements of Texarkana Symphony Orchestra, Inc. (a nonprofit organization), which comprise the statement of financial position as of May 31, 2020 and 2019, and the related statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risks assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

***TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS***

FINANCIAL STATEMENTS

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
STATEMENT OF ACTIVITIES
FOR THE YEARS ENDED MAY 31, 2020 AND 2019

	<u>2020</u>	<u>2019</u>
OPERATING REVENUES		
Contributions	\$ 256,463	\$ 236,880
Performance Revenues	100,291	123,358
Fundraiser Revenues	124,643	97,512
Grant Revenues	72,608	97,040
Other Income	109	53
Total Operating Revenues	<u>554,114</u>	<u>554,843</u>
OPERATING EXPENSES		
Program Services	400,433	399,908
Supporting Services:		
Management and General	147,423	144,144
Fundraising	6,006	13,168
Total Operating Expenses	<u>553,862</u>	<u>557,220</u>
Increase / (Decrease) in Net Assets	252	(2,377)
Net Assets, Beginning of Year	<u>(20,625)</u>	<u>(18,248)</u>
Net Assets, End of Year	<u>\$ (20,373)</u>	<u>\$ (20,625)</u>

The accompanying notes are an integral part of this statement.

2019			
Program Services	Supporting Services		Total Expenses
	General and Administrative	Fundraising Expenses	
\$ 50,291	\$ -	\$ 5,303	\$ 55,594
-	1,898	-	1,898
-	3,528	-	3,528
420	-	-	420
920	-	-	920
-	2,127	-	2,127
-	3,190	-	3,190
-	2,069	-	2,069
-	3,921	-	3,921
25,205	-	-	25,205
-	-	-	-
45,730	-	-	45,730
21,813	-	-	21,813
-	4,864	-	4,864
-	409	-	409
1,806	-	446	2,252
6,139	-	-	6,139
165,372	-	-	165,372
-	9,936	-	9,936
-	1,074	-	1,074
-	101,267	-	101,267
17,930	-	-	17,930
804	-	-	804
-	1,075	-	1,075
-	6,600	-	6,600
12,165	-	-	12,165
500	-	-	500
13,050	-	-	13,050
-	1,137	-	1,137
23,400	1,049	7,419	31,868
14,363	-	-	14,363
<u>\$ 399,908</u>	<u>\$ 144,144</u>	<u>\$ 13,168</u>	<u>\$ 557,220</u>

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2020 AND 2019

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of Orchestra – The Texarkana Symphony Orchestra, Inc. is a non-profit organization organized in January 2006 with the mission of providing live quality symphony concerts in the Texarkana area. The Orchestra's support comes primarily through grants, donor contributions, and concert admission fees.

Basis of Presentation – The financial statements of the Orchestra have been prepared on the accrual basis in accordance with accounting principles generally accepted in the United States of America. The financial statements are presented in accordance with the Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) 958 dated August 2016, and the provisions of the American Institute of Certified Public Accountants (AICPA) "Audit and Accounting Guide for Not-for-Profit Organizations" (the "Guide"). (ASC) 958-205 was effective January 1, 2018.

Under the provisions of the Guide, net assets and revenues, and gains and losses are classified based on the existence of absence of donor-imposed restrictions. Accordingly, the net assets of the Foundation and changes therein are classified as follows:

Net assets without donor restrictions: Net assets that are not subject to donor-imposed restrictions and may be expended for any purpose in performing the primary objectives of the Orchestra. The Orchestra's board may designate assets without restrictions for specific operational purposes from time to time.

Net assets with donor restrictions: Net assets subject to stipulations imposed by donors, and grantors. Some donor restrictions are temporary in nature; those restrictions will be met by actions of the Non-Profit Organization or by the passage of time. Other donor restrictions are perpetual in nature, where by the donor has stipulated the fund be maintained in perpetuity.

Estimates – The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Promise to Give – Contributions are recognized when the donor makes a promise to give to the Orchestra that is in substance, unconditional. Unconditional promises to give, due in the next year, are reflected as current promises to give and are recorded at their net realizable value. Unconditional promises to give, due in subsequent years, are reflected as long-term promises to give and are recorded at the present value of their net realizable value, using risk-free interest rates applicable to the years in which the promises are received to discount the amounts. An allowance for uncollectible promises is provided based on management's evaluation of potential uncollectible promises received at year end.

Contributed Materials and Services – The Orchestra records in-kind contributions; meeting the requirements for recognition in the financial statements if amounts are material. Contributions of non-cash assets are recorded at their fair values in the period received. Contributions of donated services that create or enhance nonfinancial assets or that require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donations, are recorded at their fair values in the period received.

The current year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$12,125 for the year ended May 31, 2020. The prior year contribution revenue and program service rent expense include an in-kind donation of facility use at the fair value of \$13,050 for the year ended May 31, 2019.

Income Taxes and Uncertain Tax Positions

Income Tax Status – The Orchestra qualifies as an organization exempt from income taxes under Section 501(c)(3) of the *Internal Revenue Code* and is subject to a tax on income from any unrelated business, as defined by Section 509(a)(1) of the Code. The Orchestra currently has no unrelated business income. Accordingly, no provision for income taxes has been recorded.

TEXARKANA SYMPHONY ORCHESTRA, INC.
TEXARKANA, ARKANSAS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEARS ENDED MAY 31, 2020 AND 2019

NOTE 6 – ACCOUNTS RECEIVABLE

The balances owed to the Orchestra is comprised of the following:

	<u>2020</u>	<u>2019</u>
City of Texarkana, AR	\$ 6,125	\$ 6,708
Texarkana, TX Hotel Tax	10,611	10,183
East Texas Community Foundation	12,295	-
Other Grants and Invoices	1,394	1,410
Total	<u>\$ 30,425</u>	<u>\$ 18,301</u>

NOTE 7 – PROPERTY AND EQUIPMENT

Property and equipment with a cost or value over \$500 are recorded at cost or estimated fair value, if donated. Depreciation is computed on the straight-line basis over estimated useful life of the assets. Balances of equipment and accumulated depreciation as of May 31, 2020 and 2019 are summarized below:

	<u>2020</u>	<u>2019</u>
Beginning Balance	\$ 33,186	\$ 31,315
Additions	-	1,871
Retirements	-	-
Ending Balance	<u>33,186</u>	<u>33,186</u>
Accumulated Depreciation	<u>(30,543)</u>	<u>(29,409)</u>
Equipment, Net	<u>\$ 2,643</u>	<u>\$ 3,777</u>

Depreciation expense for the year ended May 31, 2020 and 2019 totaled \$1,134 and \$2,069, respectively.

NOTE 8 – NOTES PAYABLE

Due to the COVID-19 pandemic, the Paycheck Protection Program was established by the CARES Act, and was implemented by the Small Business Administration (SBA) with support from the Department of Treasury. This program provided small businesses with funds to pay payroll costs, including benefits. Texarkana Symphony Orchestra received loan proceeds of \$21,500 on April 10, 2020. The loan is due in 24 months at an interest rate of 1.00%.

Texarkana Symphony Orchestra can apply for forgiveness of the full principal and any accrued interest by documenting at least 75% of proceeds were used for payroll costs. The Orchestra plans to submit an application for forgiveness in August 2020.

NOTE 9 – NOTES PAYABLE FROM RELATED PARTY

In April 2019, Texarkana Symphony Orchestra received five \$10,000 short-term private loans from an anonymous related-party member to meet the requirements of an impending cash flow shortage. The balance was \$50,000 at May 31, 2019. Each loan was due in 120 days at an interest rate of 3.00%. The Orchestra paid \$30,000 of this loan in FY 2020 making the balance \$20,000 at May 31, 2020.

In February 2020, Texarkana Symphony Orchestra received two \$10,000 short-term private loans from an anonymous related-party member to meet the requirements of an impending cash flow shortage. The balance was \$20,000 at May 31, 2020. Each loan is due in 120 days at an interest rate of 3.00%.



Strategic Plan

2015-2020

Prepared By:

Strategic Planning Task Force
August 2013-December 2014

Adopted By:

Texarkana Symphony Orchestra
Board of Directors
January 21, 2015

1 INTRODUCTION

1.1 Executive Summary

The ultimate goal of the TSO is to serve as a premier contributor to the cultural enrichment of the greater Texarkana area. The TSO endeavors to be a point of inspiration to the entire community, while serving as a catalyst for economic development through increased access to quality of life experiences. The TSO desires to be recognized on a regional and national level as a model for artistic excellence, a leader in cultural preservation, and a champion for good governance.

The vision of the TSO is to be recognized as a center of musical excellence—nourishing spirits, and developing intellectual and creative capital that adds value for all. The mission of the TSO is to pursue, for all, the transformative power of symphonic music through excellence in live performance and education. TSO is dedicated to ensuring that the world's great symphonic compositions are performed, heard, felt, understood, appreciated, valued, and expected in the greater Texarkana area – and that they endure as a relevant and valued part of the daily lives of our citizens today and for future generations. Furthermore, the TSO aspires to be the leading resource of professional music and musicians throughout far Northeast Texas, Southeast Oklahoma and Southwest Arkansas.

This strategic plan has been created with the sole purpose of identifying goals, objectives, action items, and metrics that will enhance the ability of the Orchestra to fulfill its mission and achieve success in accordance with its vision.

1.2 Elements

The strategic plan includes the following elements.

Mission: The mission is the reason we exist. It includes the overall purpose of the organization, defines the core of the Orchestra's work and identifies what must be done to realize our vision.

Vision: TSO's vision is what leads the organization into the future. Mindful of the successes and challenges of its first ten years, the vision forms the basis for needed change, growth, and at times abandonment. The vision is designed to be expansive and inspirational; the strategic plan seeks to support the vision through increased organizational understanding and direction.

Core Values: The core values are a series of statements that further define the Orchestra's method of doing business within its vision and mission.

Goals: The goals provide the framework through which the plan identifies the desired outcomes as they relate back to the vision and mission. Goals are the broadest of terms in this plan.

Objectives: The objectives outline the methods used to achieve the plan's goals and ultimately the Orchestra's mission.

Action Items: The action items are the specific tasks with assigned resources and deadlines for the Orchestra to use in addressing its objectives.

Metrics: The plan provides for a guiding narrative and set of tools to be used to access and identify progress through the implementation of the plan. These metrics are dynamic and will often be developed for individual programs or initiatives created to achieve the plans goals.

Peer Benchmarking: The strategic plan calls for the orchestra staff and Board of Directors to commit to following 10 peer orchestras over the same period. The peer orchestras have been chosen based on similar community characteristics and on data from the League of American Orchestras. Peer Benchmarking will be tied to individual action item metrics as well as overall artistic and governance measures.

Data: The strategic planning task force collected a series of data sets that were used in forming the plan. These data sets, found in the Appendix C, include: a SWOT analysis completed by the task force and board, a list of identified major themes, a list of the organization's current programs, and a dual bottom-line matrix evaluation of current programming.

1.3 Usage

The strategic plan will guide the TSO over the course of the next five years as it seeks to accomplish its mission. The Board of Directors, administrative staff, artistic staff, orchestra members and all other stakeholders will utilize the plan for all planning purposes throughout this time period.

Implementation of the action items defined in the plan will be accomplished either through the Orchestra's ongoing programs or activities, or specifically designed projects. As outlined in the plan's metrics summary, each of these programs, activities, or projects will establish methods of achieving the overall goal and evaluating the success or progress of the action item.

Updates on the status of the objectives, action items and metrics will be compiled, reviewed, and reported to the Board of Directors on a quarterly basis. Changes deemed necessary as the plan moves forward will be made only at the Board of Directors level. The overall strategic plan will be updated on an annual basis and presented to the TSO Board of Directors for approval.

2 VISION/MISSION/CORE VALUES/GOALS

2.1 History, Current Operational Structure and Financial Position

The TSO was founded by group of inspired initial patrons and presented its first concert on April 4, 2006. This performance was led by founding music director, Marc-André Bougie. The community hailed the creation of the Orchestra as a needed and powerful new resource for musical leadership in Texarkana. Within months, the Junior League of Texarkana chose to award

a \$100,000, 80th Anniversary Gift, to the Orchestra for its potential to foster educational excellence for children through local access to a professional music ensemble. This generous gift enabled the Board of Directors to immediately launch community outreach efforts, in-school educational programs, and student concerts. By the fall of 2007, the Orchestra established the Texarkana Youth Symphony Orchestra (TYSO), the first auditioned student ensemble of its kind for the area.

Given the phenomenal success of the Orchestra's first two seasons, the Board of Directors voted to employ a part-time executive director in the spring of 2008. After a national search, the orchestra hired Mr. R. Andrew Clark into this role. This new administrative position was made possible, in part, through the generous support of the Arkansas Arts Council's Expansion Arts Grant Program that provided the funds, training, and encouragement as the Orchestra's administrative capacity increased. The position of executive director was made full-time in January 2011.

Due to increased audience demand, the Orchestra solidified a series of both classical masterworks and symphonic pops concerts by its 2011-2012 season. Since that time the Orchestra has focused its main concert season around 4-7 annual performances, including: masterworks and pops concerts, a family Holiday concert branded as "Christmas at the Perot", and community focused concerts most often held in conjunction with Black History Month. With the exception of occasional concerts at the Sullivan Performing Arts Center, the historic Perot Theatre is TSO's official performance home.

The Orchestra's emphasis on educational excellence is achieved via initiatives which include: the affiliate youth orchestra, the Texarkana Youth Symphony Orchestra, which presents two concerts annually; two annual Student Concerts in the Perot; and in-school educational presentations each year. The TSO is a resource to our community through various soloists and ensembles from both the TSO and TYSO who are often featured in social, civic, and church programs throughout the year. The TSO continues to become an integral part of Texarkana's cultural tourism, and business recruitment and relocation initiatives. Since the TSO's founding it has brought nationally and internationally acclaimed artists to our area to both perform and participate in educational activities.

The TSO is governed by a 26-member Board of Directors, each initially elected to a three-year term. Board members may be re-elected for additional terms at the discretion of the Governance Committee. A majority of the work of the Board is performed in committees and presented to the Board for approval through a written consent agenda. Monthly board meetings are centered on needed action items and prepared topics related to the Orchestra's mission and governance. The Orchestra's current staff consists of: a full-time Executive Director, part-time Music Director and Youth Symphony Conductor, and part-time Librarian, and Bookkeeper. The Orchestra also benefits from numerous volunteers, chief among them a full-time volunteer Director of Operations.

TSO's financial position remains unstable. The Orchestra has been unsuccessful in keeping a significant financial reserve and has no general operating endowment. The Orchestra depends heavily on a small group of annual donors. Despite these issues the annual fund campaigns of the previous two seasons have met or exceeded income goals. For the just 2013-2014 season, earned income was 25% of total revenues, 5% from foundation grants, 10% from governmental grants, and 60% from contributed sources (patrons, underwriters, fundraisers). Expenses included 53% of funds used for artistic endeavors, 6% for educational programs, and 41% for general operations (staff salaries and benefits, marketing, fund raising...). The Board of Directors, Funding Committee, and Orchestra management recognize that our financial position is critical, and, therefore, it is the focus of a large portion of this strategic plan.

2.2 Vision

The vision of the TSO is to be recognized as a center of musical excellence—nourishing spirits, and developing intellectual and creative capital that adds value for all.

2.3 Mission

The mission of the Texarkana Symphony Orchestra is to pursue, for all, the transformative power of symphonic music through excellence in live performance and education.

2.4 Core Values

Artistic and Organizational Viability

We believe a commitment to excellence will set us apart from our peers.

Educational Outreach

We believe music education is critical and can foster a life-long love of the orchestra.

Sustainability

We acknowledge the vital link between financial stability and artistic growth.

Connections to our Communities

We will lead in building effective partnerships and creative innovation in all we do.

2.5 Goals

The following goals represent the desired outcomes of this plan. Detailed objectives and action plans are included on the charts in Appendix A.

- A. Achieve stability and growth in financial and human resources.**
- B. Produce symphonic programs of exceptional quality.**
- C. Build and maintain an increasing and diverse audience base.**
- D. Create exceptional educational and outreach programs in all endeavors.**

3 Metrics

The following timeline will be used for evaluating the Plan on a yearly basis. Standing committees of the TSO Board will be asked to report on work assigned to them from the Plan during each of their meeting times. TSO administrative and artistic personnel will be asked to keep the Plan in mind when setting their annual personal goals for evaluation process.

Quarterly of each Year of Plan—

Executive Director will provide an outline narrative of the work completed or ongoing for specific Goals, Objectives, and Action Plans within that quarter. These reports will occur at Board of Directors' meetings in April, July, October, and January.

Annual Board of Director Review and Updates—

The Board President and Executive Director will lead the TSO Board in a discussion on the Plan's progress, needed adjustments, and additions at least once per year. Currently, the plan is to have this Review at the December Board meeting each year.

Measurement and Evaluations—

Each assigned staff and/or committee will devise a set of measurements for their current action items under each goal. These rubrics will be used as a means of determining successes and challenges of each Goal within the Plan.

4 Peer Benchmarking

In addition to resources from the League of American Orchestras, the following list of orchestras will be considered "peer" orchestras for the term of this Plan. Each of these orchestras represents a strategic interest for TSO and/or is a League of American Orchestras' peer in terms of budget and size. TSO will follow the work of these orchestras as they relate to TSO's own Plan and programming for the next 5 years. The TSO ED and Staff will devise a plan for ongoing contact with each orchestra in regards to collecting data as they relate back to TSO's strategic plan.

South Arkansas Symphony Orchestra, El Dorado, AR (regional peer)
 Arkansas Symphony Orchestra, Little Rock, AR (strategic)
 Symphony of Northwest Arkansas, Fayetteville, AR (non-League regional peer)
 Shreveport Symphony Orchestra, Shreveport, LA (strategic)
 East Texas Symphony Orchestra, Tyler, TX (strategic)
 Dallas Symphony Orchestra, Dallas, TX (strategic)
 Plano Symphony Orchestra, Plano, TX (regional upper peer)
 Abilene Philharmonic, Abilene, TX (national peer)
 Carmel Symphony Orchestra, Carmel, IN (national peer)
 Missoula Symphony Orchestra, Missoula, MT (national peer)

5 Appendixes

- A** Goals, Objectives, Action Items Charts
- B** TYSO Strategic Plan
- C** Data sets from Strategic Planning Task Force
 - 1 Resources Inventory
 - 2 SWOT Analysis
 - 3 4-Topic Questions
 - 4 Major Themes
 - 5 Program Analysis
 - 6 Dual Bottom Line Matrix Guide
 - 7 TSO Dual Bottom Line Matrix for Programs

9q. 2

Market P

Pack

Packet Pg. 2

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TSO Strategic Plan 2015-2020

MISSION: To pursue for all, the transformative power of symphonic music through excellence in live performance and education.

GOAL A: Achieve stability and growth in financial and human resources.

Objectives	Action Items	Target Date	Assignment	Resources Needed	Status
Increase the staff to meet current and future needs	a. Transition Librarian and Personnel Manager positions to Employees	6/1/15	ED, Personnel Comm	to comply with changing nature of positions and employment laws	
	b. Create a 5 year administrative staffing plan.	5/1/15	ED, Personnel Comm	to include at least: administrative assistant, paid marketing director	
	c. Review and update Personnel Policy Manual based on staffing plan	8/26/15	ED, Personnel Comm	for board review and adoption by this date	
	d. Begin budget adjustments to allow for staff growth	fiscal year 2016	Funding/Finance Comm.	create the items for at least one new position to be funded in calendar year 2016	
	e. Solicit underwriting from donors to cover new staff for one year	1/1/16	ED, Funding Comm	reasoning that the position will allow for new growth in funding as duties are taken off of ED	
	f. Hire full-time Administrative Assistant Position	6/1/16	ED	based on budgeting accomplishments and/or underwriting for position	
	g. Hire part-time Marketing Director Position	6/1/17	ED	aim for growth of one position every fiscal year until plan is reached	
	h. Additional staff hires based on staffing plan and budget	2018-2020	ED, Funding Comm, Board		
5. Provide for professional and career development					
for artistic and administrative staff.	a. Establish new procedure for staff evaluations	3/31/15	Board; ED		
	b. Require annual staff goals based on job description and TSO mission	Annually Feb	ED; Board	includes redesign of board assessment of MID and goal setting for both MID and ED	
	c. Consider establishing guidelines for remuneration considerations related to evaluations.	3/31/15	Finance/Funding Comm./Board	provided in tandem with annual staff evaluations	
	d. Create rubric for Staff Development planning and evaluation	5/1/15	Personnel, Board, ED	review of goals/performance and pay	
	e. Establish line-item in annual budget for staff professional development	4/22/15	ED, Finan Comm, Personnel	revise existing tool for MID; create tools for ED and other administrative staff	
	f. Solicit funds to increase the Conductor's Endowment (used for prof dev)	1/1/17	Board/ ED/ Finance/Funding Comm	history of professional development expenses; line items in both artistic and admin	
6. Recruit and retain a gifted and diverse group of board members.					
	a. Adopt Board Statement on Diversity	1/21/15	Board, Strategic Plan Comm.	informed by discussion during the strategic planning process	
	b. Revise board matrix with list of current assets and needs	4/22/15	ED, Board Chair, Governance	updating the current matrix and forecasting potential weak areas or needs	
	c. Evaluate board application process and forms	4/22/15	ED, Board Chair, Governance	current application; represent the models from peer orchestras	
	d. Create Task Force to consider creation of an Advisory Board	6/1/15	ED, Board President	peer orchestra models; assessment of needs v. current board capacity	
7. Provide for Board Development					
	a. Develop & implement Board self-evaluations	4/22/15	Governance Comm, Board	use of materials from Board Source and the League of American Orchestras	
	b. Commit funds/budget for board development	4/22/15	Finan Comm, ED	based on needs for education about board responsibilities	
	c. Conduct annual board retreat	annually by Oct	ED, Board	use League of American Orchestras resources for selection of appropriate starting topics	
	d. 75% of Board meetings contain Board Development component	7/22/15	ED, Board Pres.	this has already begun; to include the majority of meetings by this date	
	e. 50% of Board attending 1-2 Arts or Orchestra national/regional workshop	6/1/17	ED, Board Pres, Governance	grant resources; budget line item; rotation of board member responsibilities	
	f. Create rotation list for Board member attendance/development	6/1/17	ED, Board Pres, Governance	rotation list of "representatives" who go to conferences, workshops for period of time	
e. BHAG - sponsor or co-sponsor nationally known arts speaker to area					
		fiscal year 2017	ED, Board, Funding Comm	with funding for travel and registration by grants and TSO budget	
				examples would be NEA Chair; League of American Orchestras's CEO.	

APPENDIX A-GOAL A

TSO Strategic Plan 2015-2020

MISSION: to pursue for all, the transformative power of symphonic music through excellence in live performance and education

GOAL A: Achieve stability and growth in financial and human resources.

Objectives	Action Items	Target Date	Assignment	Resources Needed	Status
b. Maximize the retention and use of current and future volunteers.					
a. Identify most consistent volunteers		6/1/15	ED, Operations Vol	Inventory of committees; special events volunteers; over last 5 years	
b. Compile list of mission work needing volunteers		8/1/15	ED, Operations Vol, Comm Chairs	committees job descriptions; office tasks lists; special events/fundraising needs	
c. Review and make additions to Volunteer Handbook/Descriptions		6/1/16	ED, Operation Vol	current volunteer opportunities descriptions; models from peers; Arkansas NP Alliance	
c. Create task force to study feasibility and organization of Vol Organization		10/28/15	Board Pres, ED	history of the organizations in TSO; peer orchestra models; state volunteer organizations	
d. If feasible, launch volunteer organization		6/1/16	Board		

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TSO Strategic Plan 2015-2020**MISSION:** to pursue for all, the transformative power of symphonic music through excellence in live performance and education**GOAL B:** Produce symphonic programs of exceptional quality.

Objectives	Action Items	Target Date	Assignment	Resources Needed	Status
1. Create a 3-5 year artistic plan.					
a. Define large-scale Masterworks goals		3/31/15	MD, Artistic Comm	history of last 5 years; tkt sales trends; MD personal goals; audience survey feedback	
b. Present detailed 3 year plan, MW specific;		5/27/15	MD, Artistic Comm, Fund Comm	informed by goals set by Artistic Comm, MD and Funding Comm; audience feedback	
c. Annual Evaluation of 3 year MW Plan		Annually Oct	Artistic Comm, MD, ED, Funding	ticket sales data; audience survey data; musician feedback	
d. Develop philosophy for Pops Series concerts		5/27/2015	MD, ED, Artistic Comm.	peer orchestra trends; League of American Orchestra's data on admin	
e. Develop 2 year plan for Pops Concerts		5/27/15	MD, ED, Artistic Comm.	based on data from above; trends in peer orchestras; audience tkt sales history	
f. Present to Board detailed 2 year plan for Pops		8/26/15	MD, ED, Artistic Comm.	from history collected from sources below	
2. Build a consistent core of musicians from season to season.					
a. Develop master list of top Musicians		4/30/15	MD, Personnel Manager, Oper	orchestra personnel rosters from last 5 years; audition results/reviews; references	
b. Create desired core musicians list and position		5/15/15	MD, Personnel Manager	list of positions to be in core; # of musicians; peer orchestra research	
c. Survey the Core Musicians on Consistency		6/1/15	MD, Personnel Manager, ED	survey monkey; history of questions asked of personnel manager; needs of orchestra	
d. Launch Task Force on growing resident pool of musicians long-term.		9/1/15	Board Pres, MD, ED, Artistic Comm	peer orchestra structures; personnel manager input; local school systems needs	
e. Partner with local schools to hire another locally based professional string musician		8/1/16	ED, MD, Artistic Comm, Funding	needs of local schools/districts; deans of area music schools; education criteria	
d. BHAG - attract resident string quartet to Tpk		6/1/20	ED, MD, Artistic Comm, Funding	peer orchestra trends; needs of local districts; needs of other area orchestras	
3. Provide for guest conductors.					
a. Develop plan for guest conductors		4/22/15	MD, Artistic Comm, ED	peer orchestra information; League of American Orchestra's conductor information	
b. Host guest conductor for Pops or Education Concert		fiscal year 2016	MD, Artistic Comm, ED	based on Artistic Committee programming; most likely pops programs first	
c. Host guest conductor for 1 Masterworks Concert		fiscal year 2017	MD, Artistic Comm, ED	based on Artistic Committee programming; audience review of 1st guest conductor	
d. Plan for at least 1-2 guest conductors annually based on number of concerts per season		fiscal year 2020	MD, Artistic Comm, ED	audience feedback; guest conductor fees schedules; Artistic Comm plans	

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A	B	C	D	E	F	G	H	I	J	K	L
1	TSO Strategic Plan 2015-2020										
2	MISSION: to pursue for all, the transformative power of symphonic music through excellence in live performance and education										
3	GOAL C: Build and Maintain an increasing and diverse audience base.										
4	Objectives	Action Items	Target Date	Assignment	Resources Needed	Status					
5	1. Create an audience assessment policy/process										
6	a. Develop list of program areas to be assessed:	6/30/15	ED, Artistic, Funding		previous surveys, peer knowledge, artistic plans for next 2 seasons, audience demographics, single ticket sales trends						
7	b. Plan use of data collected in surveys	6/30/15	ED, Artistic, Funding, Oper		study use of previous collected data, League of American Orchestras' concert data review of success with concert by concert survey, peer method--email, print, online						
8	c. Decide on number of surveys to be done annually.	6/30/15	ED, Artistic, Funding		best practices of marketing surveys, peer success, TSO previous success						
9	d. Determine appropriate measurement tools.	8/1/15	ED, Artistic, Funding		deployment methods: need change? Return rate? Data usefulness?						
10	e. Create and launch surveys for season 2015-2016	1/15/16	ED, Artistic, Funding, Oper		may be informed by funding plans, likely through smaller responses and offers						
11	f. Establish rubric for survey/communications with 1st time concert goers, whether they complete survey fully or not	6/1/17	ED, Artistic, Funding, Oper		the Dallas Symphony Orchestra model is good--research further						
12	g. Design and Schedule Surveys for 16-17 and 17-18 Seasons based on Artistic Committee long-term plans	4/30/18	ED, Artistic, Funding		use of data over 3 year cycle; best practices in transforming artistic plans based on audience feedback						
13	h. Evaluate survey methods, measurements, data for 3 yr period	6/1/18	ED, Artistic, Funding		data collection; CRM program and funding history						
14	i. Design and Schedule Surveys for 18-19 and 19-20 Seasons				technologies likely to have changed; audience demographics/growth or decline?						
15											
16											
17											
18											
19											
20											
21											
22	2. Develop and Market concerts to non-traditional audiences or underserved groups.										
23	a. Participate in Task Force B. Historic District Economic Impact Studies to be conducted with A&M and Chamber of Commerce	PT2016	ED		TSO ticket buyer, audience demographics, and patron data; data of peers in like cities, data from local and national press and partner organizations, ED from						
24	b. Determine if separate Task Force is needed for project/work.	5/31/15	ED, Board Pres		Based on goals of Impact Study and potential to benefit TSO individually						
25	c. Identify potential audience segments.	8/30/15	ED, Fund, Finan, or Task F		data from A&M and A&M Impact Study; audience/ticket buyer data; patrons						
26	d. Hold focus group meetings with reps of potential segments	fall 2015	ED, Fund, Finan, or Task F		partly in conjunction with study data, peer input on questions to ask, artistic plans						
27	e. Create/compile profile data on recent and potential audiences	3/31/16	ED, Fund, Finan or Task F		impact study results, state arts data, local demographic, League Mapping Study data						
28	f. Determine best means to reach these groups: specific concerts/programming, events around existing concerts, or develop affinity groups (young professionals...)	5/1/16	ED, Fund, Artistic or Task F		comprehensive data from TSO surveys, attendance, impact results, artistic planning						
29	g. Research best means to market to underserved audiences or groups: marketing analysis.	6/1/2016	ED, Task F		peer orchestra data, League Conference Data, State data, TSO success history						
30	h. Add underserved focus to one concert per season	start 15-16	ED, MD, Artistic, Task F		plans for outreach based on known data before impact study, (informed for future as a part of ongoing 3 yr cycle planning and evaluation of Artistic goals						
31	i. Solve for strategic thinking in repertoire selection and concert development--always asking who would attend?	Annually	ED, MD, Artistic								
32											
33											
34											
35											
36											
37											
38											
39											
40	3. Increase single ticket/walk-up revenues.										
41	a. Research the possibilities and limitations of ticket sales with the PTMC.	4/30/15	ED, Operations, Funding		records of box office, TSO history, peer trends, abilities of Choice System (at Perot)						
42	b. Negotiate better audience data capture with PTMC	6/1/15	ED, Board Pres, Funding		data needs for last minute walk-ups; records of instances of failed equipment						
43	c. Consider costs of Choice Overlay to TSO new CRM program	summer 15	ED, Operations, Finan		costs from Choice; usefulness of data; commitment of PTMC to update, CRM type and requirements of program						
44											
45											
46	d. Update or provide new means to purchase tickets through TSO website	7/1/15	ED, Board Pres, Operations		Choice and PTMC requirements; changes to PTMC site; new website updates						
47											

2021-036 ATTH 03

	A	B	C	D	E	F	G	H	I	J	K	L
1	TSO Strategic Plan 2015-2020											
2	MISSION: to pursue for all, the transformative power of symphonic music through excellence in live performance and education											
3	GOAL C: Build and Maintain an increasing and diverse audience base.											
4	Objectives	Action Items	Target Date	Assignment	Resources Needed				Status			
48		e. Broadly Market a Pick-3 or 4 option for season tickets	start 15-16	ED, Operations, Box office	box office abilities, marketing materials, updated website							
49		f. Addition of "Rush Hour" style ticketing	season 16-17	ED, Operations, Box office	test this option at one concert in 15-16, implement for all pcos in 16-17							
50		c. BHAG--have dynamic ticket pricing by 2020.	2018-2020	ED, Operations, Box office	updates to PTMC systems and their commitments, cost of a seat changes with demand, location, and date-to-concert real-time data see Dallas Symphony example							
51												
52	4. Explore alternative concert venues and formats.											
53		a. Work with the Cities of TX to establish possible venues for outdoor concerts.	2015-2016	ED, Board Pres, Operation	previous attempts background, party/one location in cities, costs of equipment rental sound system needs, musicians pay expectations, peer experiences with format							
54		b. Canvass/survey current audience on implementation of new formats: mainline concerts, family concerts, chamber music, outdoor...	4/1/16	ED, Operations, Funding	based on peer experience, upper patron ideas (Tom Sadowitz and Anonymous), included in paper concert survey and possible email/online surveys							
55		c. Research and create up-to-date \$5 on outdoor concerts.	summer 2016	ED, Operations, Funding	league data and vendors list, equipment available for rent in Texas/area, that could result in task force to complete funding and logistic process...names that recur are Tom Sadowitz, Don Bowman, Anonymous, and others...							
56		d. Develop list of potential partners/underwriters of alternative concert formats.	by 9/1/2016	ED, Board Pres, Funding	testing methods, price, location, partners contribution							
57		e. Explore Chamber or "Symphony where you are" concept	6/1/15	MD, ED, Artistic	Bole and past meetings with A&M, examples from Longview Symphony and St Louis							
58		f. Reimplement Chamber Concert series by 2017.	season 16-17	MD, Artistic, ED	outdoor venue concert Task Force recommendations							
59		g. BHAG--present some form of outdoor concert by 2018.	season 18-19	ED, Artistic, Task F								
60												
61												
62												
63												
64												
65												

APPENDIX A – GOAL D

Attachment: 2021-036 ATTH 03 TSO-Perot Bid-Proposal (2472) : 2021-036 RES Perot Mgmt Contact w/ TSO

A	B	C	D	E	F	G	H	I	J	K
1	TSO Strategic Plan 2015-2020									
2	MISSION: to pursue for all, the transformative power of symphonic music through excellence in live performance and education									
3	GOAL D: Create exceptional educational and outreach programs in all endeavors.									
4	Objectives	Action Items	Target Date	Assignment	Resources Needed	Status				
7	1. Implement the TSO Strategic Plan									
8	a. Create a community advisory council		6/1/15	Edu Comm, ED, Oper., TSO C	list of volunteers identified; input from parents and educators					
9	b. Develop 2 year plan for interactive opportunities between TSO & TSO (ex. Slide-by-slide)		8/1/15	TSO C, Artistic Com, ED, MD	review successes and challenges of previous slide-by-side performances schedule at least 1 side-by-side opportunity every other year.					
10	c. Meet annually with TSO Funding Com. to determine needed assistance from TSO advisory group		Annually Nov	ED, Funding, Advisory Comm. TSO Cond./MD/ED	TSO strategic plan; funding needs and capabilities with TSO budget; funding opportunities through grants and large individual donors					
12	d. Provide volunteer & financial assistance for local, week-long string camp		Summer 2018	TSO Bd, TSO Adv., Edu. Com.	as part of the TSO Strategic Plan as a long-range goal					
13										
14										
15										
16	2. Support music education in area schools & universities									
17	a. Work with public school districts to improve string programs; provide guest artist experiences, after school programs, private lessons		by 6/1/2016	ED, Educ Comm, Operations	see Goal B.2.d, on cooperating to bring resident quartet to Texarkana; potential to impact schools and TSO; possible pool of current TSO musicians who could give time					
18										
19	b. Explore impact a resident string quartet could have		9/1/15	Educ Com, Operations, ED	results of Goal B, Objective 2;					
20	c. Explore potential for extended, annual artist residencies funded by AR Arts Council, school districts, Artsmart		7/1/15	ED, Educ Com, Operations	background on collaborators; outreach to surrounding area districts					
21										
22	d. Revamp/re-design TSO in-school education programs to make them more visible and marketable		summer 2016	Educ Com, MD, ED, Fund	past programs; peer orchestras; data from DC office of League/MEA, Artistic Plans					
23										
24	e. Expand discussions with Texarkana A&M for campus series		4/30/15	ED, Educ Com, Artistic	meetings with A&M President in 2014, dialing with possible funders					
25										
26										
27	3. Continue to provide concerts designed especially for school-aged students									
28										
29	a. Evaluate effectiveness of Student Concerts in the Perot Theatre		6/1/15	Educ Comm, ED, Operations	review teacher surveys and comments; effectiveness of program styles					
30										
31	b. Develop curriculum for orchestra performances (K-12)		by FY 2018	MD, ED, Educa Comm	using existing packets and making more online material; educational consultant					
32	c. Commission new works for Student Concerts		Jan-16	MD, ED, Educa Comm, Funding	Commission new work based on classical masterworks; models from St Louis, Boulderswys					
33	d. Addition of a Family Concert		Jan 2017	MD, ED, Educa Comm, Funding	Family concert centered around the same work as used in Student Concerts					
34										
35	4. Promote a life-long appreciation of music and the orchestra									
36										
37	a. Create concert program based "you take it from here" educational materials to lead audience to explore		9/1/15	ED, Educa Comm	use test models from 14-15 season; tied to new website; guest writers?					
38										
39	b. Create up-to-date informational programs/stories for presentation to variety of community groups		6/1/16	ED, MD, Educa Comm	updating existing conductor "talks;" peer research in public value and community awareness talks for promotion of orchestra's education benefit to the community					
40										
41										

TYSO Strategic Plan FY15 – FY19

Guiding Principles

Mission

The mission of the Texarkana Youth Symphony Orchestra is to foster a love of music and build friendships through excellence in orchestral education and performance experiences.

Vision

It is our vision that the Texarkana Youth Symphony Orchestra will be widely recognized as a premiere orchestral education program.

Goals:

I. The students will grow as musicians and individuals.

Objectives:

A. Students create a musical skills development plan.

Strategies:

1. Through a survey, students will set a musical goal for their own music skills development.
2. Provide leadership opportunities during rehearsals and performances, i.e. earn principal position, lead/organize an ensemble.

B. Students develop a plan for self-achievement.

Strategies:

1. Through a survey, students will offer suggestions for developing personal goals.
2. Develop a student advisory committee and set tasks.
 - a. Plan fundraisers
 - b. Social activities
 - c. Explore other leadership opportunities outside of rehearsal and performance
3. Allow for a social time at practice, i.e. for snacks, announcements.

II. Orchestral education and performance experiences are challenging and rewarding.

Objectives:

A. Side by side concert opportunities for TYSO

Strategies:

1. TSO Music Director and TYSO Conductor collaborate to prepare date and repertoire.
2. Provide professional section coaches.
3. TSO Music Director leads rehearsals.

B. Create opportunities for ensemble experiences and performances.

Strategies:

1. Survey student interest.
2. Create ensembles and plan repertoire.
3. Create a structure for ensemble rehearsal.
4. Explore venues for ensemble performance opportunities.

C. Reward commitment to TYSO

Strategies:

1. Explore funders to provide TYSO members with tickets to professional orchestral concerts.
2. Offer resume references for further education.
3. Feature ensemble(s) at TYSO concerts and community events.
4. Offer scholarships to sponsor qualified TYSO students for summer music camp experiences.

D. Offer a summer week-long String Camp.

III. Organizational structure supports TYSO's growth.

Objectives:

A. Create a Community Advisory Council to:

- Communicate new mission, vision, and values to students and parents.
- Recruit council members and volunteers to accomplish Strategic Plan goals and objectives.
- Plan and implement programs and projects.

B. Create a marketing plan for TYSO.

Strategies:

1. Expand TYSO presence on TSO website. (Include the TYSO Strategic Plan online)
2. Coordinate with TSO for email blasts, print materials, and advertising.
3. Promote short and long-term benefits for students and parents.
4. Create awareness of community benefits from students' TYSO experience.

C. Develop an evaluation plan for measuring effectiveness of TYSO programs.

Strategies:

1. Periodically review programs and their impact on students achieving their musical and individual goals.
2. Conduct annual student and parent surveys.
3. Survey concert audiences.
4. Create an online survey for music educators to get input regarding TYSO.
5. Track the TYSO students' high school graduation and college admission rates.

IV. Funding fully supports TYSO operations.

Objectives:

A. Develop a funding plan that diversifies TYSO funding across multiple funding streams.

B. Work with TSO's funding committee to identify income sources.

Strategies:

1. Corporate sponsors
2. Grants
3. Patrons

TSO Resources Inventory

Artistic Staff

Music Director/Conductor (part-time, salary, resident)

Youth Symphony Conductor (part-time, salary, resident)

Concertmaster (excellent for orchestra of our size, non-resident, contractor)

Principal Musicians (8 positions are longstanding, non-residents, contractors)

Librarian (part-time, hourly)

Personnel Manager (non-resident, contractor)

Administrative Staff

Executive Director (full-time, salary)

Volunteer Director of Operations (full-time equivalent)

Bookkeeper (part-time, hourly)

Data Entry Volunteer (2-3 hours per week as needed)

Current Assets

Office Equipment

2 Office Computers (2013) (purchased)

1 HP Laser All-in-1 Printer (2014) (donated)

1 Canon All-in-1 Printer (2008)

Xerox Digital Copier (2010) (contracted)

Business Phone System (2010) (3 handsets, 3 phone lines, one dedicated fax line)

BancorpSouth Merchant Services Credit Card Terminal (2010) (wireless type)

Linksys Wireless Router (2014)

Software: Windows 7, Office Home & Business 2013, Quickbooks Pro Non-Profit 2013,
Adobe Creative Suite 6.

Furniture, Filing Cabinets (files and music)

Paper Donations from Domtar (Letter, Legal, Tabloid, end-roll)

Artistic Equipment

Music Library: 241 Symphonic, Scores/Parts; 26 Choral Anthems/Collections

8 Wenger Cello Chairs

1 Professional 88-Key Digital Piano

52 Orchestra stand lights

1 Wenger Double Conductor's Podium

Crash cymbals, suspended cymbal, triangle, tambourine
 1 bass drum (medium sized) and stand
 Wenger School Percussion Table
 Wenger School Locking Percussion Cabinet
 ¾ Double Bass and Bow
 Maple Snare Drum and Stand
 3 Ludwig Hammered Copper Timpani and Covers

Financial Reserves (from Statement of Financial Position 8/9/2014, see attached)

Checking/Savings Balances

\$112,170.12	Commercial National Bank Checking
\$2,174.36	Commercial National Bank Money Market Account
\$52,394.93	Farmer's Bank & Trust 9mos. CD at 1.07%

Accounts Receivable

\$42,184.34	Grants
\$7,200	Pledges
\$8,280	Program Ads

Deferred Income

\$57,262	Season Ticket Sales
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Endowment

\$10,000	Arkansas Community Foundation—Conductor's Endowment
----------	---

TSO Task Force SWOT Analysis

Strengths:

1. TYSO – education
2. Excellence of performances and consistency in everything
3. Consistency of staff
4. Staff – highly competent and devoted
5. Passionate leadership
6. Musical resources to do the mission we say we will do
7. People are still excited about TSO
8. Location downtown
9. Quality – print material, music – high standards
10. Donor base
11. Dedicated Board members; “snob appeal”; concerts for everyone

Weaknesses:

1. Mission creep – too much experimentation; going away from core mission/over reaching; not always true to the mission
2. Long-range financial instability; precariousness
3. Lack of staff – need more staff to sustain our goals
4. Mean age is “older” for performances/supporters (“younger” crowd on Saturdays)
5. Lack of Board leadership in fundraising; working Board, giving Board – “Give and Get”
6. Need outreach in communities; geographic; pursue people; variety of audiences; more diverse
7. We have a large number of larger donors. We do not have a large number of small donors. We don’t have a feeder system.
8. A lack of visible and significant partnerships to be involved with the TSO – How can TSO help other organizations?
9. Limited venues (eg. Outdoor)
10. Interest; involvement*; investment

Opportunities:

1. Expanded educational institutions; college age students
2. Texarkana – on great growth track
3. 10 year anniversary
4. Partnerships with non-musical organizations
5. The economic climate may change – be ready
6. TSO is receiving recognition from non-musical entities: businesses, media, Chamber council members; use as a springboard for TSO
8. To be able to hire a marketing communications group
9. Growth of TYSO/ public school system
10. TSO is unique to Texarkana
11. Use technology to our advantage
12. Position ourselves to perform for conventions and other opportunities

Threats:

1. TRAHC; more varied performances
 - In business 35 years
 - Broadway
 - Ballet
 - Country
 - Theatre
 - Arts on campuses
 - Visual arts
 - *NOT classical
2. Some large donors desire to fund that variety of arts presentations
3. People think TSO is a "sub-set" of TRAHC
4. Perot Theatre managed by TRAHC
5. Lack of marketing/communications; *messaging campaign
6. ArtsSmart
7. The city may get burned out
8. The Depot will have another "BRAC" resulting in loss of supporters
9. State and Federal funding will decrease
10. Increasing musician costs
11. Volunteer drain
12. People may lose excitement for what we do; we need to adapt
13. We limit our potential
14. Need a larger pool of smaller donors

In 3 years, how do you hope TSO is different from what it is today?

1. Development officer on staff
2. A larger consistent audience
3. More integration of youth
4. Own identity
5. Everybody will know we exist – Cheers!
6. More diverse audience
7. Recognized presence on college campuses
8. Economic viability guaranteed
9. Larger budget – revenue and expenses
10. More musicians living in Texarkana
11. New options for musical performances
12. Better/consistent messaging in the community

What 4 to 5 things are most important to do to make sure TSO is successful in the future?

1. More revenue from donors, ticket sales, development officer
2. Quality of performances; top know artists
3. Keep minds open to more types of music
4. Administrative staff
 - Maintain Executive Director and Conductor of high caliber
6. Have our own venue!

If you could change one thing in TSO, what would it be!

1. Plant a "money tree"
2. A bequest to endow TSO
3. Always sell out the concerts
4. Hire a person to take charge of financial/resource development
5. Branding/messaging

Board Leadership Development

1. Young professionals group
2. **Advisory** council
3. Hold positions on the Board for several college and high school students
4. Need more diversity – culture, ethnicity, geography, work place

Resource Development

1. Hire development officer
2. Consider skill-set required
3. Opportunity to "move people up" in giving
4. Benefits to sponsors

Texarkana Symphony Orchestra
Program Analysis — Compass Point's Dual Bottom Line

4 Topic Questions

1. *Mission.* How well are we achieving our mission and how could we have a greater impact? (First generally and then specifically to each program.)

2. *Finances.* Are our operations financially viable, and how can we ensure the long-term financial stability of our organization? Do we have effective financial management systems in place to monitor our finances? How does our financial situation impact each program we offer?

3. *Administrative Capacity.* Do we have the administrative capacity to effectively and efficiently support our programs and services? What would it take to maximize our organizational capabilities in terms of planning, human resources and leadership, organization culture and communication, and our technology and facilities infrastructure?

4. *Governance.* How effective is the board at protecting the public's interest, ensuring that charitable dollars are used effectively and efficiently and that the organization is fulfilling its mission? Does the board understand how our programs fit our mission and the dollars we spend on them? What can we do to ensure that our board is able to fulfill its governance role now and for the future?

Texarkana Symphony Orchestra

Discussion from Strategic Planning Meeting on July 28, 2014 and revised at August 10, 2014 meeting.

Major Themes

Diversity...but remember the HEART of what we do in the process...not everyone will like what we do nor will they be interested in supporting us...board members...audience...

Funding...must have adequate resources to continue our mission and reach new objectives...growing the lower end of our donor base...what is sustainable and what is not...maintaining and growing streams of earned revenue (concert tickets)...establishing a fund reserve (part of the sustainability issue)...funding plan...continued expansion of grant writing (where appropriate)

Marketing...to our community about what we do and what we offer...impact on community that still doesn't know we exist...website...television...public value/quality of life...get or buy a "solicitation list" to grow contacts...identity that stands out in community...relationships with TRAHC and other arts organizations—collaborative vs. competitive...social media

Education...exploit TYSO...expand student concerts...means of educating audience and public about music...build on relationships with college/universities...develop possible relationships and residencies with public school systems...

Concert Excellence...maintain and grow the level of playing and musicianship...provide professional development for conductors...variety of music...guest conductors...outdoor concert...explore other venues besides Perot...

Staffing...grow resources to adequately staff the programs we have without jeopardizing the future...administrative assistant...development...marketing...support and adequately fund continuing education for our current staff

Snob Appeal...address this perception, right or wrong...music for everyone...ticket pricing...

Texarkana Symphony Orchestra

Programming List as of Summer 2014

Present Programs:

Concerts

- 3 Masterworks Concerts
- 2 Pops Oriented Concerts
- Christmas at the Perot

Education/Outreach

- Texarkana Youth Symphony Orchestra
- Student Concerts at the Perot
 - 9:30AM—K-5th Grade
 - 12:30PM—6th-12th Grade
- Guest Artists in Schools
- Pre-Concert Lectures

Earned Income Programs

- Program Sponsorship Ads
- Advanced Discount Season Tickets
- Pick 3 & Pick 4 Ticket Packages

Contributed Income Programs

- Celebrity Conductor Competition
- Annual Benefit Draw Down

Development Programs

- Concert Sponsors
- Pre-Concert Wine & Cheese Receptions
- Post-Concert Patron Parties
- Annual Fund
- Chair Sponsors
- Grants

Evolving or Past Special Programs:

Concerts

- Black History Month
- Gospel Concert
- Creepy Classics Collaborative Concert
- Chamber Concert Series (presenting ensembles)
- International Exchange Concert
- St. James Concert

Education/Outreach

- Maestro in Schools
- Musicians in Schools
- Youth Concerto Competition
- TSO/TSO Side-by-Side Concerts

Earned Income Programs

- Orchestra Run-outs (large and small)

- OBU Messiah Performance
- OBU Opera Performance
- MRC Cornerstone Event
- Martha and Josh Morriss Event
- Julia Mobley
- TRC Performances

Development Programs

- Patron Cultivation Events/Season Kick-Off
- Season Kick-Off Party at TCC
- Patti and Chuck Shaffer
- Caroline and Mike Craven
- Wanda and Jon Northam
- Judy and Jim Morgan/Mike and Pete Mankins

Using the Dual Bottom Line Matrix

MISSION Impact Programs...

- tangible results
- visible progress towards achieving mission
- leverage potential—synergy with other programs

FINANCIAL Viability Programs...

- cover all costs (both direct and indirect)
- generates a surplus of revenue (profitable)
- is projected to have financial sustainability in the future
- has a proven financially viable business model

Recommended Strategies for Each Quadrant:



STAR= High Mission Impact + High Financial Viability
Business Strategy: Invest and Grow



STOP= Low Mission Impact + Low Financial Viability
Business Strategy: Discontinue or Give Away



HEART= High Mission Impact + Low Viability
Business Strategy: Keep but Contain Costs



MONEY TREE= Low Mission Impact + High Profitability
Business Strategy: Water and Harvest, Increase Impact



3 Masterworks Concerts
Student Concerts at the Perot K-12
Guest artists in schools
Pre-Concert Lectures

Black History Month
Chamber Concerts
International Exchange
Maestro in Schools

BHAG-Resident

Keep, Contain Costs



Pick 3 and Pick 4 Ticket Packages
Creepy Classics
Concerts in Schools (12 musicians)
Youth Concerto Competition

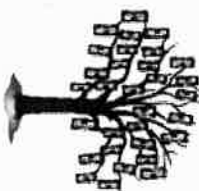


Pops Concerts (orchestra centered)
Christmas at the Perot concert
TYSO
Chair Sponsors
Pre-Concert Lectures
Gospel Concert
TYSO/TSO Side-by-Side

Invest and Grow



Christmas at the Perot concert
1 Pops Oriented Concert (guest artists)
Program Sponsorship Ads
Advance Ticket Sales at Discount
Celebrity Conductor Competition
Annual Benefit/Drawdown
Concert Sponsors
Wine & Cheese pre-concert Party
post-concert Patron Parties
Annual Fund Drive
Chair Sponsors
Grants
Pick 3 & Pick 4
Earned Income



**Texarkana Symphony Orchestra
Employee Handbook**



EMPLOYEE RECEIPT AND ACCEPTANCE

I hereby acknowledge receipt of the Texarkana Symphony Orchestra (TSO) Employee Handbook. I understand that it is my continuing responsibility to read and know its contents. I also understand and agree that the Employee Handbook is not an employment contract for any specific period of employment or for continuing or long-term employment. Therefore, I acknowledge and understand that unless I have a written employment agreement with TSO that provides otherwise, I have the right to resign from my employment with TSO at any time with or without notice and with or without cause, and that TSO has the right to terminate my employment at any time with or without notice and with or without cause.

I have read, understand and agree to all of the above. I have also read and understand the TSO Employee Handbook. I agree to return the Employee Handbook upon termination of my employment.

Signature _____

Print Name _____

Date _____

CONFIDENTIALITY POLICY AND PLEDGE

Any information that an employee learns about TSO, or its members or donors, as a result of working for TSO that is not otherwise publicly available constitutes confidential information. Employees may not disclose confidential information to anyone who is not employed by TSO or to other persons employed by TSO who do not need to know such information to assist in rendering services.

The disclosure, distribution, electronic transmission or copying of TSO's confidential information is prohibited. Any employee who discloses confidential TSO information will be subject to disciplinary action (including possible separation), even if he or she does not actually benefit from the disclosure of such information.

I understand the above policy and pledge not to disclose confidential information.

Signature: _____

Print Name: _____

Date: _____

Please sign and return to the Executive Director.

Texarkana Symphony Orchestra
EMPLOYEE HANDBOOK

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I. MISSION

The mission of the Texarkana Symphony Orchestra (TSO) is to pursue, for all, the transformative power of symphonic music through excellence in live performance and education.

II. OVERVIEW

The Texarkana Symphony Orchestra (TSO) Employee Handbook (the "Handbook") provides general guidelines about TSO policies and procedures for employees. It is a guide to assist you in becoming familiar with some of the privileges and obligations of your employment, including TSO's policy of voluntary at-will employment. None of the policies or guidelines in the Handbook give rise to contractual rights or obligations, or a guarantee of employment for any specific period of time, or any specific type of work. Additionally, with the exception of the voluntary at-will employment policy, these guidelines are subject to modification, amendment or revocation by TSO at any time, without advance notice.

The personnel policies of TSO are established by the Board of Directors, which has delegated authority and responsibility for their administration to the Executive Director. The Executive Director may, in turn, delegate authority for administering specific policies. Employees are encouraged to consult the Executive Director for additional information regarding the policies, procedures, and privileges described in this Handbook. Questions about personnel matters also may be reviewed with the Executive Director.

TSO provides each individual a copy of this Handbook upon employment. All employees are expected to abide by it. The highest standards of personal and professional ethics and behavior are expected of all TSO employees. Further, TSO expects each employee to display good judgment, diplomacy and courtesy in their professional relationships with members of TSO's Board of Directors, committees, membership, staff, and the general public.

III. EMPLOYMENT POLICIES AND PRACTICES

A. Definition of Terms

1. **Employer.** The TSO is the employer of all full-time and part-time employees. An employee is hired, provided compensation and applicable benefits, and has his or her work directed and evaluated by TSO.
2. **Full-Time Employee.** A Full Time Employee regularly works at least 35 hours per week.
3. **Part-Time Employee.** A Part-Time Employee regularly works less than 35 hours per week.

4. **Exempt Employee.** An Exempt Employee is an employee who is paid on a salary basis and meets the qualifications for exemption from the overtime requirements of the Fair Labor Standards Act ("FLSA").
5. **Non-Exempt Employee.** A Non-Exempt Employee is an employee who is paid an hourly rate and does not meet the qualifications for exemption from the overtime requirements of the Fair Labor Standards Act ("FLSA"). For Non-Exempt Employees, an accurate record of hours worked must be maintained. TSO will compensate non-exempt employees in accordance with applicable federal and state law and regulations.

All employees are classified as Exempt or Non-Exempt in accordance with federal and state law and regulations. Each employee is notified at the time of hire of his or her specific compensation category and exempt or non-exempt status.

IV. VOLUNTARY AT-WILL EMPLOYMENT

Unless an employee has a written TSO employment agreement that provides differently, all employment at TSO is "at-will." That means that employees may be terminated from employment with TSO with or without cause, and employees are free to leave the employment of TSO with or without cause. Any representation by any TSO officer or employee contrary to this policy is not binding upon TSO unless it is in writing and is signed by the Executive Director with the approval of the Board of Directors.

V. EQUAL EMPLOYMENT OPPORTUNITY

TSO shall follow the spirit and intent of all federal, state and local employment law and is committed to equal employment opportunity. To that end, the Board of Directors and Executive Director of TSO will not discriminate against any employee or applicant in a manner that violates the law. TSO is committed to providing equal opportunity for all employees and applicants without regard to race, color, religion, national origin, sex, age, marital status, sexual orientation, disability, political affiliation, personal appearance, family responsibilities, matriculation or any other characteristic protected under federal, state or local law. Each person is evaluated on the basis of personal skill and merit. TSO's policy regarding equal employment opportunity applies to all aspects of employment, including recruitment, hiring, job assignments, promotions, working conditions, scheduling, benefits, wage and salary administration, disciplinary action, termination, and social, educational and recreational programs. The Executive Director shall act as the responsible agent in the full implementation of the Equal Employment Opportunity policy.

TSO will not tolerate any form of unlawful discrimination. All employees are expected to cooperate fully in implementing this policy. In particular, any employee who believes that any other employee of TSO has violated the Equal Employment Opportunity Policy should report the possible violation to the Executive Director.

If TSO determines that a violation of this policy has occurred, it will take appropriate

disciplinary action against the offending party, which can include counseling, warnings, suspensions, and termination. Employees who report, in good faith, violations of this policy and employees who cooperate with investigations into alleged violations of this policy will not be subject to retaliation. Upon completion of the investigation, TSO will inform the employee who made the complaint of the results of the investigation.

TSO is also committed to complying fully with applicable disability discrimination laws, and ensuring that equal opportunity in employment exists at TSO for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Reasonable accommodations will be available to all qualified disabled employees, upon request, so long as the potential accommodation does not create an undue hardship on TSO. Employees who believe that they may require an accommodation should discuss these needs with the Executive Director.

Questions regarding this policy should be directed to the TSO Executive Director.

VI. POLICY AGAINST WORKPLACE HARASSMENT

TSO is committed to providing a work environment for all employees that is free from sexual harassment and other types of discriminatory harassment. Employees are expected to conduct themselves in a professional manner and to show respect for their co-workers.

TSO's commitment begins with the recognition and acknowledgment that sexual harassment and other types of discriminatory harassment are unlawful. To reinforce this commitment, TSO has developed a policy against harassment and a reporting procedure for employees who have been subjected to or witnessed harassment. This policy applies to all work-related settings and activities, whether inside or outside the workplace, and includes business trips and business-related social events. TSO's property (e.g. telephones, copy machines, facsimile machines, computers, and computer applications such as e-mail and Internet access) may not be used to engage in conduct that violates this policy. TSO's policy against harassment covers employees and other individuals whose relationship with TSO enables TSO to exercise some control over the individual's conduct in places and activities that relate to TSO's work (e.g. directors, officers, contractors, vendors, volunteers, etc.).

Policy on Sexual Harassment: TSO's policy against sexual harassment prohibits sexual advances or requests for sexual favors or other physical or verbal conduct of a sexual nature, when: (1) submission to such conduct is made an express or implicit condition of employment; (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual who submits to or rejects such conduct; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, humiliating, or offensive working environment.

While it is not possible to list all of the circumstances which would constitute sexual harassment, the following are examples: (1) unwelcome sexual advances -- whether they involve physical touching or not; (2) requests for sexual favors in exchange for actual or promised job

benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment; or (3) coerced sexual acts.

Depending on the circumstances, the following conduct may also constitute sexual harassment: (1) use of sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; (2) sexually oriented comment about an individual's body, sexual activity, deficiencies, or prowess; (3) the display of sexually suggestive objects, pictures, cartoons; (4) unwelcome leering, whistling, deliberate brushing against the body in a suggestive manner; (5) sexual gestures or sexually suggestive comments; (6) inquiries into one's sexual experiences; or (7) discussion of one's sexual activities.

While such behavior, depending on the circumstances, may not be severe or pervasive enough to create a sexually hostile work environment, it can nonetheless make co-workers uncomfortable. Accordingly, such behavior is inappropriate and may result in disciplinary action regardless of whether it is unlawful.

It is also unlawful and expressly against TSO policy to retaliate against an employee for filing a complaint of sexual harassment or for cooperating with an investigation of a complaint of sexual harassment.

Policy on Other Types of Discriminatory Harassment: It is also against TSO's policy to engage in verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category (or that of the individual's relatives, friends, or associates) that: (1) has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Depending on the circumstances, the following conduct may constitute discriminatory harassment: (1) epithets, slurs, negative stereotyping, jokes, or threatening, intimidating, or hostile acts that relate to race, color, gender, religion, sexual orientation, age, national origin, or disability; and (2) written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, sexual orientation, age, national origin, or disability and that is circulated in the workplace, or placed anywhere in TSO's premises such as on an employee's desk or workspace or on TSO's equipment or bulletin boards. Other conduct may also constitute discriminatory harassment if it falls within the definition of discriminatory harassment set forth above.

It is also against TSO's policy to retaliate against an employee for filing a complaint of discriminatory harassment or for cooperating in an investigation of a complaint of discriminatory harassment.

Reporting of Harassment: If you believe that you have experienced or witnessed sexual harassment or other discriminatory harassment by any employee of TSO, you should report the incident immediately to your supervisor or to the Executive Director. Possible harassment by

others with whom TSO has a business relationship, including customers and vendors, should also be reported as soon as possible so that appropriate action can be taken.

TSO will promptly and thoroughly investigate all reports of harassment discreetly and confidentially. The investigation would generally include: a private interview with the person reporting the incident and any other person(s) having information relevant to the incident; and a private interview with the person(s) against whom the report is registered. TSO's goal is to conduct a thorough investigation, to determine whether harassment occurred, and to determine the appropriate action.

If TSO determines that a violation of this policy has occurred, it will take appropriate disciplinary action against the offending party, which can include counseling, warnings, suspensions, or termination. Employees who report violations of this policy and employees who cooperate with investigations into alleged violations of this policy will not be subject to retaliation by TSO. Upon completion of the investigation, TSO will inform the employee who made the complaint of the results of the investigation.

Compliance with this policy is a condition of each employee's employment. Employees are encouraged to raise any questions or concerns about this policy or about possible discriminatory harassment with the Executive Director. In the case where the allegation of harassment is against the Executive Director, the Board President should be notified.

VII. SOLICITATION

Employees are prohibited from soliciting (personally or via electronic mail) for membership, pledges, subscriptions, the collection of money or for any other unauthorized purpose anywhere on TSO property during work time. "Work time" includes time spent in actual performance of job duties but does not include lunch periods or breaks. Non-working employees may not solicit or distribute to working employees.

VIII. POSITION DESCRIPTION AND SALARY ADMINISTRATION

Each position has a job description that includes: purpose of the position, areas of responsibilities, immediate supervisor(s), qualifications required, etc. A job description may be modified at any time by the Executive Director with the exception of the music director position.

A. PAYROLL

1. Employees will be paid twice monthly. When a pay date falls on a weekend or holiday, employees will be paid the workday before the weekend or holiday.
2. Checks will not be issued to any person other than the employee without written authorization from the employee.
3. No employee will sign his/her own check.
4. Voluntary terminations will be paid at regular pay date. Involuntary terminations will be paid on day of separation.

B. PAYROLL TAXES

The Executive Director is responsible to see that payroll reports are timely and that all tax withholding from employee pay and employer matching contributions are timely paid.

IX. PERFORMANCE REVIEW

The performance of each employee is reviewed on an ongoing basis with the supervisor to provide a systematic means of evaluating performance.

The annual performance review is a formal opportunity for the supervisor and employee to exchange ideas that will strengthen their working relationship, review the past year, and anticipate TSO's needs in the coming year. The purpose of the review is to encourage the exchange of ideas in order to create positive change within TSO. To that end, it is incumbent upon both parties to have an open and honest discussion concerning the employee's performance. It is further incumbent upon the supervisor to clearly communicate the needs of TSO and what is expected of the employee in contributing to the success of TSO for the coming year.

Both supervisor and employee should attempt to arrive at an understanding regarding the objectives for the coming year. After the review is completed, both parties should sign the performance review form that is kept as part of the employee's personnel record and used as a guide during the course of the year to monitor employee progress relative to the agreed upon objectives.

The Executive Director reviews the work of all supervisors. Work reviews for other staff are the responsibility of the appropriate supervisor, subject to confirmation by the Executive Director.

X. LEAVE BENEFITS AND OTHER WORK POLICIES**A. Holidays**

Full-Time Employees are eligible for six (6) holidays per year as follows:

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

AND Two(2) Floating Holidays.

Full-time employees (employees who regularly work at least 35 hours per week) receive one (1) paid day off for each full day of holiday time. Employees wishing to take religious holidays may substitute a religious holiday for one of those listed above, with advance approval from their supervisor and the Executive Director. Temporary employees are ineligible for holiday leave benefits. In those years when Independence Day, Christmas Eve and Christmas Day, and New

Year's Day fall on Saturday or Sunday, the Executive Director will designate the work day that will replace the weekend holiday.

B. Professional Development

Recognizing the importance of supporting professional development activities, the TSO will provide specified funds for exempt employees, as available, according to the annual budget adopted by the Board of Directors.

Employee must submit supportive documentation (i.e. conference, workshop or class agenda/outline) and provide an explanation/overview of his/her involvement with the reimbursement-related activity and how this activity relates to items 1,2,3 listed in the Employee Handbook X.B. Employee must submit an itemized budget or a list of anticipated costs for proposed professional development.

Upon approval, funds can be used to cover conference fees workshops, professional development programs, travel and accommodation expenses, and presentation supplies. A per diem for personal expenses, food, or beverages may be covered in certain circumstances.

The TSO will support professional development efforts which:

1. Help the staff member develop skills needed to reach organization's strategic goals.
2. Help the staff member establish connections with professional peers.
3. Help the staff member develop skills needed to reach personal goals.

C. Vacation

Unless otherwise addressed in an employment contract, the following applies: Full-time employees will earn one (1) week of vacation after (1) year of employment, two (2) weeks of vacation after two (2) years of employment, and three (3) weeks of vacation after five (5) years of employment.

Employees are expected to use Vacation benefits in the fiscal year in which Vacation is earned. Employees may carry over unused Vacation from one year to the next only with the approval of the Executive Director.

D. Sick Leave

Unless otherwise addressed in an employment contract, the following applies: Sick leave benefits are earned on a prorated basis of one day (7 hours) per month for full-time employees beginning at first day of employment. Use of sick leave is subject to approval by the supervisor and the Executive Director and must be requested in hourly increments.

Unused sick leave can accumulate from year to year up to a maximum of 30 days (210

hours) for full-time employees. No sick leave benefits are paid upon separation of employment from TSO for any reason. If an employee's illness or injury requires a consecutive absence of five (5) days or more, physician documentation or approval of the Executive Director will be required.

E. Personal Leave

Unless otherwise addressed in an employment contract, the following applies: TSO provides three (3) days of personal leave per calendar year to all Full-Time employees who have completed six months of employment. Personal leave is accrued at the beginning of each year and cannot be carried into the next year. Personal leave may not be taken in the first six (6) months of employment. All personal leave is subject to prior approval by the supervisor and Executive Director. No personal leave benefits are paid upon separation from employment with TSO for any reason.

F. Military Leave

Employees who are inducted into or who enlist in the Armed Forces of the United States or are called to duty as a member of a reserve unit may take an unpaid leave in accordance with applicable law. The employee must provide advance notice of his or her need for a military leave and TSO will request a copy of the employee's orders, which will be kept on record by TSO.

The time an employee spends on military leave will be counted as continuous service for the purpose of determining eligibility and accrual for various benefit plans and policies.

Upon return from military leave, employees will be reinstated as required by law and benefits will be reinstated with no waiting periods.

G. Civic Responsibility

TSO believes in the civic responsibility of its employees and encourages this by allowing employees time off to serve jury duty when required.

Jury Duty. TSO will pay employees his or her salary up to a maximum of ten days. If an employee is required to serve more than ten days of jury duty, TSO will provide the employee with unpaid leave. Employees must provide TSO a copy of proof of service received from the court in which they serve.

H. Parental Leave

The DC Parental Leave Act entitles employees to certain unpaid parental leave. For purposes of this section only, the following definitions apply: (1) "parent" means the natural mother or father of a child; a person who has legal custody of a child or who acts as a guardian of a child regardless of whether he or she has been appointed legally as such; an aunt, uncle or grandparent of a child; or a spouse to the above individuals; (2) "school-related event" means an activity sponsored by either a school or an associated organization such as a parent-teacher association which involves the parent's child as a participant or subject, but not as a spectator, including a student performance, such as a concert, play or rehearsal, the sporting game of a school

team or practice, a meeting with a teacher or counselor, or any similar type of activity.

A parent is entitled to a total of 24 hours of unpaid leave during any 12-month period to attend or participate in school-related events for his or her child. TSO reserves the right, however, to deny such leave if such a leave would disrupt TSO's operations. While parental leave is unpaid, employees may elect to use accrued vacation or personal leave.

If the need for parental leave is foreseeable, the employee must provide a written notice and request for parental leave at least 10 days prior to the event. If the employee's need for parental leave is not foreseeable 10 days prior to the event, the employee must provide a written notice and request for parental leave as soon as he or she learns of the need for such leave.

I. Bereavement Leave

Employees shall be entitled to bereavement leave with pay of five (5) days in the event of a death in the employee's immediate family (spouse/life partner, child or parent) and three (3) days for grandparent, sister or brother, father-in-law, mother-in-law, or grandchildren. If an employee wishes to take time off due to the death of an immediate family member, the employee should notify the Executive Director immediately.

XI. TRAVEL AND EXPENSES

1. Each employee must complete an expense voucher for any TSO business travel. Voucher should include all expenses including credit card charges. Voucher will reflect reimbursement sources other than TSO.
2. The expense voucher must be submitted within 30 days of the expense, with a total, signed by the employee, authorized for payment by the Executive Director or Board President.
3. Reimbursement will be based upon current travel policies. Receipts must be attached to the expense voucher for lodging, common carrier transportation, and for meals where required.
4. Employees will be reimbursed for reasonable travel, lodging and other related expenses not to exceed budgetary limits. The Executive Director or Board President must approve employee travel and workshop expenditures prior to their occurrence. The organization will reimburse no more than the standard mileage rate for the business use of a car as established semi-annually by the Board.

XII. SEPARATION

Either TSO or the employee may initiate separation. TSO encourages employees to provide at least two weeks (10 days) written notice prior to intended separation. After receiving such notice, an exit interview will be scheduled by the Executive Director or his or her designee. The

Executive Director has authority, upon consultation with the Personnel Committee, to employ or separate all other employees, except in the case of the Music Director.

Circumstances under which separation may occur include:

1. **Resignation.** Employees are encouraged to give at least 10 business days of written notice. Since a longer period is desired, the intention to resign should be made known as far in advance as possible. Employees who resign are entitled to receive accrued, unused Vacation benefits.
2. **Termination or Lay-off.** Under certain circumstances, the termination or lay-off of an employee may be necessary. Employees who are terminated or laid off are entitled to receive accrued, unused Vacation benefits.

Unless otherwise addressed in an employment contract, all employment at TSO is "at-will." That means that employees may be terminated from employment with TSO with or without cause, and employees are free to leave the employment of TSO with or without cause. Reasons for discharge may include, but are not limited to:

- Falsifying or withholding information on your employment application that did or would have affected TSO's decision to hire you (this conduct will result in your immediate termination);
- Falsifying or withholding information in other personnel records including personnel questionnaires, performance evaluations or any other records;
- Performance at work below a level acceptable to TSO or the failure to perform assigned duties;
- Failure to complete required time records or falsification of such time records;
- Insubordination;
- Refusing to work reasonable overtime;
- Negligence in the performance of duties likely to cause or actually causing personal injury or property damage;
- Fighting, arguing or attempting to injure another;
- Destroying or willfully damaging the personal property of another, including TSO's property;
- Breach of confidentiality;

- Using or appearing to use for personal gain any information obtained on the job, which is not readily available to the general public or disclosing such information that damages the interests of TSO or its customers or vendors;
- Placing oneself in a position in which personal interests and those of TSO are or appear to be in conflict or might interfere with the ability of the employee to perform the job as well as possible;
- Using TSO property or services for personal gain or taking, removing or disposing of TSO material, supplies or equipment without proper authority;
- Gambling in any form on TSO property;
- Dishonesty;
- Theft;
- The possession, use, sale or being under the influence of drugs or other controlled substances or alcoholic beverages during working hours or on the TSO premises at any time in violation of TSO's policies.
- Carrying or possessing firearms or weapons on TSO property;
- Excessive tardiness or absenteeism whether excused or unexcused;
- Unauthorized absence from work without proper notice; and
- Engaging in discriminatory or abusive behavior, including sexual harassment.
- Moral Turpitude.

At the sole discretion of the Executive Director, the employee may be asked to leave immediately or be given a period of notice.

XIII. RETURN OF PROPERTY

Employees are responsible for TSO equipment, property and work products that may be issued to them and/or are in their possession or control, including but not limited to:

- Credit cards,
- Identification badges,
- Office/building keys,
- Computers, computerized diskettes, electronic/voice mail codes, and
- Intellectual property (e.g., written materials, work products).

In the event of separation from employment, or immediately upon request by the Executive Director or his or her designee, Employees must return all TSO property that is in their possession or control. Where permitted by applicable law(s), TSO may withhold from the employee's final paycheck the cost of any property, including intellectual property, which is not returned when required. TSO also may take any action deemed appropriate to recover or protect its property.

XIV. REVIEW OF PERSONNEL ACTION (unrelated to termination)

Employees may request a review of a personnel action or of their performance review. Employees are expected first to discuss their concern with their immediate supervisor. If further discussion is desired, the employee may then discuss the situation with the Executive Director. The decision of the Executive Director is final.

XV. PERSONNEL RECORDS

Personnel records are the property of TSO, and access to the information they contain is restricted and confidential. A personnel file shall be kept for each employee and should include the employee's job application, copy of the letter of employment and position description, performance reviews, disciplinary records, records of salary increases and any other relevant personnel information. It is the responsibility of each employee to promptly notify his/ or her supervisor in writing of any changes in personnel data, including personal mailing addresses, telephone numbers, names of dependents, and individuals to be contacted in the event of an emergency.

XVI. OUTSIDE EMPLOYMENT

Individuals employed by TSO may hold outside jobs as long as they meet the performance standards of their job with TSO. Employees should consider the impact that outside employment may have on their ability to perform their duties at TSO. All employees will be evaluated by the same performance standards and will be subject to TSO scheduling demands, regardless of any outside work requirements.

If TSO determines that an employee's outside work interferes with their job performance or their ability to meet the requirements of TSO, as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with TSO.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals or organizations for materials produced or services rendered while performing their jobs with TSO.

XVII. NON-DISCLOSURE OF CONFIDENTIAL INFORMATION

Employees may not disclose confidential information to anyone who is not employed by TSO or to other persons employed by TSO who do not need to know such information to assist in rendering services.

The protection of privileged and confidential information, including trade secrets, is vital to the interests and the success of TSO. The disclosure, distribution, electronic transmission or copying of TSO's confidential information is prohibited. Such information includes, but is not limited to the following examples:

- Compensation data.
- Program and financial information, including information related to donors, and pending projects and proposals.

Employees are required to sign a non-disclosure agreement as a condition of employment. Any employee who discloses confidential TSO information will be subject to disciplinary action (including possible separation), even if he or she does not actually benefit from the disclosure of such information.

XVIII. COMPUTER AND INFORMATION SECURITY

This section sets forth some important rules relating to the use of TSO's computer and communications systems. These systems include individual PCs provided to employees, centralized computer equipment, all associated software, and TSO's telephone, voice mail and electronic mail systems.

TSO has provided these systems to support its mission. Although limited personal use of TSO's systems is allowed, subject to the restrictions outlined below, no use of these systems should ever conflict with the primary purpose for which they have been provided, TSO's ethical responsibilities or with applicable laws and regulations. Each user is personally responsible to ensure that these guidelines are followed.

All data in TSO's computer and communication systems (including documents, other electronic files, e-mail and recorded voice mail messages) are the property of TSO. TSO may inspect and monitor such data at any time. No individual should have any expectation of privacy for messages or other data recorded in TSO's systems. This includes documents or messages marked "private," which may be inaccessible to most users but remain available to TSO. Likewise, the deletion of a document or message may not prevent access to the item or completely eliminate the item from the system.

TSO's systems must not be used to create or transmit material that is derogatory, defamatory, obscene or offensive, such as slurs, epithets or anything that might be construed as harassment or disparagement based on race, color, national origin, sex, sexual orientation, age, physical or mental disability, medical condition, marital status, or religious or political beliefs. Similarly, TSO's systems must not be used to solicit or proselytize others for commercial purposes, causes, outside organizations, chain messages or other non-job-related purposes.

Security procedures in the form of unique user sign-on identification and passwords have been provided to control access to TSO's host computer system, networks and voice mail system. In addition, security facilities have been provided to restrict access to certain documents and files for the purpose of safeguarding information. The following activities, which present security risks, should be avoided.

- Attempts should not be made to bypass, or render ineffective, security facilities provided by the company.
- Passwords should not be shared between users. If written down, password should be kept in locked drawers or other places not easily accessible.
- Document libraries of other users should not be browsed unless there is a legitimate business reason to do so.
- Individual users should never make changes or modifications to the hardware configuration of computer equipment. Requests for such changes should be directed to computer support or the Executive Director.
- Additions to or modifications of the standard software configuration provided on TSO's PCs should never be attempted by individual users (e.g., autoexec.bat and config.sys files). Requests for such changes should be directed to computer support or the Executive Director.
- Individual users should never load personal software (including outside email services) to company computers. This practice risks the introduction of a computer virus into the system. Requests for loading such software should be directed to computer support or the Executive Director.
- Programs should never be downloaded from bulletin board systems or copied from other computers outside the company onto company computers. Downloading or copying such programs also risks the introduction of a computer virus. If there is a need for such programs, a request for assistance should be directed to computer support or management. Downloading or copying documents from outside the company may be performed not to present a security risk.
- Users should not attempt to boot PCs from floppy diskettes. This practice also risks the introduction of a computer virus.
- TSO's computer facilities should not be used to attempt unauthorized access to or use of other organizations' computer systems and data.
- Computer games should not be loaded on TSO's PCs.

- Unlicensed software should not be loaded or executed on TSO's PCs.
- Company software (whether developed internally or licensed) should not be copied onto floppy diskettes or other media other than for the purpose of backing up your hard drive. Software documentation for programs developed and/or licensed by the company should not be removed from the company's offices.
- Individual users should not change the location or installation of computer equipment in offices and work areas. Requests for such changes should be directed to computer support or management.

There are a number of practices that individual users should adopt that will foster a higher level of security. Among them are the following:

- Turn off your personal computer when you are leaving your work area or office for an extended period of time.
- Exercise judgment in assigning an appropriate level of security to documents stored on the company's networks, based on a realistic appraisal of the need for confidentiality or privacy.
- Remove previously written information from floppy diskettes before copying documents on such diskettes for delivery outside TSO.
- Back up any information stored locally on your personal computer (other than network based software and documents) on a frequent and regular basis.

Should you have any questions about any of the above policy guidelines, please contact the Executive Director.

XIX. INTERNET ACCEPTABLE USE POLICY

At this time, desktop and/or wireless access to the Internet is provided to TSO's employees, board members and other authorized persons when there is a necessity. Any such access must be approved, in advance, by the Executive Director and is solely for use in supporting the ongoing mission of the TSO. No use of the Internet should conflict with the primary purpose of TSO, its ethical responsibilities or with applicable laws and regulations. Each user is personally responsible to ensure that these guidelines are followed. Serious repercussions, including termination, may result if the guidelines are not followed.

TSO may monitor usage of the Internet by employees, including reviewing a list of sites accessed by an individual. No individual should have any expectation of privacy in terms of his or her usage of the Internet. In addition, TSO may restrict access to certain sites that it deems are not necessary for business purposes.

TSO's connection to the Internet may not be used for any of the following activities:

- The Internet must not be used to access, create, transmit, print or download material that is derogatory, defamatory, obscene, or offensive, such as slurs, epithets, or anything that may be construed as harassment or disparagement based on race, color, national origin, sex, sexual orientation, age, disability, medical condition, marital status, or religious or political beliefs.
- The Internet must not be used to access, send, receive or solicit sexually-oriented messages or images.
- Downloading or disseminating of copyrighted material that is available on the Internet is an infringement of copyright law. Permission to copy the material must be obtained from the publisher. For assistance with copyrighted material, contact computer support or the Executive Director.
- Without prior approval of the Executive Director, software should not be downloaded from the Internet as the download could introduce a computer virus onto TSO's computer equipment. In addition, copyright laws may cover the software so the downloading could be an infringement of copyright law.
- Employees should safeguard against using the Internet to transmit personal comments or statements through e-mail or to post information to news groups that may be mistaken as the position of TSO.
- Employees should guard against the disclosure of confidential information through the use of Internet e-mail or news groups.
- Employees should not download personal e-mail or Instant Messaging software to TSO computers.
- The Internet should not be used to send or participate in chain letters, pyramid schemes or other illegal schemes.
- The Internet should not be used to solicit or proselytize others for commercial purposes, causes, outside organizations, chain messages or other non-job related purposes.
- The Internet should not be used to endorse political candidates or campaigns

The Internet provides access to many sites that charge a subscription or usage fee to access and use the information on the site. Requests for approval must be submitted to your supervisor.

XX. SEVERABILITY

Should any of the provisions of this Employee Handbook be determined to be contrary to federal, state, or local law, the remaining provisions of these Employee Policies and Procedures, shall remain in full force and effect.

To the extent that any state law provides additional or different benefits or rights to employees, the provisions of these Employee Policies and Procedures shall be deemed to include those statements of law.

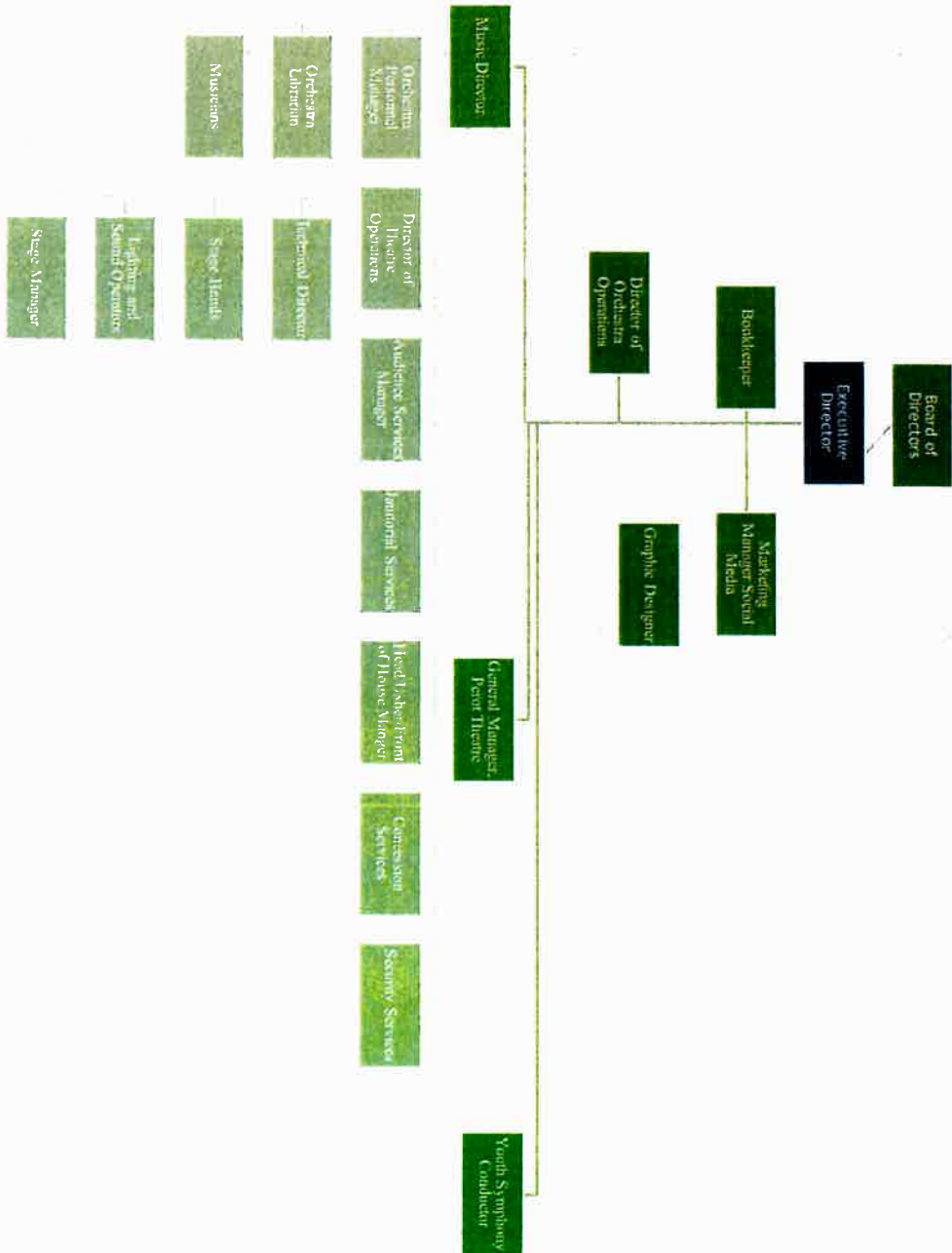
If you have any questions regarding any of the policy guidelines listed above, please contact your supervisor, or the Executive Director.

Revised {8/11/2010} {3/2011} {2/27/13} {10/26/2016}

Approved by the TSO Board of Directors (10/26/2016)

Framework provided by 2004 National Council of Nonprofit Associations

TSO/(dba) Perot Management Potential Organizational Chart



Texarkana Symphony Orchestra

Financial Policies and Procedures

Approved by the TSO Board of
Directors August 19, 2020

GENERAL

1. The Board of Directors formulates financial policies, delegates administration of the financial policies to the Executive Director and reviews operations and activities.
2. The guideline for spending will be the current year's budget as approved and/or amended by the Board of Directors.
3. The Executive Director ~~and Board President (until such time as Executive Director is full-time)~~ have **has** management responsibility including financial management.
4. Current job descriptions will be maintained for all employees and volunteers, indicating financial duties and responsibilities.
5. Financial duties and responsibilities must be separated so that no one employee or volunteer has sole control over cash receipts, disbursements, payroll, reconciliation of bank accounts, etc.
6. Professional financial service providers will be established annually. ~~For 2009-2010, and until a change is made by the Board of Directors,~~ **Currently these providers** include QuickBooks (accounting software), QuickBooks Payroll (payroll services), Offenhauser & Company (insurance), ~~Saunders & Associates~~ **Wilf & Henderson, P.C.** (auditors & Form 990), and area banking institutions.
7. The ~~Treasurer~~ **Bookkeeper** will maintain a current and accurate log of the chart of accounts.
8. These policies and procedures will be reviewed annually by the Finance Committee.

CASH RECEIPTS (includes checks)

1. The Executive Director or ~~Board President~~ **the Director of Operations** opens any mail addressed to the Texarkana Symphony Orchestra or without specific addressee. The receipt of checks or cash will be recorded on a ~~computer deposit reconciliation worksheet on the Executive Director's desktop computer.~~ **The checks/cash will then be recorded in the accounting system by the Bookkeeper and deposited.** ~~and then immediately forwarded to the Treasurer who will records the accounting system and deposit the funds.~~ The Executive Director may record receipts in the accounting system and deposit the funds when the ~~Treasurer~~ **Bookkeeper** is unavailable.
2. Executive Director or ~~Board President~~ **the Director of Operations** will endorse all checks by rubber stamp to read as follows: FOR DEPOSIT ONLY, TEXARKANA SYMPHONY ORCHESTRA, 421 HICKORY STREET, TEXARKANA, AR 71854.
3. A report will be printed that includes the source and amount of the receipt as well as the total deposit amount.
4. Documentation for all receipts will be attached to the duplicate slip and filed chronologically.
5. All receipts will be deposited intact. No disbursements will be made from cash or check receipts prior to deposit.
6. The Executive Director will receive a copy of all deposit reports for review and balance them to computer worksheets.
7. Checks made out to the TSO at the Perot Theatre Box Office will be picked up by the Executive Director or ~~Board President~~ **the Director of Operations** and endorsed as in #2 above for processing. All ticket purchases through the Perot Theatre Box Office will be reviewed through computer generated daily reports assuring a final balance to the Concert Settlement generated by the Box Office staff.

CASH DISBURSEMENTS

A. Payment Processing

1. All invoices will be immediately forwarded to the Executive Director ~~or Board President~~ who will review all invoices for mathematical accuracy, validity, conformity to the budget (or other board authorization) and compliance with bid requirements.
2. Prior to payment, all invoices will be approved (indicated by initialing) by the Executive Director ~~or Board President~~ who will label the invoice with an appropriate expense category.
3. The ~~Treasurer~~ **Bookkeeper** will prepare checks as needed. The Executive Director ~~or Board President~~ may prepare checks if ~~Treasurer~~ **Bookkeeper** is unavailable.
4. Authorized signers on TSO accounts include the Executive Director, **the Director of Operations, the Bookkeeper, and members of the Board of Directors.** ~~and the members of the Executive Committee.~~ Two signatures are required on all checks.
5. Blank checks will be kept by the Executive Director under the auspices of the ~~Treasurer~~ **Bookkeeper** and stored in a secure location in the TSO office. Within the first 10 days of May of each calendar year, the President shall appoint a member of the Finance Committee whose charge will be to verify that check blanks have been appropriately stored and utilized during the fiscal year ending at month's end.
6. The ~~Treasurer~~ **Bookkeeper** will generate checks for approved invoices through the accounting system using "Pay Bill" and/or "Write Checks" screens where appropriate.
7. Electronic payments of invoices and other electronic payments are minimal and will be handled in a manner similar to that which prevails in paper transactions.
8. **Voided** Checks will have "VOID" written in ink on the face and have the signature portion of the check torn out. Voided checks will be kept on file.

B. Bank Reconciliations

1. Bank Statements, whether in paper format or in electronic form, will be received directly and opened by the Executive Director ~~or President~~.
2. The Executive Director will reconcile the bank statement(s) monthly.
- ~~3. The Treasurer of the Board will receive monthly statements of checks paid on all accounts.~~
3. The ~~Treasurer~~ **Bookkeeper** shall verify the reconciliation of the bank accounts monthly.
4. On all checks outstanding over 90 days, the ~~Treasurer~~ **Bookkeeper and/or the Executive Director** should take appropriate action

PURCHASING

A. Purchases under \$5,000

1. All purchases over \$500 **\$150** must be approved in advance by the Executive Director.
2. If purchase is less than \$150, persons authorized by the **Executive Director or** Committee Chair/Project Director for immediate purchase and delivery can make the purchase. When this is done, invoice copies are to be turned in to the ~~Committee Chair/Project Director~~ **Bookkeeper.**

B. Purchases over \$5,000

1. Purchases over \$5,000 will be required to undergo a competitive bid procedure.
2. All bid requests will contain clear specifications and will not contain features which unduly restrict competition.
3. The Committee Chair/Project Director will be responsible to ensure that all conditions and specifications of a contract, bid or order have been satisfactorily fulfilled and will be responsible for timely follow-up of these

purchases.

4. The Committee Chair/Project Director will obtain at least 3 bids whenever possible unless prior approval by the Executive Committee has been obtained.
5. Purchases of over \$5,000 will not be fragmented or reduced to components of less than \$5,000 to avoid the bid process.

C. Credit Card

1. ~~Three~~ **Two** credit cards will be established for the TSO. The Executive Director, ~~Board President, and Treasurer~~ **and Director of Operations** will be responsible for the safekeeping of the credit cards assigned to them.
2. These cards shall have a combined maximum spending limit of \$7,500.
3. Receipts must be signed by purchaser and specify from which account expenses are to be deducted.
4. The ~~Treasurer~~ **Bookkeeper** reconciles the credit card statement to receipts submitted.
5. TSO credit cards shall not be used for non-TSO related purchases, unauthorized purchases, or for personal purchases.
6. TSO credit card holders may not use the credit card as a financial reference to obtain personal credit cards or loans.
7. Improper use of the credit card will result in a "receivable" against the person using the card and that person will be responsible for any charges not deemed allowable when the expense reports are submitted to the TSO. Any unallowable amount must be repaid to the TSO within 30 days after the expense report has been filed.
8. Failure to follow any of the above listed terms and conditions may result in one or more of the following:
 - a. Revocation of the privilege to use the credit card
 - b. Withholding the full amount from any payment due, including payroll check
 - c. Disciplinary action
 - d. Termination of employment and/or criminal charges being filed with the appropriate authority

PAYROLL

1. Employees will be paid semi-monthly on the 15th and last day of the month. When a regular pay day falls on a weekend, the salaries shall be on the immediately preceding Friday.
2. The QuickBooks Payroll System will be used to enter payroll, print payroll checks, **and** print payroll reports. ~~and send reports to the Board Treasurer.~~
3. The ~~Treasurer~~ **Bookkeeper** will prepare checks. The Executive Director ~~or Board President~~ may prepare checks if ~~Treasurer~~ **Bookkeeper** is unavailable.
4. The ~~Treasurer~~ **Bookkeeper** will distribute the payroll checks to the employees. Checks will not be issued to any person other than the employee without written authorization from the employee.
5. No employee will sign his/her own check.
6. Voluntary terminations will be paid at regular pay date. Involuntary terminations will be paid on day of separation.

PAYROLL TAXES

1. The ~~Treasurer~~ **Bookkeeper** will prepare and transmit the payroll tax reports, W-2 forms and 1099 forms.
2. The Executive Director ~~or Board President~~ will verify payroll tax preparation on a quarterly basis.

3. The Executive Director will be the responsible person to see that payroll reports are timely and that all tax withholding from employee pay and employer matching contributions are timely paid.

BENEFITS

1. Payroll will be prepared in accordance with the personnel policies and benefit plan.
2. Medical insurance is currently provided to the Executive Director through **an arrangement with the City of Texarkana, Texas, group plan. Withholding of the employee portion of this benefit is subject to the Executive Director's contract in effect at the time.** ~~a separate statement with the provider and is not withheld from the payroll check. Dependent coverage may at the sole cost of the employee be attached to any medical insurance policy provided by TSO.~~

TRAVEL AND EXPENSES

1. Each employee will complete an expense voucher if any traveling is done. Voucher should include all expenses including credit card charges. Voucher will reflect reimbursement sources other than TSO.
2. The expense voucher will be submitted within 30 days for payment, with a total, signed by the employee authorized for payment by the Executive Director or ~~Board President~~.
3. Reimbursement will be based upon current travel policies. Receipts must be attached to the expense voucher for lodging, common carrier transportation, and receipts for meals where required.
4. Incomplete vouchers will be returned.
5. Employees will be reimbursed for reasonable travel, lodging and other related expenses not to exceed the per diem rate set by the IRS. The Executive Director or Board President must approve employee travel and workshop expenditures prior to their occurrence. The organization will reimburse no more than the standard mileage rate for the business use of a car as established semi-annually by the board.

PROPERTY

1. Equipment shall be defined as all items (purchased or donated) with a unit cost of \$500 or more and a useful life of more than one year.
2. A \$500 threshold will be used for classifying assets as fixed.
3. The ~~Treasurer~~ **Bookkeeper** will maintain an inventory log which shall list a description of the item, date of purchase or acquisition, price of fair value of the item and its location.
4. The ~~Treasurer~~ **Bookkeeper**, or the Executive Director ~~under the direction of the Treasurer~~, shall prepare or have prepared a depreciation schedule at least annually for the audited financial statement.
5. The ~~Treasurer~~ **Bookkeeper**, or the Executive Director ~~under the direction of the Treasurer~~, will record all equipment in the accounting system. An entry must be made whenever property is disposed of or acquired.

LEASES

1. The Executive Director will review leases prior to submission to the Board of Directors for approval.
2. All leases, clearly delineating terms and conditions, will be approved by the Board of Directors and signed by the Board President.
3. The Executive Director will keep a copy of each lease on file.

INSURANCE

1. Reasonable, adequate coverage will be maintained to safeguard the assets of the corporation. Such coverage will include property and liability, worker's compensation, employee dishonesty, and other insurance deemed necessary.
2. The TSO will maintain Not-for-Profit Organization Directors and Officers Liability Insurance and Employment Practices Liability Insurance.
3. The Executive Director will carefully review insurance policies before renewal.
4. The Executive Director will maintain insurance policies in insurance files.

BOOKS OF ORIGINAL ENTRY

1. The TSO will utilize a double entry system for accounting for all funds.
2. Adequate documentation will be maintained to support all general entries.
3. At the end of each month, the ~~Treasurer~~ **Bookkeeper or Executive Director** will prepare a Balance Sheet, Statement of Profit and Loss, and Statement of Profit and Loss by Project that will be reviewed by the ~~Executive Director~~ **Board Treasurer and Finance Committee**.
4. The Statement of Profit and Loss report will include a comparison to the budget.
5. The TSO will maintain its accounting records on the accrual basis in a manner that facilitates the preparation of audited financial statements conforming to generally accepted accounting principles.

GRANTS AND CONTRACTS

1. The Executive Director will carefully review each award and contract to ensure compliance with all financial and programmatic provisions. The Executive Director will maintain originals of all grants and contracts in a file.
2. The Executive Director will review and approve all reports to funding sources.
3. It will be the responsibility of the Executive Director to insure that all financial reports are submitted on a timely basis.

BUDGETS

1. The Executive Director, Board President, **Bookkeeper** and **Board** Treasurer - in consultation with the Music Director, Finance Committee and appropriate committee chairs- will prepare the financial budget.
2. The ~~Treasurer~~ **Bookkeeper** will ensure that budgets are on file.
3. The Board of Directors must approve proposed changes in the budget should they exceed 3% of the line item.

INVESTMENT POLICIES

The TSO shall maintain three months cash needs in checking or money market accounts with the remainder being invested Certificates of Deposit.

ENDOWMENT POLICIES

An Endowment has been established with the Texarkana Area Community Foundation, an affiliate of the Arkansas Community Foundation.

MINUTES

1. The Secretary of the Board will prepare accurate minutes of all meetings of the Board of Directors.
2. The Executive Director will note all items in the minutes relating to finance and take appropriate action.

ACCOUNTS RECEIVABLE

1. Documentation will be maintained for accounts receivable.
2. Accounts receivable will be recorded in the books and collected on a timely basis.

FINANCIAL PROCEDURES

Financial Procedures will be reviewed annually by the Finance Committee. The Board of Directors must approve changes to the Financial Procedures prior to implementation.

FORM 990

1. The Board of Directors, in conjunction with the audit, will authorize preparation of Form 990. ~~The Form will be signed by an officer of the Board.~~
2. The completed Form 990 will be distributed electronically to the Board of Directors for review and approval. The Form will then be signed by the Executive Director.
2. Copies of the Form 990 will be filed in the Executive Director's office.

AUDITS

The Board of Directors shall annually contract with an independent auditing firm a full audit of the books. Beginning with the contract for audit of the financial records for the 2013-2014 fiscal year and every five (5) years thereafter, the contract for audit shall be submitted for competitive bids to at least three (3) qualified independent auditing firms.

PERSONNEL FILES

The Executive Director ~~and board President~~ will maintain a personnel file for each employee, containing appropriate documents, such as the signed compensation agreement, approval of changes in compensation, and any withholding forms for taxes, benefits, deferred compensation, and charitable contributions.





**The TSO is uniquely
qualified to manage the
Perot Theatre to the benefit
of our entire community.**

TEXARKANA SYMPHONY ORCHESTRA'S VISION
FOR THE FUTURE OF THE PEROT THEATRE





TSO Is Uniquely Qualified

- VISION
- EXPERIENCE
- QUALIFICATIONS
- REFERENCES
- DETAILED PROPOSAL

VISION



THE PEROT THEATRE SHOULD BE A FAMILIAR AND SPECIAL PLACE TO EVERYONE IN TEXARKANA.

VISION



BUILDING A SEASON THAT REPRESENTS ALL TYPES OF PROGRAMMING, INCLUDING THE PERFORMING ARTS WITH INPUT FROM THE ENTIRE COMMUNITY.



VISION

Expanding the use of the Perot Theatre to include national and international programs, diverse concerts, Broadway Shows, national speakers.



While continuing the long-standing programming of the Symphony, other arts and educational partners, the Texarkana Community Ballet, movies and film, local dance recitals, and touring performances.

VISION



Assisting the City of Texarkana, Texas with plans for renovation and expansion of the Perot Theatre with a focus on **all types of performances, patron convenience and concession areas.**



VISION

Working with the Arts and Historic District to increase out-of-town tourism by using the Perot Theatre and its events as the center of attraction.

VISION



Increase the number of diverse and varied events.

Re-engage the Texarkana Community with vibrant and alive programming that draws people back to the Perot Theatre.

“What’s going on at the Perot tonight?”

Experience and Qualifications



THE
BROADWAY
LEAGUE®



opus 3
ARTISTS



UNITED TALENT
AGENCY



SONY MUSIC

Experience and Qualifications



- Copley Symphony Hall – San Diego, CA
- Hilbert Circle Theatre – Indianapolis, IN
- Robinson Center – Little Rock, AR
- Hemmle Hall - Texas Tech University
- Music in the Mountains – Durango, CO

References

- AG Edwards/Wachovia Bank Traveling Art Exhibit
- Alexander's Jewelers - Van Alexander
- Arkansas Arts Council - Patrick Ralston
- Arkansas Graphics - Suzan Wittenburg
- Arkansas' Governors Conference on Tourism
- Arkansas' Great Southwest - Paul Henley
- Arkansas Symphony Orchestra
- Association of Performing Arts Professionals
- BancorpSouth - Kelly Rose
- Dr. Kirby Burnel
- Channel 6 - Joe Yates
- Choice Ticketing
- City of Texarkana, AR - Kenny Haskins
- City of Texarkana, TX - David Orr
- Cleveland Orchestra
- Columbia Artists Management, Inc.
- Commercial Bancshares, Inc. - Julia Mobley
- Commercial National Bank - Robert Sanderson
- Cooper Tire
- Digital Press (formerly Texarkana Digital Press)
- Executive Director Conductors Guild - Jan Wilson
- Four States Living Magazine - Robin Rodgers
- Guaranty Bank & Trust - Robert Irwin
- Hilton Garden Inn - Barbara Walker
- Indianapolis Symphony Orchestra
- Institutional Advancement UACCH - Dolly Henley
- Julies Deli - Julie Furlow
- Junior League of Texarkana
- KTXK - Steve Mitchell
- League of American Orchestras - Heather Noonan
- Lonoke Baptist Church and the Texarkana Regional Chorale
- Julia Mobley
- Morriss Families
- MRC/Cornerstone Retirement Community
- MSR Classics
- National Public Radio
- NAXOS Music
- Nix Patterson - Cary & Lois Patterson
- Opus 3 Artist - Sarah Gordon
- Oregon Symphony Orchestra

References – cont.

- Oregon Symphony Orchestra
- Ouachita Baptist University
- Oxford City Opera
- Pafford/Gresham Wedding
- PeterThrom Management, LLC - Peter Throm
- Playbill
- RoyOMartin Foundation - Carole Baxter
- San Diego Symphony
- San Marcus Symphony
- Sciolino Artist Management - Marianne Sciolino
- Sony Music
- State Bank - Joe Nichols
- Texarkana Area Chamber of Commerce - Mike Malone
- Texarkana Area Community Foundation - Ken Cox
- Texarkana Chamber of Commerce
- Texarkana College
- Texas A&M University-Texarkana - Emily Cutre
- Texas Commission on the Arts - Gary Gibbs
- Texas High School, TISD - Arnie Lawson
- Texas Pioneer Foundation - Fred Markham
- Ticketmaster
- The Broadway League
- The Mandela Foundation
- Townsquare Media - Andi Darby
- United Talent Agency
- Vasco McCoy, Jr. Foundation, BankOZK - Kristie Dempsey
- Vienna Philharmonic/Saltzburg
- Wilf & Henderson - Kelley Birdwell
- Yates Foundation - Sonja Hubbard

References – cont.

Texarkana Symphony Board

- Steve Bennett
- R. Andrew Clark
- Jennifer Doan
- Micah Dorsey
- Nancy Jackson
- Remica Gray
- Tonja Luker Hays
- Victor Hlavinka
- Don Howren
- Jennell Ingram
- Jo Kahler
- Dr. Susan Keeney
- Lairie L. Kincaid
- Michael Malek
- Paul McCash
- Dr. Robert McGinnis
- Ronald L. Mills
- Judy Morgan
- Diana Norwood
- David Orr
- Jeff Prieskorn
- David Potter
- Catherine Rickett
- Lauren Ross
- Megan Schroeder
- Lisa Sitterly
- Robin Thomas
- Beverly Tye
- Mark Van Herpen
- Denis Washington
- Philip White

Symphony Perot Management Transition Committee

- Judy Morgan – Chair
- Philip Mann
- Jennifer Doan
- Lisa Sitterley
- Andrew Clark
- Denis Washington
- Mark Van Herpen
- Jeff Prieskorn
- Dr. Robert McGinnis



TSO Detailed Proposal

Pre-event Dining/Concessions

- Every event has appropriate concessions for the event.
- Broadways Shows and Performing Arts should have additional concessions.
- Pre-event dining appropriate for the event:
 - Outdoor tent dining
 - Dining on the mezzanine for patrons
 - Wine bar
 - Partnership dining



Attachment: 2021-036 ATTH 04 TSO-Perot Bid-PowerPoint (2471 : 2021-036 RES Perot Mgmt Contact w/

Maintenance & Capitol Improvements

- Modern Catering & Concessions
- City of Texarkana Perot Theatre Improvement Plans
 - Stage technical improvements
 - Dressing rooms
 - Hydraulic lift
 - Expanding back of hall
 - All keeping with the historic nature
- Improved bathrooms
- Improved box office space

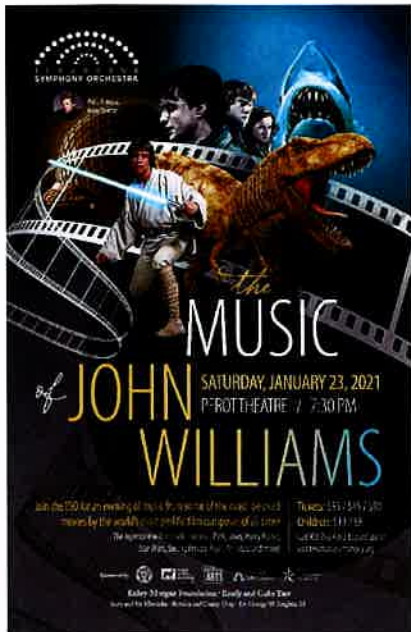
Staffing

- Randall Conroy
- Noah Crissman
- Debbie Gilliam



- General Manager (full-time, hired during year one)
- Director of Theatre Operations (could be a City employee)
- Technical Director (full-time)
- Audience Services Manager (full-time)
- Marketing Manager (part-time, salary)
- Janitorial Services (contracted, or part-time hourly)
- Stagehands (part-time, hourly)
- Lighting and Sound Operators (part-time, hourly)
- Stage Manager (part-time, hourly)
- Head Usher/Front of House manager (part-time, hourly)
- Concession Services (contracted or part-time, hourly)
- Security Services (contracted or part-time, hourly)

Marketing & Promotion



- Detailed marketing plan
- Dramatically enhanced social media presence across all platforms
- Community partnerships
- Leverage all media relationships – radio and television
- Print media in surrounding areas to drive traffic to Texarkana
- Targeted marketing per event to drive traffic to Texarkana
- Geo-fencing
- Social media app partnerships

Ticketing



- Rezoning the House
- Online Ticketing
- Data Analytics
- Dynamic Ticket Pricing

Finance and Accounting



- Setting regular benchmarks with the City
- Advanced long term season program and planning
- Two week post event summary
- Data analytics
- Regular in person reporting to the city
- Open financial communications with the City on Perot Theatre management
- Monthly Theatre calendar



TEXARKANA SYMPHONY ORCHESTRA'S VISION FOR THE **FUTURE OF THE PEROT THEATRE**



CITY OF
TEXARKANA
TEXAS

P.O. Box 1967
Texarkana, TX 75504
Phone (903) 798-3900

To: All

From: Amanda Freeland, Contracts Administrator

Date: April 13, 2021

Re: RFP #21-0000-01 Perot Theatre Management & Operational Services-Award

On Thursday, March 31, 2021 the Perot Theatre Management Citizen Committee met for a discussion session and voted for their recommendation regarding the management company for the City's Perot Theatre. Based on the preliminary votes, the Texarkana Symphony Orchestra received the recommendation as follows:

3-Texarkana Symphony Orchestra (TSO)

1-Texarkana Regional Arts & Humanities Council (TRAHC)

1-VenuWorks

The winning bid is contingent on the negotiation phase between the City and TSO reaching a monetary agreement.

Thank you,

Amanda Freeland

City of Texarkana, TX

Contracts Administrator

Attachment: 2021-036 ATTH 05 Perot Committee Recommendation (2471 : 2021-036 RES Perot Mgmt Contact w/ TSO)

PEROT THEATRE MANAGEMENT AGREEMENT

This Perot Theatre Management Agreement (the "Agreement") is entered into on this the ____ day of _____, 2021 by and between the City of Texarkana, Texas ("City"), a Texas home-ruled municipality, and the Texarkana Symphony Orchestra ("TSO"), a Texas non-profit organization subject to the terms and conditions of this Agreement.

WHEREAS, City is the owner of the Perot Theatre with an address of 221 Main Street, Texarkana, TX 75501, including the real property and all improvements thereon (the "Perot Theatre" or "Theatre"); and

WHEREAS, City has as one of its purposes the establishment, maintenance, promotion, and operation of cultural facilities for the benefit of the public; and

WHEREAS, TSO through a competitive bid process submitted a proposal for professional management of the Perot Theatre, a council appointed citizen review committee reviewed all proposals and recommended TSO as the professional management company for the Perot Theatre; and

WHEREAS, TSO agrees to use, operate, and manage the Perot Theatre in the manner provided for in this Agreement;

NOW, THEREFORE, in consideration of the respective rights and obligations of the parties set forth herein and other good and valuable consideration, City and TSO agree as follows:

I.

MANAGEMENT PROPERTY AND USE

1.1 Management Property. City, in consideration of the covenants and agreements to be performed by TSO and upon the terms and conditions in this Agreement, appoints TSO as the professional management company to handle the operation, management, and maintenance of the Perot Theatre located at 221 Main Street, Texarkana, Texas, along with all improvements thereon.

1.2 Use. Without in any way limiting or causing a waiver of the requirements set forth in this Agreement, TSO shall not permit the Theatre to be used in any manner contrary to the intended uses provided in this Agreement and which would render the insurance thereon void or the insurance risk more hazardous than the risks presented by the intended uses. TSO shall not use or occupy the Theatre, or permit the Theatre to be used or occupied, contrary to this Agreement or any statute, rule, order, ordinance, requirement or regulations applicable to the Theatre, or in any manner which would violate any certificate of occupancy or permit affecting same, or which would cause structural injury to the improvements, or cause the value or usefulness of the Theatre to diminish, or which constitutes a public or private nuisance or waste. TSO shall not use or occupy the Theatre, or permit the Theatre to be used or occupied in a manner which would be immoral or obscene in violation of applicable legal requirements or create a threat to the health, safety, and welfare of the general public, or which would constitute an act of public or private discrimination,

limitation of use or exclusion from the Theatre on the basis of race, color, religion, gender, age, national origin, citizenship, or disability.

II.

MANAGEMENT TERM AND TERMINATION

- 2.1 Term. This Agreement is for a 36 month term effective October 1, 2021 until September 30, 2024, with three (3) one year renewal options. Such renewal options shall be automatic unless written notice is given to City by TSO at least (90) days prior to the then ending term of such desire to not renew this Agreement.
- 2.2 Termination.
- (a) City may terminate this Agreement following the occurrence of a TSO default, subject to and in accordance with this Agreement.
 - (b) TSO may terminate this Agreement by giving City written notice twelve months or more in advance of the desired termination date. Provided, however, if the City has timely appropriated and used all funds necessary to perform (and has performed) all City maintenance obligations and has timely appropriated and delivered to TSO all City financial support, TSO shall not exercise such right of termination before TSO's obligations under this Agreement have been performed.
 - (c) The parties may mutually terminate this Agreement upon thirty days written notice, each to each other.
 - (d) City may terminate this Agreement for convenience upon giving written notice of such termination to TSO at least six months prior to the effective date of such termination.
 - (e) The termination of this Agreement will not affect existing executed contracts for rental of the facility in place prior to termination.

III.

DEFAULT

TSO shall be in default under this Agreement if:

- 3.1 TSO fails to maintain, in all material respects, any of the insurance provided for in this Agreement and fails to cure the failure within thirty (30) days after the City notifies TSO in writing of the failure to comply in accordance with the notice provisions under this Agreement; or

- 3.2 TSO fails to comply with any material term, covenant, or provision of this Agreement, and fails to commence action to cure the failure within forty-five (45) days after City notifies TSO in writing of the failure to comply in accordance with the notice provisions under this Agreement and fails to complete the cure of the failure (or fails to make significant progress towards completion of the cure of the failure, as determined by the City) within one hundred eight (180) days of City's written notice.

IV.

SERVICES AND OBLIGATIONS

4.1 TSO Services and Obligations

- A. *Event Rental, Marketing, and Promotion.* TSO shall perform the following duties related to marketing, operation and management of the Perot Theatre and promotion and oversight of performances and other Events held in the Theatre:
- (1) Fulfillment of all the terms and conditions set forth in the submitted bid proposal document dated _____ which includes programming strategy, marketing & promotion, operations, parking, finance & accounting, staffing and capital improvements of the Theatre. If any provision of the terms and conditions of the bid proposal document conflict with any provision of this Agreement, the terms of this Agreement shall prevail.
 - (2) Enforcing and carrying out the provisions, requirements and obligations of all Theatre rental agreements, operating policies, fee schedules and other contracts or agreements, ordinances, policies, procedures, security measures, or directives applicable to the Theatre and its use, management, operation and maintenance;
 - (3) Manage, maintain and operate the Theatre as a first-class facility for staging, shows, concerts, recitals, exhibitions and other performances ("Events") permitted by and in accordance with this Agreement;
 - (4) Assure that all Events scheduled in the Theatre are permitted by and in accordance with this Agreement;
 - (5) Provide professional management to schedule and promote the use of the Theatre ensuring a minimum of \$10,000 of the annual budget is utilized for advertising of the Perot Theatre;
 - (6) Provide ticket takers, ushers, stage hands, security guards and other personnel necessary for the operation of the Theatre;
 - (7) Establish operating policies and procedures as needed for the successful management and operation of the Perot Theatre in accordance with the City's public purpose;

- (8) Recognize in all published Theatre materials, or orally as appropriate, the City's involvement in or contribution to any and all Theatre endeavors or activities conducted pursuant to this Agreement.

B. Event Scheduling and Coordination. In scheduling Events held at the Theatre TSO will give due consideration to the following:

- (1) City Events. City will provide written notice to TSO of dates and times that the City requests to be reserved for Events to be presented by City. City shall reimburse TSO for the retail cost of food, beverages and sundry services, if any, provided at such Events by TSO and for any services or equipment provided by third parties; but no rental charge will be made to City for such use of the Theatre. Notwithstanding the above, in the event TSO negotiates to enter into a contract for an income producing event that conflicts with a City requested event date, so long as the City event may be moved to another date without adverse effect, City shall work with TSO to accommodate the income producing event.
- (2) Priority in scheduling Events will be given to the Texarkana Regional Arts Center (TRAHC), TSO, Texarkana Community Ballet, and dance recitals which routinely rent the Perot Theatre on an annual basis. April 30 of each year during the term of this Agreement is the DEADLINE date to establish priority dates for scheduling and reserving dates of Events by such parties or any other party for the succeeding September 1 – August 31 event scheduling period. Execution of a contract for rental will be required in order to reserve and hold dates for any Event to which priority scheduling has been accorded. From and after said deadline, dates for rental of the Theatre during the subject scheduling period will be available on a strict first come-first served basis. TSO shall negotiate and determine the form and specific terms of all rental contracts, including rental rates, fees and any ticket surcharges in addition to those for which provision is made in paragraph 4.1.C, below, except that TSO shall not have the authority to waive City's contractual requirements for indemnification, insurance, City access to the building and City fire and police department access.
- (3) A current calendar shall be posted on the Theatre website reflecting all confirmed future rentals and the Events, rehearsals, pre-rigs, and restores pertaining to them.

- C. Enhancement Fee. TSO shall collect a \$2.00 surcharge per ticket sold for all events held at the Theatre ("Enhancement Fee"). All funds realized from such surcharge shall be deposited in a designated enhancement fee account and shall be property of City. Funds in said account shall be expended only with the approval of City and only for enhancements to the Theatre.
- D. Reporting of Events. TSO shall submit to the City a quarterly report concerning its operations under this Agreement. Said report shall include but not be limited to:

- (1) a list of Events held at the Theatre during the preceding quarter;
- (2) a brief description of and paid attendance at each such Event;
- (3) a current Enhancement Fee update.

E. Funding/General:

- (1) TSO shall assist City's Planning & Community Development Department in preparing applications, proposals and similar documents seeking financial or other assistance from governmental or non-governmental sources;
- (2) TSO shall submit an annual budget relating to its management and operations of the Theatre for approval by City and shall remain in compliance therewith.
- (3) TSO shall pay alarm monitoring costs, fire inspection costs and costs for online services including the cost of a subscription to Pandora;
- (4) TSO shall be responsible for operation of the Theatre and expenses included therein including for utilities and supplies;
- (5) TSO shall comply with City ordinances, resolutions and procedures in the performance of this Agreement;
- (6) TSO recognizes that acceptance of the revenue provided by the municipal hotel occupancy tax creates a fiduciary duty in TSO with respect to expenditure of such funds;
- (7) TSO shall spend municipal hotel occupancy tax revenue for day-to-day operations, supplies, salaries, office rental, travel expense, and other administrative costs only if such administrative costs are incurred directly in promotion and servicing expenditures authorized under Texas Tax Code, Section 351.101(a); and such expenditures shall not exceed the portion of the total administrative costs actually incurred in conducting the activities for which the hotel occupancy tax revenue may be used as they relate to all activities of TSO;
- (8) TSO shall abstain from spending municipal hotel occupancy tax revenue for travel by any person to attend an event or conduct an activity the primary purpose of which is not directly related to the promotion of tourism and convention and hotel industry or the efficient and professional performance of the job of such person;
- (9) TSO shall spend funds received from the municipal hotel occupancy tax for purposes provided by Texas Tax Code, Section 351.101(a) and (b) which read as follows:
 - (a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:

- (1) The acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;
- (2) The furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
- (3) Advertising and conducting solicitations and promotional programs to attract tourist and convention delegates or registrants to the municipality or its vicinity;
- (4) The encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;
- (5) Historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
 - (A) At or in the immediate vicinity of convention center facilities or visitor information centers; or
 - (B) Located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;
- (6) For a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; and
- (7) Subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football, if:
 - (A) The municipality owns the facilities or fields;
 - (B) The municipality:
 - (i) Has a populations of 80,000 or more and is located in a county that has a population of 350,000 or less; or
 - (ii) Has a population of at least 65,000 but not more than 70,000 and is located in a county that has a population of 155,000 or less; and
 - (C) The sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments.
- (b) Revenue derived from the tax authorized by this chapter shall be expended in a manner directly enhancing and promoting tourism and the convention and hotel industry as permitted by Subsection (a). That revenue may not be used for the general revenue purposes or general governmental operations of a municipality.

- (10) TSO agrees to reimburse the City for any municipal hotel occupancy tax funds it receives under this Agreement which are not spent in a manner as authorized under Texas Tax Code Section 351.101 (a) and (b) within ninety (90) days' notice of such violation or if any expenditure goes over budget.
- (11) Within ninety days after the end of each year of its operations under this Agreement TSO shall furnish to City a detailed accounting of its receipts and expenditures pursuant to this Agreement. In lieu of an annual audit, City shall have the ability to perform an audit and TSO agrees to provide any documents necessary for such audit to City.
- (12) TSO shall develop a set of guidelines/criteria for bookings and shall post them on the Theatre website.
- (13) TSO shall prepare a plan for sale of concessions at the Theatre.
- (14) TSO shall implement a system that will allow patrons to register feedback and suggestions online and shall design the Theatre website so as to enable any such feedback and suggestions to be immediately made available to City.

F. Other Reports.

- (1) TSO shall provide a quarterly report to City to include such information as City may request in relation to the Theatre, its use, attendance, operation and management, to include, but not limited to, quarterly budgeted expenses vs actual expenses.
- (2) TSO shall provide timely reports to and meet with the City Manager or her/his designee regarding its performance of City related business related to the operation of the Theatre; and TSO shall assist in the preparation of City's budget for the Theatre.
- (3) TSO shall maintain separate, complete and accurate financial and other appropriate records of its activities under this Agreement and of its expenditures of municipal hotel occupancy tax revenues and of all expenses incurred by TSO in its performance under this Agreement. Within twenty-four (24) hours' notice such records shall be available for examination, inspection, review, audit and copying by City or its agent or representative between 9 AM and 5 PM, Monday through Friday, at the office of TSO located at 421 Hickory Street; Texarkana, AR.

- (4) TSO shall provide to City a current list of rentals that have been approved and contracted (for city review only). Such list shall also include any rental applications that have been received and declined with a full statement of the basis for such declination.
- (5) City shall develop and TSO shall provide to City a metric to measure TSO's effectiveness in its management of the Theatre and of its performance of the duties and obligations set forth in this Agreement.

4.2 City's Services and Obligations

- a. City shall allocate funds not to exceed \$272,702.00 annually (the "Budgeted Funds") received by the City from revenue derived from the municipal hotel occupancy tax pursuant to Article III, Chapter 26, Code of Ordinances, City of Texarkana, Texas, which shall be dedicated to the functions and operations of the Perot Theatre, located at 221 Main Street, Texarkana, Texas, including but not limited to office space, building insurance, computers, alarm monitoring, sprinkler system annual inspection, boiler inspection, website domain registration, salaries, and other services and expenses. Additionally, City shall deposit up to \$50,000 into the Perot Theatre Building Maintenance Fund maintained by the City. The management fee to be paid to TSO, is included in the Budgeted Funds provided TSO submits, on a monthly basis, a payment request accompanied by the Perot Management Report and any additional documentation requested by the City to fulfil expenditures as set forth in this Agreement.
- b. Theatre income shall include revenue from rental contracts, sale of merchandise, ticket handling, parking and other revenue streams associated with operation of the Theatre; provided, however, that revenue from sale of concessions shall be and remain the sole income of TSO. City will receive the first \$20,000 of Theatre income and shall deposit such funds into the Perot Theatre Building Maintenance Fund maintained by the City. Except as provided immediately hereinbelow, all additional Theatre income shall be divided between the parties as follows: 20% to City and 80% to TSO. To incentivize superior performance by TSO in marketing of the Theatre, once total income to City from Theatre income has totaled \$30,000 for the period of time commencing on October 1st of each year and ending on September 30th of each year ("Rental Base"), the 20%/80% scheme for sharing of Theatre income shall be modified such that the Theatre income from each such rental that exceeds the Rental Base shall be divided between the parties as follows: 10% to City and 90% to TSO.
- c. During the term of this Agreement, City will allow TSO full, free utilization of the office space located adjacent to the Theatre along with personal property located therein.

V.

TRANSITION

- 5.1 Transition. During the period of transition of Theatre management from the prior management company to TSO ("Transition Period") the parties hereto shall cooperate, each at its own

expense, by providing transition services as TSO might reasonably request and, otherwise, by working with each other to achieve an orderly transition of roles, duties and obligations in relation to management of the Theatre and any existing contracts or ongoing obligations of any type.

- 5.2 Any Theatre rental contracts as might exist on the effective date hereof, if any, shall be provided to TSO.
- 5.3 Management of Theatre rental contracts related to Events, if any, that have been booked as of the effective date hereof but are yet to be performed shall be assigned by City to TSO. City shall also take necessary actions to transfer monies or deposits in City's possession, if any, received and related to any such booked but still to be performed Events to TSO; and TSO shall thereafter undertake management of any such booked Events. The parties agree that if, as of the effective date hereof, the previous management company is in negotiations with another party for an Event to be held at the Theatre after October 1, 2021, City will use its best efforts to review any such proposed contracts with TSO for approval of such event provided, further, that approval shall not be unreasonably withheld unless another Event, the date of which would conflict with the date of any such proposed Event, has already been booked.

VI.

MAINTENANCE, ALTERATIONS, AND IMPROVEMENTS

- 6.1 TSO shall pay all charges for gas, electricity, water, telephone service, janitorial services, and other utilities and like services used by the Theatre during the term of this Agreement.
- 6.2 As soon as possible, and in any event not later than June 30, 2021, TSO shall perform a walkthrough with City staff to identify any problem issues or needed repairs and prepare a "punchlist" of such issues or repairs in order of their urgency or importance. Thereafter, and not later than August 1, 2021, TSO shall present a plan for spending enhancement fees to rectify such issues and complete such repairs, subject to City approval and subject to City's purchasing policies. TSO shall prepare a quarterly report to inform City of progress toward resolving such issues and completing such repairs; and, thereafter, shall perform an annual walkthrough with City to prepare an annual punchlist.
- 6.3 Except as otherwise provided in this Agreement, TSO shall during the term of this Agreement keep and maintain in good condition and repair (including replacements, if necessary) the Theatre premises and improvements and also, including but not limited to, landscaping and hardscape, mechanical, electrical, plumbing HVAC, sprinkler, exhaust and utility systems within and about the property ("TSO Maintenance").
- 6.4 Provided that, to the extent that any maintenance expense exceeds three thousand dollars (\$3,000.00), City shall, upon presentment of an itemized statement thereof, reimburse TSO for said costs incurred by TSO for such maintenance and repair, subject to the annual budget of \$272,207 set forth in the Budgeted Funds and subject to the approval procedures set forth in City's Purchasing Policy.

- 6.5 City shall be responsible for maintenance and repair of the Theatre building roof, exterior walls, exterior doors and windows, footings and foundation, floor slab, and structural walls, columns and beams, parking areas, driveways, and sidewalks. (the "City Maintenance").
- 6.6 TSO shall promptly report to the proper City officials any damage or disrepair of furniture, fixtures, personal property or real property in need of maintenance and remove from service any unsafe or potentially hazardous conditions immediately.
- 6.7 All permanent improvements that are erected with the Theatre shall be and remain the property of City, subject to the use by TSO in accordance with the terms of this Agreement.
- 6.8 No alternations or improvements shall be made by TSO to the Theatre without prior approval of the City. TSO acknowledges the historical nature of the Perot Theatre and the need to protect the preservation of the Perot Theatre. Notwithstanding this paragraph, any items approved on the Punchlist prepared by TSO and City shall be deemed approved by City and no further consent shall be necessary to perform these services or repairs.
- 6.9 No portion of this section shall be construed as to limited TSO's ability to construct temporary sets, designs, staging, lighting and sound systems or other alterations of theatrical or decorative nature in the Theatre which does not alter structural integrity of the building or damage the building. TSO or its contractors shall carry sufficient and appropriate insurance for such activities as may be required by the City.
- 6.10 TSO may remove all such non-City owned equipment and property that is not attached at the expiration or earlier termination of this Agreement, provided such removal does not cause any material damage to the Theatre. Any equipment or property that was paid for with City funding shall be considered City property. TSO acknowledges that City intends to perform certain Capital Improvements on the Theatre, adjoining, or adjacent thereto. City shall keep TSO informed of any such Capital Improvements and coordinate with TSO so as to not interfere with the operations of the Perot Theatre by TSO.

VII.

OWNERSHIP/PROPERTY OWNERSHIP

- 7.1 TSO shall provide a list of any personal items or property brought into or kept upon the Theatre property or other City property and shall promptly update such list for any removal or addition of any personal items or property. Said list shall describe each item in a manner that allows proper identification of each item. This paragraph shall not apply to items that are used solely for a performance and not stored or kept on the Perot Theatre property.

- 7.2 All personal property owned by TSO and placed in the Theatre or on City property, during the Term of this Agreement, remains the property of TSO. TSO is responsible for and shall pay prior to delinquency all taxes, if any, that may be assessed against, imposed, or otherwise payable on account of such personal property of TSO. TSO shall be responsible for insuring all personal property owned by TSO. City shall not be responsible for any damage or loss of such property.
- 7.3 All items or property purchased with City funds shall remain City property. Any new items acquired by TSO with City funds shall be tagged as City property for identification purposes. A list of all items purchased shall be provided to City.
- 7.4 All intellectual property and programs owned by and in the possession of City shall be made available to TSO. Such materials shall, however, be and remain the property of City.

VIII. INDEMNIFICATION

TSO is responsible for any and all claims and demands on account of any injury or death, or damage to property (including, but not limited to, the Theatre and the premises, occurring in or upon any portion of the Theatre or the premises which are caused by the acts or omissions of TSO, its officers, employees, representatives, agents, licensees, sublessees or contractors. TSO shall defend, indemnify and hold harmless City, its officers, employees, and agents from and against any and all claims, demands, actions, causes of action, penalties, judgments and liabilities of every kind and description (including courts costs and reasonable attorneys' fees) for injury to and death of persons and damage to and loss of property which are caused by, arise from or grow out of TSO's use, occupancy, and management of the Theatre or the premises. TSO will not be held responsible for any actions resulting from City's negligence or actions.

IX. INSURANCE

- 9.1 City shall maintain property insurance (including fire and extended coverage insurance) on the Theatre and premises with coverages and limits reasonably determined by City, with the intention of City to insure the Theatre in accordance with City policies and limits. Such property insurance shall be obtained at the cost and expense of City; provided, however, TSO shall for the duration of this Agreement be obligated to, in lieu of paying premiums to an insurance company, shall reimburse City for the premiums portion of City's cost and expense of obtaining such insurance.
- 9.2 TSO shall obtain and maintain in full force and effect during the term of this Agreement, at TSO's sole expense, liability, workers compensation and other insurance to insure TSO's personal property. The insurance shall be evidenced by delivery of executed certificates of insurance and certified

copies of the policies to City. Each such policy must name City as an additional insured and require that 60 days' notice be given to City before the cancelation, non-renewal, or any material change in coverage.

X.

MISCELLANEOUS PROVISIONS

- 10.1 Signs. Except as may be required by applicable City building ordinances and codes, TSO shall have the right to erect signs on the premises.
- 10.2 Employees. All personnel engaged by TSO shall be considered to be employees and/or agents or contractors of TSO and not employees and/or agents or contractors of City.
- 10.3 Headings. The captions and headings used in this Agreement are for convenience only and do not in any way restrict, modify or amplify the terms of this Agreement.
- 10.4 Force Majeure. Neither TSO nor City shall be liable to each for any failure, delay or interruption in the performance of any of the terms, covenants, or conditions of this Agreement due to causes beyond their respective control, including, but not limited to, war, strikes, boycotts, labor disputes, embargoes, acts of nature, acts of the public enemy, weather conditions, floods, riots, terrorism, pandemic, or any other circumstances for which a party is not legally responsible or which is not in its own power to control. The affected party's obligation shall be suspended during the continuance of the inability then claimed, but for no longer a period. To the extent possible, the party shall endeavor to remove or overcome the inability claimed with all reasonable dispatch.
- 10.5 Conflict of Interest. TSO and its employees, agents or associates are required to make regular, timely, continual and full disclosures to City of all significant outside interests and responsibilities that may give rise to a direct or indirect conflict of interest, including, but not limited to, any and all significant outside interests and responsibilities that could reasonably be expected to impair independence of judgment in TSO's performance of all of the services under this Agreement. Failure to promptly disclose such a conflict of interest may result in City's immediate termination of this Agreement by City Manager.
- 10.6 Governing Law. This Agreement, and the rights and obligations of the parties hereto, shall be construed and enforced in accordance with the internal laws of the State of Texas and venue shall be in Bowie County, Texas.
- 10.7 Notices. All notices, requests, demands, tenders and other communications under this Agreement shall be in writing. Any such notice, request, demand, tender or other communication shall be deemed to have been duly given when actually delivered, or the next business day following delivery to a nationally recognized commercial courier for next business day delivery, to the address for each party set forth below, or when transmitted by email (with confirmation of transmission). Rejection or other refusal to accept, or inability to deliver because of changed address of which no notice was given, shall be deemed to be receipt of such notice, request, demand, tender or other communication. Any party, by written notice to the others in the manner herein provided, may designate an address different from that stated herein. Any notice, request, demand, tender or other communication from legal counsel of a party hereto shall be deemed notice from such party for purposes of this Agreement.

All notices should be sent to the respective parties at the following addresses:

If to City:	Name City of Texarkana, Texas Address Texarkana, TX 75501 Email: Phone:
with a copy to:	Jo Thomason Atchley, Russell, Waldrop & Hlavinka, LP 1730 Galleria Oaks Texarkana, TX 75503 Email: jthomason@arwhlaw.com Phone: (903) 792-8246
If to TSO:	Name Texarkana Symphony Orchestra Address Texarkana, TX 75503 Email: Phone:

with a copy to:

- 10.8 Severability. If any term, condition or provision of this Agreement or the application thereof to any circumstance or party hereto, is invalid or unenforceable as against any person or, as to certain circumstances, then the remainder of this Agreement and the applicability of such term, condition or provision to other persons or circumstances shall not be affected thereby. Each term, condition or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 10.9 Amendment and Modification. This Agreement shall not be modified or amended except by an instrument in writing executed by or on behalf of the Parties.
- 10.10 Assignment. This Agreement may not be assigned by TSO, in whole or in part, without the prior written consent of City.
- 10.11 Interpretation. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the party drafting an instrument or causing any instrument to be drafted.
- 10.12 Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same instrument. [Signatures provided by facsimile or electronic transmission shall have the same force and effect as original signatures and shall be binding upon the parties.]
- 10.13 Relationship of the Parties; No Partnership. Nothing contained in this Agreement shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or joint venture by the parties hereto, it being

understood and agreed that no provision contained in this Agreement nor any acts of the parties hereto shall be deemed to create any relationship other than the relationship of independent contractors. No term or provision of this Agreement or act of TSO, its contractors, subcontractors, officers, agents and employees or any person under the control of TSO in the performance of this Agreement shall be construed as making them the agent, servant or employee of City.

- 10.14 Entire Agreement. This Agreement, the Exhibits and Schedules annexed hereto (which are incorporated herein by reference), and any contemporaneously executed agreements, are the entire agreement between the Parties and expresses the agreement of the parties hereto.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

SIGNATURE PAGE ON NEXT PAGE

2021-036 ATTH 06

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate originals by their respective duly authorized officers on the day and year first written.

CITY OF TEXARKANA, TEXAS

CITY MANAGER

ATTEST:

CITY SECRETARY

TEXARKANA SYMPHONY ORCHESTRA

BY:

ATTEST:

TSO SECRETARY

Attachment: 2021-036 ATTH 06 Perot Mgt Agrmt jt rvsd 210519clean (2471 : 2021-036 RES Perot Mgmt Contact w/ TSO)

Section D.—Fee Structure

In a separate sealed envelope, provide your fee structure. This section should include the management fee with emphasis placed on earned incentives from new or increased revenue sources and a reduction of the city funded subsidy.

Current Perot Theatre Budgeted Amount: \$272,000.00

- 1. Provide your firm's management fee proposal for the (5) five-year period which establishes profit/loss benchmark goals.**

The Texarkana Symphony Orchestra will except the \$272,000 management fee and negotiate any effects the potential transfer of personnel to the City will cause and will negotiate incentive amounts to complete construction plans for the Theatre.

- 2. Explain what type or level of incentives your firm proposes to receive if revenue goals are met or exceeded.**

Based on the industry in general and the fact that we will be coming out of a once-in-a-lifetime pandemic we would begin negotiations of incentives with:

- A 20% City and 80% Management Company split of all net profits after the first \$10,000.00, in profit revenue.
- We look forward to setting financial incentives and benchmarks with the City in order to monitor progress and meet new mutual goals.
- We also look forward to working with the City to obtain objectives of expanding the Theatre with current or revised architectural plans. We want to make these a reality instead of continuing to leaving them on the table.

- 3. Budget for the Perot Theatre will be budgeted separately from Management Company account.**

The Texarkana Symphony Orchestra will maintain a separate budget and bank account for the Theatre management.

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:**Resource Impact:**

Staff time required if item is approved: No Additional

Other Potential Impacts:**Public Information Plan:**

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

Other:

RESOLUTION NO. 2021-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ACCEPTING AND APPROVING A PROPOSAL WITH TEXARKANA SYMPHONY ORCHESTRA (TSO) FOR MANAGEMENT SERVICES FOR THE PEROT THEATRE; AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY-TWO THOUSAND TWO HUNDRED SEVEN DOLLARS (\$272,207), TO BE PAID FROM HOTEL/MOTEL TAX FUNDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, proposals for the management of the Perot Theatre were issued March 2, 2021, with three (3) organizations expressing interest; and

WHEREAS, after a selection process that included written proposals and in-person presentations, an appointed Perot Theatre Management Citizen Advisory Committee reviewed the proposals and recommended TSO as the management services provider for the Perot.

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

Section 1: That the recommendation for TSO's proposal be accepted for management services for the Perot; and

Section 2: That the Interim City Manager is authorized to negotiate final terms and execute a management agreement with TSO in an amount not to exceed Two Hundred Seventy-Two Thousand Two Hundred Seven Dollars (\$272,207) to be paid from hotel/motel tax funds; and

Section 3: That this Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 24th day of May, 2021.

ATTEST:


JENNIFER EVANS, CITY SECRETARY
7:11 p.m.


BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/21/2021 11:23 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary

Subject: Resolution No. 2021-045 authorizing the Interim City Manager Contract.

Briefing: 5/24/2021 **Public Hearing:** **Council Vote:** 5/24/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

By Ordinance No. 2021-029, the City Council passed and approved on April 26, 2021, the appointment of David Orr, Ph.D., as Interim City Manager effective May 1, 2021.

Potential Options:

- To approve the Interim City Manager Contract
- To not approve the Interim city Manager Contract

Fiscal Implications:

As stated per contract

Staff Recommendation:

To approve the resolution

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- 2021-045 RES Interim CM contract (Orr) (DOCX)
- 2021-045 Goals & Perspective (DOCX)

City of Texarkana, Texas

c. 2021-045 RES Interim City Manager contract SIGNED (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	05/21/2021 11:23 AM		
City Manager	David Orr	City Manager Review Completed	05/21/2021
3:07 PM			
City Council	Vicky Coopwood	Meeting	Completed
6:00 PM			05/24/2021

Meeting History

RESOLUTION NO. 2021-045**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, AUTHORIZING AN INTERIM CITY
MANAGER CONTRACT; AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, pursuant to Ordinance No. 2021-029, passed and approved on April 26, 2021, and effective May 1, 2021 (“the appointment ordinance”), the City Council of the City of Texarkana, Texas, appointed David Orr, Ph.D., as Interim City Manager; and

WHEREAS, the City Council and Dr. Orr desire to memorialize in a written contract various duties, responsibilities, stipend, and other matters attendant with the appointment ordinance and the position of Interim City Manager.

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

SECTION 1: The Interim City Manager Contract by and between the City of Texarkana, Texas, and David Orr, Ph.D., attached hereto as **Exhibit “A”**, is approved.

SECTION 2: The Mayor of the City of Texarkana, Texas, is authorized to execute said Interim City Manager Contract on behalf of the City of Texarkana, Texas.

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

PASSED AND APPROVED in Regular Council Session on this the **24th day of May, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2021-045 RES Interim CM contract (Orr) (2486 : 2021-045 RES Interim CM Contract (Orr))

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2021-045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING AN INTERIM CITY MANAGER CONTRACT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2021-029, passed and approved on April 26, 2021, and effective May 1, 2021 ("the appointment ordinance"), the City Council of the City of Texarkana, Texas, appointed David Orr, Ph.D., as Interim City Manager; and

WHEREAS, the City Council and Dr. Orr desire to memorialize in a written contract various duties, responsibilities, stipend, and other matters attendant with the appointment ordinance and the position of Interim City Manager.

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

SECTION 1: The Interim City Manager Contract by and between the City of Texarkana, Texas, and David Orr, Ph.D., attached hereto as **Exhibit "A"**, is approved.

SECTION 2: The Mayor of the City of Texarkana, Texas, is authorized to execute said Interim City Manager Contract on behalf of the City of Texarkana, Texas.

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

PASSED AND APPROVED in Regular Council Session on this the **24th** day of **May, 2021**.

ATTEST:


JENNIFER EVANS, CITY SECRETARY
8:14 p.m.


BOB BRUGGEMAN, MAYOR

Attachment: 2021-045 RES Interim City Manager contract SIGNED (2486 : 2021-045 RES Interim CM Contract (Orr))

Interim City Manager Contract

The City of Texarkana, Texas ("City"), a municipal body politic and corporate in perpetuity, acting by and through its City Council ("Council"), and David W. Orr, Ph.D. ("Orr" or "Manager"), agree to the following:

I. Manager Duties and Responsibilities

1.1 LIMITED SCOPE OF CONTRACT. By Ordinance No. 2021-029, passed and approved on April 26, 2021 ("the appointment ordinance"), the Council appointed Orr as Interim City Manager. This Contract is subject to the appointment ordinance. The Council and Orr desire to memorialize in this Contract various duties, responsibilities, stipend, and other matters attendant with the appointment ordinance and the position of Interim City Manager. The parties intend for this Contract to be temporary; and as Orr's employment with the City predated the appointment ordinance, the termination of this Contract shall not constitute termination of Orr's employment with the City.

1.2 POSITION, POWERS, AND DUTIES. Manager shall faithfully perform the powers and duties of the position of City Manager as prescribed in the City Charter, the job description, City ordinances, and as may be lawfully assigned by the Council (collectively the "City Manager's Duties"). Manager shall perform the City Manager's Duties with reasonable care, diligence, skill and expertise. All duties assigned to Manager by the Council shall be appropriate to and consistent with the professional role and responsibility of the position. Manager shall comply with (collectively, "Applicable Laws and Authorities"): state and federal law; the City's Charter; all City policies, rules, regulations and ordinances as they exist or may hereinafter be amended; and all lawful Council directives.

1.3 COUNCIL MEETINGS. Except to the extent prohibited by or in material conflict with Applicable Laws and Authorities, Manager shall attend, and shall be permitted to attend, all meetings of the Council, both public and closed, with the exception of those closed meetings devoted to the consideration of any action or lack of action on Manager's appointment pursuant to the appointment ordinance, this Contract or any amendment thereto, Manager's evaluation, or for purposes of resolving conflicts between individual Council members.

1.4 CRITICISMS, COMPLAINTS, AND SUGGESTIONS. The Council, individually and collectively, shall refer in a timely manner all substantive criticisms, complaints, and suggestions called to the Council's attention to Manager for study and/or appropriate action, and Manager shall refer the matter(s) to the appropriate City employee or shall investigate such matter(s) and inform the Council of the results of such efforts.

1.5 INDEMNIFICATION. To the extent it may be permitted to do so by applicable law, including, but not limited to Texas Civil Practice & Remedies Code Chapter 102, the City does hereby agree to defend, hold harmless, and indemnify Manager from any and all demands, claims, suits, actions, judgments, expenses and attorneys' fees incurred in any legal proceedings brought against Manager in Manager's individual or official capacity as an employee and as City Manager, providing the incident(s) which is (are) the basis of any such demand, claim, suits, actions,

judgments, expenses and attorneys' fees, arose or does arise in the future from an act or omission of Manager, as an employee of the City, acting within the course and scope of Manager's employment with the City; excluding, however, any such demand, claim, suits, actions, judgments, expenses and attorneys' fees for those claims or any causes of action where it is determined that Manager committed official misconduct, or committed a willful or wrongful act or omission, or an act or omission constituting gross negligence, or acted in bad faith; and excluding any costs, fees, expenses or damages that would be recoverable or payable under an insurance contract, held either by the City or by Manager. The selection of Manager's legal counsel shall be with the mutual agreement of Manager and the City if such legal counsel is not also City's legal counsel. A legal defense may be provided through insurance coverage, in which case Manager's right to agree to legal counsel provided for him will depend on the terms of the applicable insurance contract. To the extent this paragraph exceeds the authority provided and limitations imposed by Texas Civil Practice & Remedies Code, Chapter 102, it shall be construed and modified accordingly to comply with Chapter 102. Manager agrees to provide assistance to and cooperate with City, its agents, insurers, employees and attorneys, in any aspect of defending such claims. The parties intend that the type of claims for which any public funds may be expended pursuant to this paragraph will involve the interests of City and will not accrue solely to the benefit of Manager. The parties do not intend for City to expend public funds pursuant to this paragraph solely to the benefit of Manager. The provisions of this paragraph shall survive the termination of this Contract.

1.6 HOURS OF WORK. Manager acknowledges the proper performance of the City Manager's Duties requires Manager to generally observe normal business hours and will also often require the performance of necessary services outside of normal business hours. Manager agrees to devote such additional time as is necessary for the full and proper performance of the City Manager's Duties and that the compensation herein provided includes compensation for the performance of all such services. However, the City intends that reasonable time off be permitted Manager, such as is customary for exempt employees, so long as the time off does not interfere with the normal conduct of the office of the City Manager. Manager will devote full time and effort to the performance of the City Manager's Duties, and shall remain in the exclusive employ of the City during the term of this Contract; provided that, with the prior consent of the Council, Manager may accept outside professional employment which does not interfere with Manager performing the City Manager's Duties hereunder. The term "outside professional employment" means professional services provided to third parties for which Manager is compensated and which are performed on Manager's time off.

II. Compensation and Benefits

2.1 STIPEND. The City shall provide Manager with a daily stipend of One Hundred Fifty-five Dollars (\$155.00) so long as the appointment ordinance remains in effect. This stipend shall be paid to Manager in equal installments on the standard payroll schedule as other City employees and shall be paid net of any applicable withholding or deductions required by the Applicable Laws and Authorities. This Stipend supplements the salary Orr receives as an employee of the City prior to the effective date of the appointment ordinance, and this Contract does not govern that salary amount.

2.2 **STIPEND ADJUSTMENTS.** The Council may, in its discretion, review and adjust the stipend of Manager by ordinance, which shall be deemed an amendment to this Contract, but in no event shall the stipend be less than the amount set forth in Paragraph 2.1 of this Contract, except by mutual agreement of the two parties.

2.3 **PAID LEAVES – VACATION, SICK/PERSONAL AND HOLIDAY.** Manager may take, at Manager's choice, the same number of hours of vacation authorized for other cabinet staff employees of the City, the leave to be in a single period or at different times. After providing reasonable notice to the Council of proposed or anticipated vacation dates, Manager shall take vacation days at such time or times as will least interfere with the performance of the City Manager's Duties. Manager is hereby granted the same sick/personal/vacation leave benefits as authorized by City policies for cabinet staff employees. Manager shall observe the same legal holidays as provided by the City for its cabinet staff employees.

2.4 **BENEFITS.** Manager shall be entitled to the same insurance benefits (health, dental, vision, life, long-term disability, and critical illness) that are enjoyed by any other cabinet staff employees of the City pursuant to all Applicable Laws and Authorities. The City agrees to maintain Manager's enrollment in the applicable state or local retirement system and to make at least the same level of contributions for Manager or on Manager's behalf as the City does for its other cabinet staff employees consistent with all Applicable Laws and Authorities. Manager shall be provided any and all other employee benefits provided other cabinet staff employees that are not specifically and/or individually listed herein.

2.5 **EXPENSES.** The City shall pay or reimburse Manager for reasonable expenses incurred by Manager in the continuing performance of Manager's duties under this Contract. The City agrees to pay the actual and incidental costs incurred by Manager for travel. Such actual or incidental costs may include, but are not limited to, gasoline, hotels and accommodations, meals, rental car, and other expenses incurred in the performance of the business of the City. Manager shall comply with all procedures and documentation requirements in accordance with Applicable Laws and Authorities.

2.6 **BONDS.** The City shall bear the full cost of any fidelity or other bonds required of Manager under any law or ordinance.

2.7 **CIVIC ACTIVITIES.** Manager is encouraged to participate in community and civic organizations and activities. The cost of dues and memberships for such organizations and activities up to a maximum amount of One Thousand and No / 100 Dollars (\$1,000.00) annually shall be borne by the City.

2.8 **AUTOMOBILE ALLOWANCE.** The Council shall provide Manager with an automobile allowance in the amount as budgeted by the Council for cabinet staff employees, which payment is in lieu of mileage expense reimbursement, gasoline or other vehicle upkeep charges associated with travel to destinations within the City. The allowance shall be paid in addition to the stipend set forth in Paragraph 2.1 of this Contract. Manager shall not claim mileage associated with other appropriately claimed expenses provided for in Paragraph 2.5 of this Contract when conducting official business travel for the City to destinations outside of the City.

2.9 MOBILE TELEPHONE ALLOWANCE. The City shall provide Manager with a mobile telephone allowance in the amount as budgeted by the Council for cabinet staff employees. Manager shall maintain a personal account for the mobile telephone service and shall not open an account in the name of the City. Manager shall have total responsibility for payment of such personal account and the City shall have no obligation or responsibility related to such personal account other than the monthly payment to Manager of the mobile telephone allowance stated herein.

2.10 PROFESSIONAL DUES, SUBSCRIPTIONS, TRAVEL, AND CONTINUING EDUCATION. The City agrees to budget for and to pay for the following: professional dues and subscriptions of Manager necessary for continuation and full participation in national, state, regional, and local associations and organizations as necessary and/or desirable for the good of the City through Manager's continued professional participation, growth and advancement; travel and subsistence expenses of Manager for professional and official travel and meetings to adequately continue the professional development of Manager and to pursue necessary official functions for the City, including but not limited to the Texas Municipal League, the Texas City Management Association, and such other national, regional, state and local governmental groups and committees in which Manager is a member; and travel and subsistence expenses of Manager for short courses, institutes, and seminars that are necessary and/or desirable for the good of the City through Manager's professional development.

2.11 APPROPRIATION. The Council shall appropriate, set aside, and encumber available and otherwise unappropriated funds of the City in an amount sufficient to fund and pay all financial obligations of the City pursuant to this Section II.

III. Performance Evaluation

3.1 EVALUATION PROCESS. The Council shall review Manager's job performance on or before September 30, 2021, and periodically thereafter at least quarterly, unless the parties agree otherwise. The performance reviews and evaluations shall be in accordance with criteria developed jointly by the Council and Manager. The Council shall provide Manager a reasonable and adequate opportunity to discuss with the Council and/or respond to Manager's evaluation. In the event the Council determines that the evaluation procedure is to be modified by the Council, and such modifications would require new or different performance expectations, then Manager shall be provided a reasonable period of time to demonstrate such expected performance before being evaluated.

3.2 CONFIDENTIALITY. Unless Manager expressly requests otherwise in writing, and except to the extent prohibited by or in material conflict with Applicable Laws and Authorities, the evaluation of Manager shall at all times be conducted in closed session of the Council and shall be considered confidential to the maximum and full extent permitted by law. Nothing herein shall prohibit the Council or Manager from sharing the content of Manager's evaluation with their respective legal counsel.

IV. CONTRACT TERMINATION

4.1 **TERMINATION EVENTS.** This Contract shall terminate upon any of the following:

- a. Mutual agreement of the Council and Orr in writing and signed by them;
- b. Retirement or death of Orr;
- c. Council change of the appointment ordinance, provided that Council shall inform Orr no later than thirty (30) days preceding the posting of an agenda item of any action to appoint another person as Interim City Manager or City Manager; or
- d. Removal of Manager pursuant to Article III, Section 2 of the City Charter.

V. GENERAL PROVISIONS

5.1 **BINDING EFFECT.** This Contract shall be binding on the City and Manager as well as their heirs, assigns, executors, personal representatives and successors in interest.

5.2 **SAVINGS CLAUSE.** In construing this Contract, none of the parties hereto shall have any term or provision, or any uncertainty or ambiguity as to any provisions herein, construed against such party solely by reason of such party having drafted the same, or as a result of the manner of the preparation of this Contract, or otherwise. Each term and provision of this Contract shall be construed and interpreted so as to render it enforceable. If any term or provision of this Contract, as applied to any party or to any circumstance, is declared by a court of competent jurisdiction hereof to be illegal, unenforceable or void in any situation and in any jurisdiction, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or the validity or enforceability of the offending provision in any other situation or in any other jurisdiction. The parties agree that the court making such determination shall have the power to reduce the scope, duration, area or applicability of the term or provision, to delete specific words or phrases or to replace any illegal, unenforceable or void term or provision with a term or provision that is valid and enforceable and that comes closest to expressing the intention of the invalid or unenforceable term or provision.

5.3 **CONTROLLING LAW.** This Contract shall be governed by and construed and enforced in accordance with the laws of the State of Texas and shall be performable in Bowie County, Texas.

5.4 **EFFECTIVE DATE.** This Contract shall be effective retroactive on May 1, 2021.

IN WITNESS WHEREOF, the City of Texarkana, Texas, has caused this Contract to be signed and executed on its behalf by its Mayor, and duly attested by its City Secretary, and Manager has signed and executed the Contract on the dates set forth below.

City of Texarkana, Texas

By:  Dated: May 24, 2021
Bob Bruggeman
Mayor

ATTEST:

 Dated: May 24, 2021
Jennifer Evans
City Secretary

Manager

 Dated: May 24, 2021
David W. Orr, Ph.D.

Attachment: 2021-045 RES Interim City Manager contract SIGNED (2486 : 2021-045 RES Interim CM Contract (Orr))