CITY OF TEXARKANA

CITY COUNCIL

AGENDA ● MAY 26, 2020

Council Chambers	Regular Meeting	6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

PRECAUTIONARY MEASURES RELATED TO COVID 19: While the City Council intends to conduct this meeting in person, virtual two-way communication with the City Council will be available using Zoom video conferencing so citizens do not have to physically attend the meeting. Citizens may access Zoom at this page of the city's website http://ci.texarkana.tx.us/CivicAlerts.aspx?AID=259 and follow the registration instructions (which will direct you to a Zoom web site). Technical limitations will necessitate reserving Zoom only for citizens who wish to comment during open forum. **Citizens must complete the Zoom pre-registration by 12:00 p.m. on the day of the meeting and then be ready to comment during the meeting.**

Citizens who wish to submit comments to be read during open forum, without attending the meeting or using video conferencing, may e-mail comments to j.evans@txkusa.org. **All e-mailed comments must be received by 12:00 p.m. on the day of this meeting.**

The public may continue to access the City's regular meeting by internet livestream through the Quick Links "City Meeting Videos and Agendas" posted on the city's website ci.texarkana.tx.us.

Mayor
Bob Bruggeman

Ward 1	**Ward 3**	**Ward 5**
Jean H. Matlock	Betty Williams	Bill Harp
Ward 2	**Ward 4**	**Ward 6**
Mary Hart	Christie Alcorn	Jay Davis

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

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

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

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JEAN MATLOCK

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

REMINDER - Council's Summer Schedule is one meeting in June and one meeting in July.

Upcoming City Council Meetings:

Monday, June 8, 2020 at 6:00 p.m.

Monday, July 13, 2020 at 6:00 p.m.

Parks & Recreation Events:

There are no events scheduled at this time.

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.

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

VI. ITEMS FOR CONSIDERATION

Consent Items

1. Consider approval of the minutes of the Regular Meeting of the City Council held on April 27, 2020 at 6:00 PM.

2. Ordinance No. 2020-045 amending the budget for the Health Department Fund (Fund 501) to reflect additional revenue and expenditures of $91,905 for grant funding received from the Department of State Health Services.

   Public Hearing:
   Council Vote: May 26, 2020

3. Ordinance No. 2020-046 amending the budget for the Community Development Block Grant Fund (Fund 204) to reflect additional revenue and expenditures of $218,921 for grant funding received from the Community Development Block Grant (CDBG-CV) Cares Act.

   Public Hearing:
   Council Vote: May 26, 2020

4. Ordinance No. 2020-047 amending the budget for the Department of Justice COVID-19 Grant Fund (Fund 237) to reflect additional revenue and expenditures of $83,330 for grant funding received from the DOJ.

   Public Hearing:
   Council Vote: May 26, 2020

Action Items

5. Resolution No. 2020-048 adopting the City's investment policy.

   Public Hearing:
   Council Vote: May 26, 2020

6. Resolution No. 2020-050 assembling a Budget Advisory Committee to advise the City Council on the proposed fiscal year 2020-21 city budget.

   Public Hearing:
   Council Vote: May 26, 2020

7. Resolution No. 2020-052 supporting the establishment of a Commercial Property Assessed Clean Energy (PACE) Program in Bowie County, Texas.

   Public Hearing:
   Council Vote: May 26, 2020

VII. CLOSED SESSION

The City Council will convene into closed session pursuant to Texas Government Code Section 551.074 (Personnel Matters) to discuss or deliberate the reappointment of Sherry L. Jackson, J.D., as City Judge of the City's Municipal Court of Record and amending Judge Jackson's Compensation Agreement.

VIII. RECONVENE INTO OPEN SESSION

1. Ordinance No. 2020-049 for the reappointment of the Municipal Judge and the approval of a two-year employment agreement.

   Public Hearing:
   Council Vote: May 26, 2020

IX. FIRST BRIEFINGS

1. Ordinance No. 2020-040 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 1 & 2, Block 35, Grandview Addition, located at 2707 Davis Street. Sharon Robinson Block, applicant.

   Public Hearing: June 8, 2020
   Council Vote: June 8, 2020

2. Ordinance No. 2020-041 rezoning an approximate 2.9-acre tract of land in the M.E.P. Ry. Co. HRS, A-421, located at 3920 Summerhill Road. General Retail to Planned Development-Commercial. Alan Schimming, applicant.

   Public Hearing: June 8, 2020
   Council Vote: June 8, 2020

3. Ordinance No. 2020-042 granting Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 3 & 4, Block 19, Grandview Addition, located at 3919 Alexander Avenue. Mildred Wyatt, applicant. Sharon Williams, agent.

   Public Hearing: June 8, 2020
   Council Vote: June 8, 2020

4. Ordinance No. 2020-043 granting Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 7-10, Block 10, Grandview Addition, located at 3324 Alexander Avenue. John and Valerie Fuller, applicants.

   Public Hearing: June 8, 2020
   Council Vote: June 8, 2020

5. Ordinance No. 2020-044 granting Specific Use Permit to allow a telecommunications tower on Lots 7 & 8, Block 125, Trigg's Addition, located at 1204 Wood Street. Fred Norton, applicant. Gregg Staggs, agent.

   Public Hearing: June 8, 2020
   Council Vote: June 8, 2020

6. Resolution No. 2020-051 supporting The Texarkanan (former Texarkana National Bank building) redevelopment project, authorizing use of funds to any person or entity allying with Texarkana Renewal Properties, LLC for the project, and authorizing the City Manager to execute any and all loan documents or other documents necessary for the project.

   Public Hearing: June 8, 2020
   Council Vote: June 8, 2020

X. PUBLIC HEARINGS

XI. ITEMS FOR DISCUSSION

Staff Updates

XII. ADMINISTRATIVE COMMENTS

1. City Council
2. City Staff

XIII. CLOSED SESSION

The City Council will convene in closed session pursuant to Texas Government Code Section 551.071 - Consultation with the City Attorney.

XIV. RECONVENE INTO OPEN SESSION

XV. ADJOURNMENT

Jennifer Evans
City Secretary

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

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

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

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

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

CITY OF TEXARKANA

CITY COUNCIL

MINUTES • APRIL 27, 2020

Council Chambers	Regular Meeting	6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

ee Name	Title	Status	Arrived
ggeman	Mayor	Present	
Matlock	Ward 1	Present	
art	Ward 2	Present	
illiams	Ward 3	Present	
Alcorn	Ward 4	Present	
p	Ward 5	Present	
is	Ward 6	Present	

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

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER BETTY WILLIAMS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, May 11, 2020 at 6:00 p.m.
Tuesday, May 26, 2020 at 6:00 p.m.

Parks & Recreation Events:

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

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

IV. SPECIAL UPDATE ON COVID-19

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

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

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

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

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

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

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

V. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

There were no public comments made at Open Forum.

VI. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

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

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

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

(6:26 p.m.)

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

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

VII. ITEMS FOR CONSIDERATION

Consent Items

(6:27 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on March 23, 2020 at 6:00 PM.

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

   Public Hearing:
   Council Vote: April 27, 2020

Action Items

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

   Public Hearing:
   Council Vote: April 27, 2020

   David Orr briefed this agenda item. Georganna Collins, Project Manager of the Natural Resource Damage Assessment (NRDA) grant, via Zoom, shared comments about the administration of the grant. Barney Austin, CEO of Aqua Strategies, via Zoom, made himself available for questions from the council.
   (6:40 p.m.)

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

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

   Public Hearing:
   Council Vote: April 27, 2020

   David Orr briefed this agenda item.
   (6:41 p.m.)

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

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

   Public Hearing: April 27, 2020
   Council Vote: April 27, 2020

David Orr briefed this agenda item. There were no public comments made at this hearing.
(6:45 p.m.)

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

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

   Public Hearing:
   Council Vote: April 27, 2020

   City Manager Jaster briefed this agenda item.
   (6:46 p.m.)

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

VIII. FIRST BRIEFINGS - NONE

IX. PUBLIC HEARINGS - NONE

X. ITEMS FOR DISCUSSION

Staff Updates

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

XI. ADMINISTRATIVE COMMENTS

1. City Council

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

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

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

2. City Staff

Staff had no administrative comments for council.

XII. ADJOURNMENT

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

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

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/6/2020 5:10 PM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,

Subject: Ordinance No. 2020-045 amending the budget for the Health Department Fund (Fund 501) to reflect additional revenue and expenditures of $91,905 for grant funding received from the Department of State Health Services.

Briefing: 5/26/2020 **Public Hearing:** **Council Vote:** 5/26/2020

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The Texarkana Bowie County Family Health Center was awarded $91,905 in additional funding from the Department of State Health Services for the WIC program. This funding was not included in the original budget for the fiscal year ending September 30, 2020. Staff is requesting that these funds be added to the Health Department Fund (Fund 501) budget for the fiscal year ending September 30, 2020.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Appropriation of grant award. No financial impact to the City.

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

City of Texarkana, Texas

a. 2020-045 ORD amend Health Dept. Budget (DOC)
b. 2020-045 Goals & Perspectives (DOCX)

Staff Coordination

Finance Department Kristin Peeples Department Head Review Completed 05/06/2020 5:10 PM
Finance Department Kristin Peeples Finance Review Completed 05/06/2020 5:11 PM
Parks, Recreation & Health Robby Robertson Review Completed 05/08/2020 9:45 AM
City Manager Shirley Jaster City Manager Review Completed 05/19/2020 2:50 PM
City Council Vicky Coopwood Meeting Pending 05/26/2020 6:00 PM

Meeting History

ORDINANCE NO. 2020-045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED REVENUE AND EXPENDITURES FOR THE HEALTH DEPARTMENT FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020, ADDING THE AMOUNT OF NINETY-ONE THOUSAND NINE HUNDRED FIVE DOLLARS ($91,905); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texarkana Bowie County Family Health Center was awarded **NINETY-ONE THOUSAND NINE HUNDRED FIVE DOLLARS ($91,905)** in additional funding from the Department of State Health Services; and

WHEREAS, these funds are not currently included in the budget for the Health Department Fund (Fund 501) for the fiscal year ending September 30, 2020; and

WHEREAS, City staff recommends amending the budget estimate of the City's revenues and expenditures for the fiscal year beginning October 1, 2019, and ending September 30, 2020, to include the additional funding in the Health Department Fund (Fund 501).

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

SECTION 1: That the budget estimate of the revenue and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2019, and ending September 30, 2020, be amended to reflect additional revenue and expenditures appropriated of **NINETY-ONE THOUSAND NINE HUNDRED FIVE DOLLARS ($91,905)** added to the Health Department Fund (Fund 501).

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

PASSED AND APPROVED in Regular Council Session on this the **26th day of May, 2020**.

ATTEST:

__________________________________ __________________________________

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2020-045 Goals & Perspectives (2263 : 2020-045 ORD Amending Health Department Budget)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/6/2020 12:48 PM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,

Subject: Ordinance No. 2020-046 amending the budget for the Community Development Block Grant Fund (Fund 204) to reflect additional revenue and expenditures of $218,921 for grant funding received from the Community Development Block Grant (CDBG-CV) Cares Act.

Briefing: 5/26/2020 **Public Hearing:** **Council Vote:** 5/26/2020

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The City was awarded additional Community Development Block Grant (CDBG-CV) CARES Act funding in the amount of $218,921. This funding was not included in the original budget for the fiscal year ending September 30, 2020. Staff is requesting that these funds be added to the Community Development Block Grant Fund (Fund 204) budget for the fiscal year ending September 30, 2020.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Appropriation of grant award. No financial impact to the City.

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

City of Texarkana, Texas

a. 2020-046 ORD Amending CDBG Budget (DOC)
b. 2020-046 Goals & Perspectives (DOCX)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	05/05/2020 3:59 PM
Finance Department	Kristin Peeples	Finance Review	Completed	05/05/2020 4:00 PM
Planning and Community Development		David Orr	Review	Completed 05/06/2020 9:52 AM
City Manager	Shirley Jaster	City Manager Review	Completed	05/07/2020 3:21 PM
City Council	Vicky Coopwood	Meeting	Pending	05/26/2020 6:00 PM

Meeting History

ORDINANCE NO. 2020-046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED REVENUE AND EXPENDITURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020, ADDING THE AMOUNT OF TWO HUNDRED EIGHTEEN THOUSAND NINE HUNDRED TWENTY-ONE DOLLARS ($218,921); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, was awarded **TWO HUNDRED EIGHTEEN THOUSAND NINE HUNDRED TWENTY-ONE DOLLARS ($218,921)** in Community Development Block Grant (CDBG-CV) CARES Act funding; and

WHEREAS, these funds are not currently included in the budget for the Community Development Block Grant (CDBG) Fund (Fund 204) for the fiscal year ending September 30, 2020; and

WHEREAS, City staff recommends amending the budget estimate of the City's revenues and expenditures for the fiscal year beginning October 1, 2019, and ending September 30, 2020, to include the additional funding in the Community Development Block Grant (CDBG) Fund (Fund 204).

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

SECTION 1: That the budget estimate of the revenue and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2019, and ending September 30, 2020, be amended to reflect additional revenue and expenditures appropriated of **TWO HUNDRED EIGHTEEN THOUSAND NINE HUNDRED TWENTY-ONE DOLLARS ($218,921)** added to the Community Development Block Grant (CDBG) Fund (Fund 204).

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

PASSED AND APPROVED in Regular Council Session on this the **26th day of May, 2020**.

ATTEST:

______________________________ ______________________________

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version:
Update Date: 5/15/2020 4:18 PM

Briefing Sheet

Lead Department: Finance Department **Action Officer:** Kristin Peeples,

Subject: Ordinance No. 2020-047 amending the budget for the Department of Justice COVID-19 Grant Fund (Fund 237) to reflect additional revenue and expenditures of $83,330 for grant funding received from the DOJ.

Briefing: 5/26/2020 **Public Hearing:** **Council Vote:** 5/26/2020

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The City was awarded $83,330 in funding from the Department of Justice for responding to the coronavirus pandemic. This funding was not included in the original budget for the fiscal year ending September 30, 2020. Staff is requesting that these funds be added to the DOJ COVID 19 Grant Fund (Fund 237) budget for the fiscal year ending September 30, 2020.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Appropriation of grant award. No financial impact to the City.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

a. 2020-047 Goals & Perspectives (DOCX)

City of Texarkana, Texas

b. 2020-047 ATTH 01 Texarkana Texas 2020-VD-BX-0297(opt) (002) (PDF)
c. 2020-047 ORD amend DOJ COVID 19 Grant Budget (DOC)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	05/06/2020 5:27 PM
Finance Department	Kristin Peeples	Finance Review	Completed	05/06/2020 5:28 PM
Police	Kevin Schutte	Review	Completed	05/06/2020 7:01 PM
City Manager	Shirley Jaster	City Manager Review	Completed	05/07/2020 2:44 PM
City Council	Vicky Coopwood	Meeting	Pending	05/26/2020 6:00 PM

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

Grant

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Texarkana 220 Texas Blvd. Texarkana, TX 75501-5625	4. AWARD NUMBER: 2020-VD-BX-0297 5. PROJECT PERIOD: FROM 01/20/2020 TO 01/31/2022 BUDGET PERIOD: FROM 01/20/2020 TO 01/31/2022 6. AWARD DATE 04/30/2020 7. ACTION Initial
2a. GRANTEE IRS/VENDOR NO. 756000691	8. SUPPLEMENT NUMBER 00
2b. GRANTEE DUNS NO. 062929187	9. PREVIOUS AWARD AMOUNT $ 0
3. PROJECT TITLE Responding to Coronavirus Pandemic	10. AMOUNT OF THIS AWARD $ 83,330 11. TOTAL AWARD $ 83,330

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under FY20(BJA - CESF) Pub. L. No. 116-136, Div. B; 28 U.S.C. 530C

14 . CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)

16.034 - Coronavirus Emergency Supplemental Funding Program

15. METHOD OF PAYMENT

GPRS

AGENCY APPROVAL	GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General	18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Shirley Jaster City Manager	
17. SIGNATURE OF APPROVING OFFICIAL	19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL Shirley Jaster	19A. DATE 05/01/2020

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND CODE	BUD. ACT.	OFC.	DIV. REG.	SUB.	POMS	AMOUNT
X	B	VD	80	00	00		83330

21. VVDUGT0296

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

Department of Justice (DOJ)
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AWARD CONTINUATION SHEET

Grant

PROJECT NUMBER 2020-VD-BX-0297 AWARD DATE 04/30/2020

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.
Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

Sj

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SPECIAL CONDITIONS

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2019 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2019 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2019 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at https://ojp.gov/funding/Part200UniformRequirements.htm.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at https://ojp.gov/financialguide/DOJ/index.htm), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

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SPECIAL CONDITIONS

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at https://www.ojp.gov/training/fmts.htm. All trainings that satisfy this condition include a session on grant fraud prevention and detection

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

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8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at https://www.sam.gov/. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at https://ojp.gov/funding/Explore/SAM.htm (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

SJ.

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9. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or

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SPECIAL CONDITIONS

any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (https://www.e-verify.gov/) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at https://ojp.gov/funding/Explore/SubawardAuthorization.htm (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed $250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, $250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed $250,000)), and are incorporated by reference here.

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13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

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SPECIAL CONDITIONS

14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

    The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

    The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

    SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

    The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

    The details of this requirement are posted on the OJP web site at https://ojp.gov/funding/Explore/Interact-Minors.htm (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

    The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

    Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

    The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

    Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm.

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19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at https://www.ecfr.gov/cgi-bin/ECFR?page=browse), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

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24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at https://oig.justice.gov/hotline/contact-grants.htm (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at https://oig.justice.gov/hotline.

Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

AWARD CONTINUATION SHEET

Grant

PROJECT NUMBER 2020-VD-BX-0297 AWARD DATE 04/30/2020

SPECIAL CONDITIONS

27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

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SPECIAL CONDITIONS

28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

31. Signing Authority

This award must be signed by an authorized official of the applicant State, local, or tribal government, on behalf of that applicant State, unit of local government, or Tribe, unless the applicant designates an organizational unit to apply on its behalf. For example, if designated by a unit of local government, a Police Department or Sheriff's Office (or similar agency) may apply on behalf of the applicant jurisdiction, as long as the department, office, or agency is listed as the organizational unit on the SF-424. In that case, the head of the designated organizational unit (such as a Police Chief or Sheriff) may sign the award. Documentation of the designation by the appropriate governing body must be retained by the grant recipient.

32. The "Emergency Appropriations for Coronavirus Health Response and Agency Operations" law (Public Law 116-136) includes definitions, reporting requirements, and certain other provisions that apply (whether in whole or in part) to this award. In addition, consistent with the CESF Program's purposes, which involve preparing for, preventing, and responding to the coronavirus national emergency, OJP will provide notice of any additional CESF program-specific grants administrative requirements on an award page, accessible at https://www.ojp.gov/funding/explore/CESF-program-specific-condition, that is incorporated by reference here.

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33. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

34. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of $25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at https://ojp.gov/funding/Explore/FFATA.htm (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than $25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

35. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

36. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

37. Justice Information Sharing

Recipients are encouraged to comply any information-sharing projects funded under this award with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) is encouraged to conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/ gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information.

38. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity.

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39. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA. The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are: a. New construction; b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places; c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories. The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/ or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at https:/ / bja.gov/ Funding/ nepa.html, for programs relating to methamphetamine laboratory operations. Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

40. Establishment of interest-bearing account

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish an interest-bearing account dedicated specifically to this award. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The award funds, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Coronavirus Emergency Supplemental Funding (CESF) program . The recipient also agrees to obligate the award funds in the account(including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

41. Expenditures requiring prior approval

No funds under this award may be expended on individual items costing $500,000 or more, or to purchase Unmanned Aerial Systems (UAS), Unmanned Aircraft (UA), and/or Unmanned Aerial Vehicles (UAV) without prior written approval from BJA. Prior approval must be obtained post-award, through the submission and approval of a Grant Adjustment Notice (GAN) through OJP's Grant Management System (GMS).

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SPECIAL CONDITIONS

42. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after January 20, 2020

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (January 20, 2020), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds.

43. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

44. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: https:/ / nij.gov/ topics/ technology/ body-armor/ pages/ safety-initiative.aspx.

ORDINANCE NO. 2020-047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED REVENUE AND EXPENDITURES FOR THE DEPARTMENT OF JUSTICE COVID-19 GRANT FUND (FUND 237) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2020, ADDING THE AMOUNT OF EIGHTY-THREE THOUSAND THREE HUNDRED THIRTY DOLLARS ($83,330); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, was awarded **EIGHTY-THREE THOUSAND THREE HUNDRED THIRTY DOLLARS ($83,330)** in funding from the Department of Justice for responding to the coronavirus pandemic; and

WHEREAS, these funds are not currently included in the budget for the DOJ COVID-19 Grant Fund (Fund 237) for the fiscal year ending September 30, 2020; and

WHEREAS, City staff recommends amending the budget estimate of the City's revenues and expenditures for the fiscal year beginning October 1, 2019, and ending September 30, 2020, to include the additional funding in the DOJ COVID-19 Grant Fund (Fund 237).

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

SECTION 1: That the budget estimate of the revenue and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2019, and ending September 30, 2020, be amended to reflect additional revenue and expenditures appropriated of **EIGHTY-THREE THOUSAND THREE HUNDRED THIRTY DOLLARS ($83,330)** added to the DOJ COVID-19 Grant Fund (Fund 237).

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

PASSED AND APPROVED in Regular Council Session on this the **26th day of May, 2020**.

ATTEST:

________________________________ ________________________________

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 5/5/2020 4:06 PM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,

Subject: Resolution No. 2020-048 adopting the City's investment policy.

Briefing: 5/26/2020 **Public Hearing:** **Council Vote:** 5/26/2020

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Public Funds Investment Act, as amended, requires the City to annually adopt an investment policy and investment strategies. The attached Exhibit A complies with the Public Funds Investment Act and authorizes investment of City funds in safe and prudent investments. The City's investment consultant, Valley View Consulting, LLC, has assisted staff with this policy and verified that it complies with state requirements. The only proposed change to the existing policy is a title change for the Finance Director position with Texarkana Water Utilities. The previous policy listed this position as Director of Finance instead of Finance Director.

Potential Options:

- Approve the policy as recommended
- Reject the policy and recommend an alternative policy

Fiscal Implications:

Allows placement of available funds in safe and prudent investments, providing additional usable resources to the City.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Investment Committee consisting of the Mayor, City CFO, City ACFO, TWU Finance Director, and TWU Accounting Manager.

Board/Committee Recommendation:

Investment Committee recommends approval.

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

Attachments

a. 2020-048 RES Adopting City's Investment Policy (DOC)
b. 2020-048 EXH 'A' Investment Policy (PDF)
c. 2020-048 Goals & Perspectives (DOCX)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	05/05/2020 4:06 PM
City Manager	Shirley Jaster	City Manager Review	Completed	05/07/2020 3:11 PM
City Council	Vicky Coopwood	Meeting	Pending	05/26/2020 6:00 PM

Meeting History

RESOLUTION NO. 2020-048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE CITY'S INVESTMENT POLICY; RECORDING THE ANNUAL REVIEW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Public Funds Investment Act, as amended, requires the City to annually adopt an investment policy and investment strategies by rule, order, ordinance, or resolution; and

WHEREAS, the attached **Exhibit "A"** investment policy complies with the current Public Funds Investment Act, as amended, and authorizes the investment of City funds in safe and prudent investments.

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

SECTION 1: The facts and recitations contained in the above preamble of this Resolution are hereby incorporated herein for all purposes.

SECTION 2: The City Council of the City of Texarkana, Texas, approves the investment policy and investment strategy **(Exhibit "A")**.

SECTION 3: The City Council of the City of Texarkana, Texas, has performed an annual review of the investment policy and strategies and adopts its statements in the minutes recording that review.

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 **26th day of May, 2020**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

CITY OF TEXARKANA, TEXAS

INVESTMENT POLICY

CITY OF TEXARKANA, TEXAS

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INTRODUCTION

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Texarkana, Texas (the "City") in order to achieve the goals of safety, liquidity, public trust, and yield for all investment activity. The City Council of the City shall review and adopt, by resolution, its investment strategies and policy not less than annually. The resolution shall include a record of changes made to either the Investment Policy or strategy. This Policy serves to satisfy the statutory requirement, specifically the Public Funds Investment Act and Public Funds Collateral Act, Texas Government Code Chapter 2256 and Chapter 2257(the "PFIA" and "PFCA" respectively) to define, adopt, and review a formal investment strategy and policy.

INVESTMENT STRATEGY

The City maintains two distinct portfolios (the City and the Water Utilities Department), which independently utilize four specific investment strategy considerations, designed to address the unique characteristics of the fund groups represented in the portfolios:

A. Investment strategies for operating funds and combined pools containing operating funds have as their primary objectives to preserve principal and assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure, which will experience minimal volatility during economic cycles. This may be accomplished by maintaining adequate liquid balances and utilizing high quality, short-to-medium term investments, which will complement each other in a laddered or barbell maturity structure, and can be easily liquidated if the need arises. Any investment authorized by this Policy is suitable for these funds. The dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity date of each investment. The maximum stated final maturity shall be three years. The yield objective shall be a comparable maturity rolling Treasury portfolio.

B. Investment strategies for debt service funds shall have as the primary objectives the preservation of principal and the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Investments purchased shall not have a stated final maturity date which exceeds the next unfunded debt service payment date. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a short-term, government portfolio local government pool.

C. Investment strategies for debt service reserve funds shall have as the primary objectives to preserve principal and to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. Investments shall be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short-to-intermediate term maturities. Maximum maturity shall be the shorter of the first call date or five years. Volatility shall be further controlled through the purchase of securities carrying the highest coupon available, within the desired maturity and quality range, without paying a premium, if at all possible. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a comparable maturity rolling Treasury portfolio.

D. Investment strategies for special projects or special purpose fund portfolios will have as their primary objectives to preserve principal and to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in cash equivalent investments to allow for flexibility and unanticipated project outlays, and by utilizing high quality, short-to-medium term investments, which will complement each other in a laddered or barbell maturity structure, and can be easily liquidated if the need arises. Any investment authorized by this Policy is suitable for these funds. The stated final maturity dates of securities held should not exceed the estimated project completion date. The yield objective shall be a comparable maturity rolling Treasury portfolio.

INVESTMENT POLICY

A. SCOPE

This Investment Policy applies to all financial assets of the City including the Water Utilities Department. These funds are accounted for in the City's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Proprietary Funds
- All Other Funds

This Policy shall not govern the Firemen's Relief and Pension Fund which is under the management and supervision of the City of Texarkana, Texas Firemen's Relief and Pension Fund Board of Trustees.

B. OBJECTIVES

The City shall manage and invest its cash with four objectives, listed in order of priority: Safety, Liquidity, Public Trust, and Yield. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

The City shall maintain a comprehensive cash management program which includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to ensure maximum cash availability and maximum yield on short-term investment of pooled idle cash.

1. Safety

The primary objective of the City's investment activity is the preservation of principal in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid principal losses, whether from investment defaults or erosion of market value.

2. Liquidity

The City's investment portfolio shall be structured such that the City is able to meet all obligations in a timely manner. This shall be achieved by maintaining adequate cash equivalent balances, matching investment maturities with forecasted cash flow requirements, and by investing in securities with active secondary markets.

3. Public Trust

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

4. Yield

The City's cash management portfolio shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

C. RESPONSIBILITY AND CONTROL

1. Investment Committee

An Investment Committee, consisting of one City Council Member appointed by the Mayor, Chief Financial Officer (City), ~~Director of Finance~~Finance Director (Water Utilities Department), Accounting/Human Resources Manager (Water Utilities Department), and Assistant Chief Financial Officer (City) shall meet as needed to determine operational strategies and to monitor results. The Investment Committee shall include in its deliberation such topics as: performance reports, economic outlook, portfolio diversification, maturity structure, potential risk to the City's funds, authorized broker/dealers, eligible investment training sources, and the target rate of return on the investment portfolio.

2. Delegation of Authority and Training

Authority to manage the City's investment program is derived from the City Charter. The Chief Financial Officer and Assistant Chief Financial Officer are designated as Investment Officers and are responsible for investment decisions and activities for the City portfolio. The ~~Director of Finance~~Finance Director and Accounting/Human Resources Manager are designated as Investment Officers and are responsible for investment decisions and activities for the Water Utilities Department portfolio. The Chief Financial Officer and ~~Director of Finance~~Finance Director shall establish written procedures for the operation of their respective investment program, consistent with this Investment Policy. In order to ensure qualified and capable investment management, the Investment Officers shall attend training sessions relating to the Officer's responsibility under the PFIA within 12 months after assuming duties and receive at least 10 hours of training, and additional training sessions not less than once every two year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date and receive at least 8 hours of training. Independent sources for such training shall be approved by the Investment Committee.

3. Internal Controls

The Chief Financial Officer and ~~Director of Finance~~Finance Director, or their respective designee, are responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Chief Financial Officer and ~~Director of Finance~~Finance Director shall establish a process for annual independent review by an external auditor in conjunction with the annual audit, to assure compliance with policies and procedures. The internal controls shall address the following points:

A. Control of collusion.
B. Separation of transaction authority from accounting and record keeping.
C. Custodial safekeeping.
D. Avoidance of physical delivery securities.
E. Clear delegation of authority to subordinate staff members.
F. Written confirmation for telephone (voice) transactions for investments and wire transfers.

4. Prudence

The standard of prudence to be applied by the Investment Officers shall be the “prudent person” rule, which states: “Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.” In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

A. The investment of all funds, or funds under the City’s control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.

B. Whether the investment decision was consistent with the written Investment Policy of the City.

An Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific investment's credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

5. Ethics and Conflicts of Interest

Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. Investment Officers shall disclose to the City Manager any material financial interest in financial institutions that conduct business with the City and they shall further disclose positions that could be related to the performance of the City's portfolio. Investment Officers shall subordinate their personal financial transactions to those of the City, particularly with regard to timing of purchases and sales.

An Investment Officer of the City who has a personal business relationship with an organization seeking to sell an investment to the City shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the City Council.

D. REPORTING

1. Quarterly Reporting

The Chief Financial Officer shall submit a quarterly investment report in compliance with the PFIA and signed by all Investment Officers.

2. Annual Report

Within a reasonable time after the end of the fiscal year, the Chief Financial Officer shall present an annual report on the investment program and investment activity. This report may be presented as a component of the fourth quarter report to the City Manager and City Council.

3. Methods

The quarterly investment report shall include a succinct management summary that provides a clear picture of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will be prepared in compliance with the PFIA. The report will be provided to the City Manager and City Council. The report will include the following:

A. A listing of individual investments held at the end of the reporting period. This list will include the name of the fund or pooled group fund for which each individual investment was acquired.

B. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period. Market values shall be obtained from financial institutions or portfolio reporting services independent from the investment provider.

C. Additions and changes to the market value during the period.

D. Fully accrued interest for the reporting period.

E. Average weighted yield to maturity of portfolio on City investments as compared to applicable benchmarks.

F. Listing of investments by maturity date.

G. The percentage of the total portfolio which each type of investment represents.

H. Statement of compliance of the City's investment portfolio with State Law and the Investment Strategy and Policy approved by the City Council.

In conjunction with the annual audit, a formal annual review of these reports will be performed by an independent auditor with the results reported to the City Council as part of the overall audit report.

E. INVESTMENT PORTFOLIO

1. Active Portfolio Management

The City shall pursue an active versus a passive portfolio management philosophy. That is, investments may be sold or redeemed before they mature if market conditions present an opportunity for the City to benefit from the trade. The Investment Officers will routinely monitor the contents of the portfolio, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly.

2. Performance

It is the City's policy to purchase investments with maturity dates coinciding with cash flow requirements. Using this strategy, the City attempts to purchase the highest yielding allowable investments available at the time of purchase. The City shall encourage a competitive environment for all investment activities including investment pool and mutual fund selections, financial institution deposit placements, securities transactions, and other investment-related proceedings. Weighted-average-yield-to-maturity shall be the portfolio's performance measurement standard.

3. Investments

Assets of the City may be invested in the following instruments; provided, however, that at no time shall assets of the City be invested in any instrument or security not authorized at the time of purchase for investment under the PFIA, as the PFIA may from time to time be amended. The City is not required to liquidate investments that were authorized investments at the time of purchase. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

a). <u>Authorized</u>

1. Obligations issued, guaranteed, or insured by the United States of America, its agencies and instrumentalities, which have a liquid market with a readily determinable market value, including the Federal Home Loan Banks.

2. Direct obligations of the State of Texas, its agencies and instrumentalities.

3. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this State or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.

4. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivision of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than "A" or its equivalent.

5. Certificates of Deposit, and other forms of deposit, of state and national banks, savings banks, or state or federal credit unions that has a main or branch office in Texas, guaranteed or insured by the Federal Deposit Insurance Corporation (or its successor) or the National Credit Union Share Insurance Fund (or its successor), or secured by obligations described in G. 3. Collateral Defined, or as authorized by the PFIA. Bids/quotes for certificates of deposit may be

solicited in the following ways: orally, in writing, electronically, or in any combination of the above methods.

6. Fully collateralized direct repurchase agreements with a defined termination date secured by cash or obligations of the United States or its agencies and instrumentalities. Securities purchased must be pledged to the City, held in the City's account, and deposited at the time of the investment with the City, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. Such agreements may include direct security repurchase agreements and reverse security repurchase agreements with terms of 90 days or less after the delivery date. Funds received by the City under a reverse security agreement shall be used to acquire additional authorized investments, but those investments must mature no later than the expiration date stated in the reverse security repurchase agreement.

7. Local Government Investment Pools, if the pool is specifically approved by the Council and the pool invests only in investments authorized by the PFIA. A pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service. In order to be eligible to receive City funds a pool must comply with all PFIA requirements.

8. "Money Market" mutual funds that have a rating of AAA by at least one nationally recognized rating firm and are "no-load" funds. A "money market" mutual fund must maintain a $1.0000 share value and include only short-term, highly liquid, and relatively low risk debt instruments. Must be registered with and regulated by the Securities and Exchange Commission. The City cannot own more than 10% of the mutual fund's total assets.

9. Guaranteed Investment contracts are allowed investments for bond proceeds only, if such contracts have a defined termination date, are secured by U.S. Government direct or agency obligations approved by the PFIA, in an amount equal to the bond proceeds, if security is pledged to the City and deposited with the City or a third party, and if the investment term is limited to five years from the date of bond issuance. In addition, specific provisions under PFIA Section 2256.015(c) 1-5 must be met to allow investment in these contracts.

b. <u>Not Authorized</u>

The City's authorized investment options are more restrictive than those allowed by State law. State law specifically prohibits investment in the following investment securities, or investment in specific instruments at levels higher than those listed below:

1) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.

2) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.

3) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

4) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

4. Holding Period

The City intends to match the holding periods of investment funds with liquidity needs of the City.

5. Risk and Diversification

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

a) Risk of issuer default is controlled by limiting investments to those instruments allowed by the PFIA, which are described herein.

b) Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, maintenance of adequate liquidity, and limitation of appropriate average maturity.

c) Risk of temporary illiquidity shall be controlled by monitoring the rating of each issuer, as applicable, at least quarterly, and taking all prudent measures that are consistent with this Policy to liquidate an investment that does not have the minimum rating.

F. SELECTION OF FINANCIAL INSTITUTIONS AND BROKER/DEALERS

1. Depository

In compliance with State legislation, a Primary Depository shall be selected through the City's banking services procurement process, which shall include a formal request for application (RFA). In selecting a Primary Depository, the credit worthiness of institutions shall be considered, and the Chief Financial Officer shall conduct a comprehensive review of prospective depositories' credit characteristics and financial history. In addition, the City may establish non-primary banking relationships based on deposit and unique service capabilities.

Institutions seeking to establish eligibility for the City's depository shall submit for review financial statements, evidence of federal insurance and other information as required by the Chief Financial Officer.

Any institution designated as a depository by the City will provide collateral in accordance with this Policy and applicable State law. The City reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Institutions serving as a depository will be required to sign a Depository/Collateral Agreement with the City. The collateralized deposit portion of the Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement has to be executed by the Depository and the City contemporaneously with the acquisition of the asset;
- The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to the City; and
- The agreement must be part of the Depository's "official record" continuously since its execution.

2. Broker/Dealers

For broker/dealers, the City shall select only those dealers reporting to the Market Reports Division of the Federal Reserve Board of New York, also known as the "Primary Government Security Dealers", unless analysis reveals that other firms are adequately financed to conduct public business. All broker/dealers shall provide the City with references from public entities which they are currently serving. The Investment Committee shall adopt and annually review a list of qualified broker/dealers authorized to engage in investment transactions with the City.

All investment providers, financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following, as appropriate:

- audited financial statements
- proof of Financial Industry Regulatory Authority (FINRA) certification
- proof of state registration

Additionally, the qualified representative or equivalent of the Local Government Investment Pool or discretionary Investment Advisor firm (i.e. business organization) shall execute a Certificate to the effect that the qualified representative has:

1.) Received and thoroughly reviewed this Investment Policy, and

2.) Acknowledged that their business organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment transactions between itself and the City that are not authorized by this Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio, requires and interpretation of subjective investment standards or relates to investment transactions of the City that are not made through accounts, or other contractual arrangements over which the business organization has accepted discretionary investment authority.

The City may not engage in an investment transaction with a business organization prior to receiving this written acknowledgment completed by the organization.

G. SAFEKEEPING AND CUSTODY

1. Insurance or Collateral

All non-insured deposits and repurchase agreement investments of City funds shall be secured as required by State legislation. In order to anticipate market changes and provide a level of security for all funds, the minimum collateralization level will be 102% of market value of principal plus accrued interest on the deposits or repurchase agreement investments less any amount insured. Evidence of the pledged collateral shall be maintained by the Chief Financial Officer or Director or Finance (for their respective portfolios), or a third party financial institution. Repurchase agreements shall be documented by a specific agreement noting the eligible collateral pledge in each agreement. Collateral shall be reviewed at least monthly to assure that the market value of the pledged securities is adequate.

2. Custodial Agreement

Collateral pledged to secure deposits of the City shall be held by a custodian institution in accordance with a Custodial Agreement which clearly defines the procedural steps for gaining access to the collateral should the City determine that the City's funds are in jeopardy. The custodian institution shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral.

3. Collateral Defined

The City shall accept only the following as collateral:

a) FDIC and NCUSIF insurance coverage.

b) A bond, certificate of indebtedness, or note of the United States or its agencies and instrumentalities, or other evidence of indebtedness that is guaranteed as to the principal and interest by the United States or its agencies and instrumentalities.

c) Obligations, the principal and interest on which are unconditionally guaranteed or insured by the State of Texas or its agencies and instrumentalities.

d) A bond of a county, city or other political subdivision of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent) by a nationally recognized rating agency, with a remaining maturity of ten (10) years or less.

The use of a letter of credit issued to the City by a Federal Home Loan Bank may be considered by the City to meet the required bank depository collateral requirements.

4. Subject to Audit

All collateral shall be subject to inspection and audit by the City or the City's independent auditors.

5. Delivery vs. Payment

Securities shall be purchased using the delivery versus payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the City or its safekeeping agent. The security shall be held in the name of the City or held on behalf of the City. The safekeeping agent's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

H. INVESTMENT POLICY ADOPTION

The City Investment Policy shall be adopted by resolution of the City Council. The Investment Committee shall review the Policy for effectiveness on an annual basis and any modifications will be recommended for approval to the City Council. The City

Council shall review and approve these investment policies and strategies not less than annually.

APPENDIX A

SAMPLE INVESTMENT POLICY CERTIFICATION FORM

As required by Texas Government Code 2256.005(k)

CITY OF TEXARKANA, TEXAS

THE STATE OF TEXAS

COUNTY OF BOWIE

BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed below, who, being by me first duly sworn, upon oath deposed and said:

My name is ______________________________. I am a Qualified Representative of _________________________ (the “Business Organization”). This Statement is provided to meet the requirements of the Public Funds Investment Act.

I hereby certify that:

1. I have reviewed the City’s Investment Policy;

2. The Business Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City of Texarkana and the Business Organization that are not authorized by the City’s Investment Policy, except to the extent that the Business Organization has not made an analysis of the make-up of the City’s entire portfolio or has not engaged in any interpretation of subjective investment standards or requires and interpretation of subjective investment standards or relates to investment transactions of the City that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority; and

3. The statements, representations and declarations made in this document are true and correct.

____
Qualified Representative

SWORN TO AND SUBSCRIBED BEFORE ME, this the __________ day of _____________________, 20______.

____
Notary Public in and for the State of 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:

NONE

Resource Impact:

Staff time required if item is approved:	Medium

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 5/7/2020 2:48 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary

Subject: Resolution No. 2020-050 assembling a Budget Advisory Committee to advise the City Council on the proposed fiscal year 2020-21 city budget.

Briefing: 5/26/2020 **Public Hearing:** **Council Vote:** 5/26/2020

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 2020-21 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 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

a. 2020-050 RES Assembling FY21 Citizens Budg Adv Cmte v2 (DOCX)

City of Texarkana, Texas

b. 2020-050 Goals & Perspectives (DOCX)

Staff Coordination

City Manager Shirley Jaster Department Head Review Completed
05/07/2020 2:46 PM
Finance Department Kristin Peeples Review Completed 05/21/2020
11:45 AM
City Manager Shirley Jaster City Manager Review Completed 05/21/2020
2:03 PM
City Council Vicky Coopwood Meeting Pending 05/26/2020
6:00 PM

Meeting History

RESOLUTION NO. 2020 - 050

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 2020-21 CITY BUDGET; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in past resolutions, the City Council has assembled a budget advisory committee, composed of seven citizens, to advise the City Council regarding the upcoming fiscal year city budget; and

WHEREAS, the City Council desires to assemble a budget advisory committee to advise the City Council on the fiscal year 2020-21 city budget, with the Mayor and each Councilmember appointing, respectively, one citizen to said committee.

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 composed of seven citizens to advise the City Council regarding the fiscal year 2020-21 city budget. The Mayor and each Councilmember shall designate, respectively, an appointee for the committee and shall inform the City Manager of said appointees by Monday, June 8, 2020, who shall cause the committee list to be released to the public.

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 2020-21 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 **26th day of May, 2020**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas 2020-050

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 5/20/2020 4:02 PM

Lead Department:	Planning and Community Development	**Action Officer:**	David Orr, Planning & Community Development Director
Subject:	Resolution No. 2020-052 supporting the establishment of a Commercial Property Assessed Clean Energy (PACE) Program in Bowie County, Texas.		

Briefing:	5/26/2020	**Public Hearing:**		**Council Vote:**	5/26/2020

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The 83rd Regular Legislative Session of the State of Texas created the Property Assessed Clean Energy (PACE) Act, Chapter 399 of the Local Government Code, which allows commercial, industrial, and certain multifamily residential property owners to invest in qualified improvements that will decrease water or energy consumption or demand while accessing financing through public or private funding and paying back the costs of the improvements over time through property assessments.

The Texas statute and model program, *PACE in a Box*, adopted by 27 Texas counties contain a high level of consumer protection, rely on private capital rather than local bond funding, are funded with user fees rather than tax dollars, and have been uniformly adopted by every local jurisdiction establishing a Commercial PACE program in Texas.

This resolution supports Bowie County's adoption of a PACE program and will be uniformly available to all qualifying property within the city and county.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval.

City of Texarkana, Texas

Advisory Board/Committee Review:
NONE

Board/Committee Recommendation:
NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:
NOT APPLICABLE

Attachments
a. 2020-052 RES City Support of Bowie County PACE Program (DOCX)
b. 2020-052 ATTH 01 PACE Bowie & Miller Counties (PDF)
c. 2020-052 ATTH 02 AR-TX REDI PACE Program Letter of Support 5-20-20 (PDF)
d. 2020-052 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	Completed	05/20/2020 4:07 PM
City Manager	Shirley Jaster	City Manager Review	Completed	05/21/2020 2:06 PM
City Council	Vicky Coopwood	Meeting	Pending	05/26/2020 6:00 PM

Meeting History

RESOLUTION NO. 2020-052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING SUPPORT FOR THE ESTABLISHMENT OF A COMMERICAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM IN BOWIE COUNTY TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The 83rd Regular Legislative Session of the State of Texas created the Property Assessed Clean Energy (PACE) Act, Chapter 399 of the Local Government Code, which allows commercial, industrial, and certain multifamily residential property owners to invest in qualified improvements that will decrease water or energy consumption or demand while accessing financing through public or private funding and paying back the costs of the improvements over time through property assessments; and

WHEREAS, the Commercial PACE (C-PACE) assessment will likely be less than the utility savings resulting from the retrofits, essentially allowing a project to pay for itself without upfront costs; and

WHEREAS, C-PACE financing programs are an innovative local government solution to help businesses finance energy efficiency and renewable energy improvements with private capital; and

WHEREAS, the City, County and State could benefit from the energy and water demand savings by lessening the need to invest in expensive new water or power plants, creating new jobs to implement the conservation improvements, improving property values, increasing resiliency, and reducing harmful pollution; and

WHEREAS, the Texas statute and model program, *PACE in a Box,* adopted by 27 Texas counties contain a high level of consumer protection, rely on private capital rather than local bond funding, are funded with user fees rather than tax dollars, and have been uniformly adopted by every local jurisdiction establishing a Commercial PACE program in Texas; and

WHEREAS, a Texas *PACE in a Box* model program does not compete with the private sector, promotes private sector competition, is completely voluntary, and does not pose a risk to the County's treasury or impose on County staff resources; and

WHEREAS, a single Bowie County program will be uniformly available to all qualifying property in the county, and

WHEREAS, communities in other states with C-PACE legislation have faced challenges when multiple, competing PACE programs with different elements are developed and implemented by different administrators, demonstrating the need for the model *PACE in a Box* uniform program that does not pick winners and losers, establishes a level playing field within the private sector, eases access to private capital in the most cost-effective way, imbeds uniform consumer protections, and enables all parties to successfully market the program to potential customers;

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

SECTION 1: Upon review of the program elements, types of projects that would qualify, private capital financing model to cover the upfront costs and the appropriate party to collect the assessments, among other elements in the Texas *PACE in a Box* model program, the Mayor and City Council hereby respectfully urge Bowie County to develop and implement a county-wide, C-PACE *PACE in a Box* model program.

SECTION 2: 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 **26th day of May, 2020**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

TEXAS ★ PACE AUTHORITY

Advancing PACE

in

Bowie County & Miller County

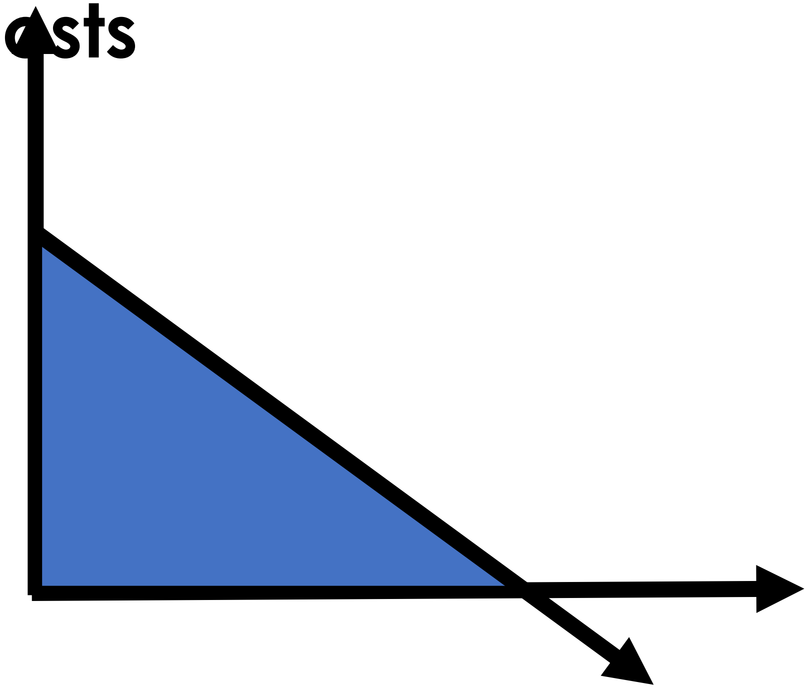
www.TexasPACEAuthority.org

Texas PACE answers the question, "How are we going to pay for it?"

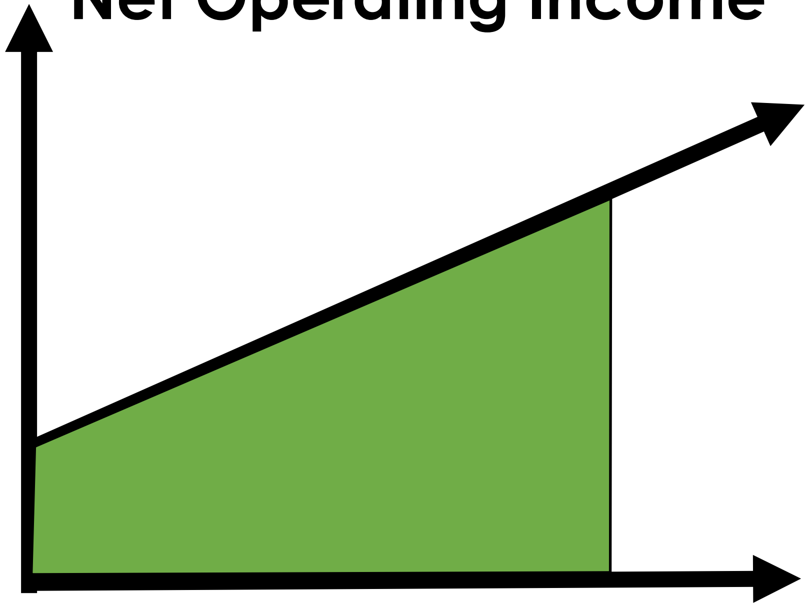
TX-PACE is transforming how developers, owners, and contractors look at projects, proving that there is a clear path forward for energy efficiency, distributed generation, water use reduction, and resiliency projects in existing buildings.

WHAT TX-PACE DOES

LOWER
Utility Costs



INCREASE
Net Operating Income



Bottom Line: Increased Building Value

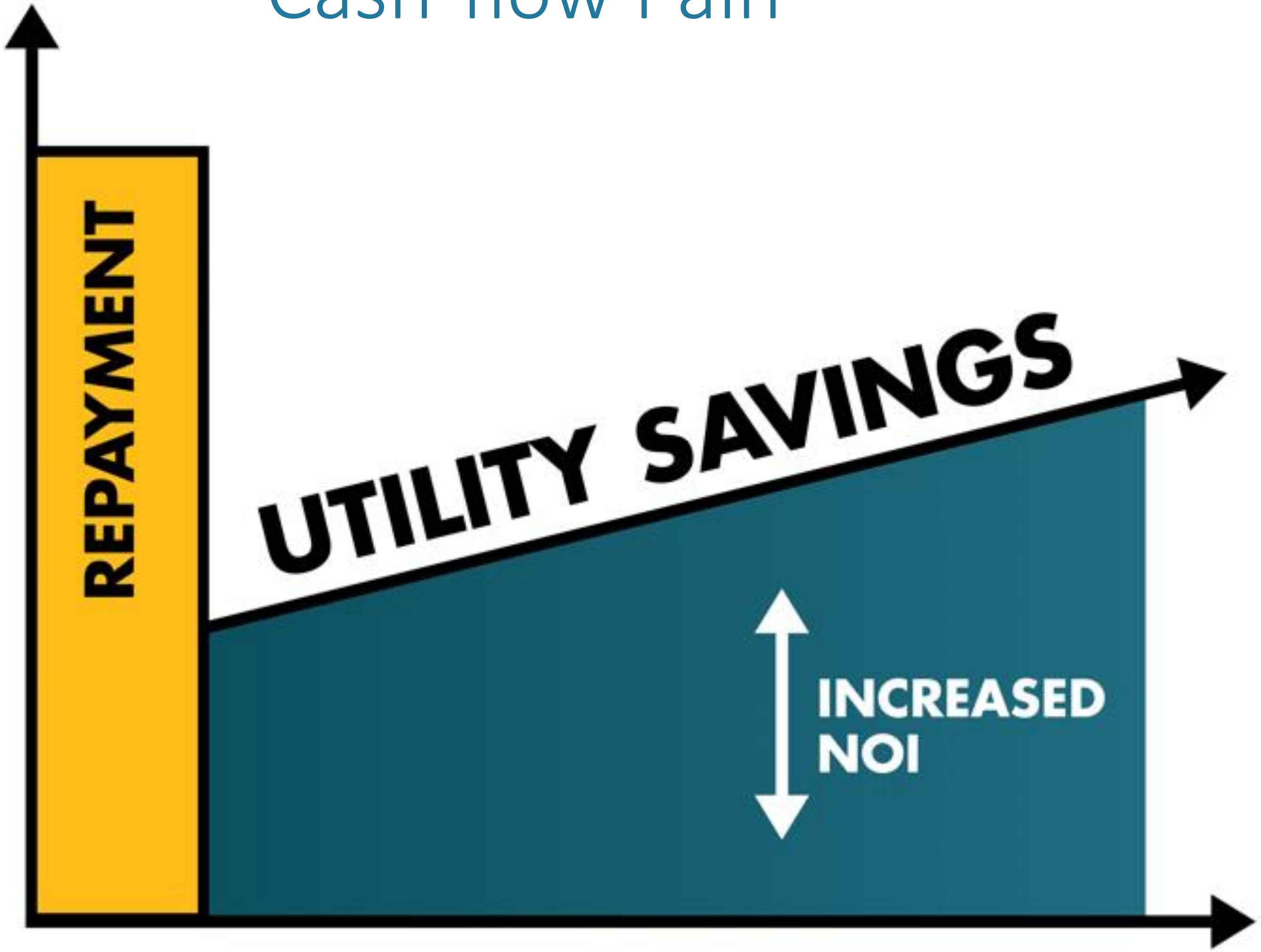
TEXAS ★ PACE AUTHORITY

WHAT IS TX-PACE?

- **Economic development tool** - property assessment
- **100%** long term, low cost **financing**
- For **energy efficiency**, **water conservation**, **distributed generation**, and **demand reduction** (resiliency)
- On **commercial**, **industrial**, and **multi-family** (5+ units) properties

TEXAS PACE AUTHORITY

Short Financing Term + Long ROI = Cash-flow Pain



WHAT TX-PACE DOES

LOWER UTILITY COSTS *and* INCREASE NET OPERATING INCOME

Bottom line: Increase property value and Day One savings

TEXAS PACE AUTHORITY

THE GROWING TX-PACE MARKET

- $108 million of investment to date
- 60% of state population covered

COUNTIES

Aransas County	Bastrop County	Bell County
Brazos County	Burnet County	Cameron County
Comal County	El Paso County	Fisher County
Fort Bend County	Galveston County	Guadalupe County
Hardin County	Hays County	Hidalgo County
Jefferson County	Medina County	McLennan County
Midland County	Navarro County	Nueces County
Tarrant County	Tom Green County	Travis County
Washington County	Willacy County	Williamson County

CITIES

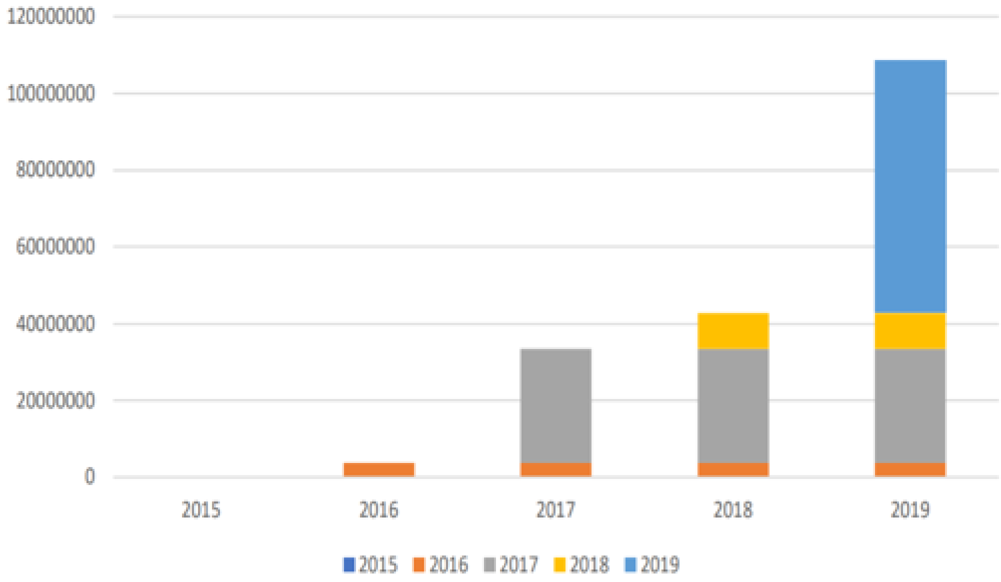
City of Abilene	City of Amarillo	City of Boerne
City of Borger	City of Cameron	City of Corinth
City of Dallas	City of Farmers Branch	City of Fredricksburg
City of Hondo	City of Houston	Jacinto City
Johnson City	City of Leon Valley	City of Panhandle
City of Princeton	Town of Prosper	City of Rockdale

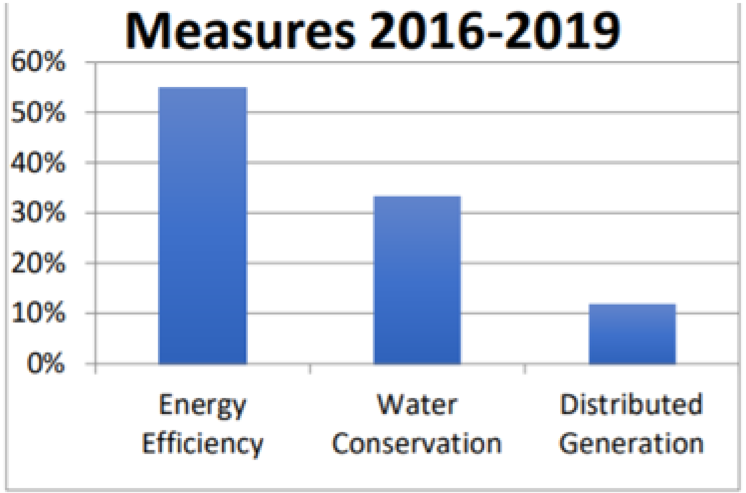
*Newest:
City of San Antonio

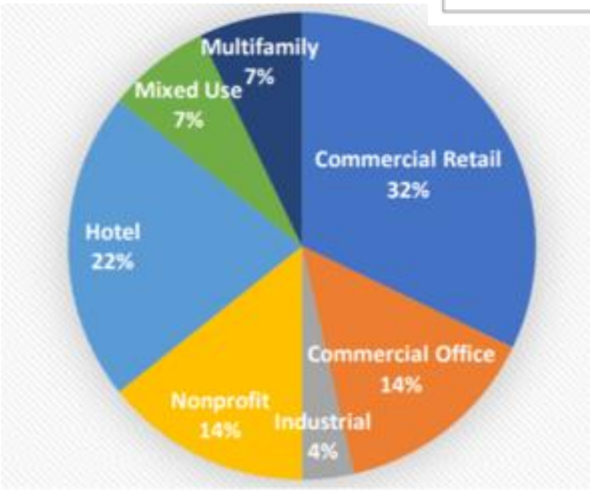
TEXAS PAC
AUTHORITY

TX-PACE BY THE NUMBERS

ANNUAL TX-PACE INVESTMENT







HOW TX-PACE WORKS – THE DETAILS

How It Works

A Building Owner:

1. finds a contractor
2. selects a project
3. identifies a capital provider
4. applies to PACE program

If the owner, building, and project all meet PACE requirements:

1. the owner signs a contract with the PACE program, which places a senior lien on the property
2. capital provider signs a contract with the county in exchange for the assessment payments
3. the capital provider supplies funding
4. contractors complete the project
5. the owner sends installment payments directly to the lender

TEXAS ★ PACE AUTHORITY

LOCAL GOVERNMENT ACTION

- Post report on how the program will work
- Pass a resolution of intent
- Hold a public hearing
- Adopt a resolution establishing PACE program

PACE IN A BOX

"PACE in a Box" is a toolkit of recommendations and templates for counties and municipalities to:

- **Create uniform, user friendly, scalable, and sustainable PACE programs**

- **Administered by a nonprofit in a transparent manner, focused on gov't tasks; free market with decision/power in hands of property owner**

PACE in a Box Working Groups

Technical Standards
- Energy Saving M&V
- Water Savings M&V
- Third Party Review
- M&V Resources

Program Underwriting
- Building Owner Qualifications
- Building Qualifications
- Project Qualifications
- Savings to Investment Ratio

Funding Platform
- Responsible Loan Making
- Attracting Capital
- Bonding

Program Design
- Templates for Municipal Resolution
- Application Process
- Collection Process
- Overview / Flow Chart

Education and Training
- Education to Municipalities
- Marketing Campaign to Building Owners, Lenders, and Contractors
- M&V training

Local Gov’t Risk Avoidance

- Financial
  - No tax dollars (user fee)
  - No risk to treasury
  - No risk to public servants – HB 2654
  - Limited impact on public servant workload
- Fiduciary
  - Build strong local stakeholder support
  - Best practices/consumer protection
  - Gov’t doesn’t compete w/private sector
- Gov’t costs covered if foreclosure

TEXAS PACE AUTHORITY

Free Market Flexibility

- No mandates, market distortions, or financial incentives that siphon funds away from local government
- Risk stays with property (not transferred to the Gov't or lender)
- Property owner selects lender, contractor and project, negotiates interest rates and other terms
- Private capital (gov't does not need to fund projects through bonds)
- No gov't imposed winners and losers
- Thorough Underwriting and Technical Standards requirements

TEXAS PACE AUTHORITY

TEXAS ★ PACE AUTHORITY

Barfield Building
City of Amarillo

Measures:

- LED lighting
- Building envelope
- Water efficiency
- Domestic hot water heating

State Historic Tax Credit financing: $9,050,551

Assessment Total: $ 6,447,609

Total Savings: electric energy: 73%
natural gas: 79%
water: 40%

TEXAS PACE AUTHORITY

TEXAS ★ PACE AUTHORITY

COMMERCIAL

Continental Gin Building • City of Dallas
Roofing • Glass/Glazing • Mechanical/HVAC • Lighting
Solar • Ext. Walls • Elevators • Utilities •Assessment: $5M
Annual Savings: 1.4M kWh; 11,000 mmBTU; 500 Kgal

Softex Headquarters • Travis County
HVAC • Roof • Thermostats • Solar PV
Assessment: $291,000• Annual Savings: 190,000kWh

Elgin General Store • Bastrop County
Solar PV • Assessment: $120,000 • USDA REAP Grant
& Oncor Incentives: $62,000 • Annual Savings: 26%

Measures:

- HVAC
- BAS
- LED lighting

Utility Incentives: $30,000

Assessment: $1,304,352

Annual Utility Savings: 38% Annually

1225 North Loop West, Houston

TEXAS PACE AUTHORITY

TEXAS ★ PACE AUTHORITY

NON-PROFIT

Family Eldercare• Travis County
Solar PV • Cool Roof
Assessment: $260,000 • Annual Savings: $20,000


Congregation Beth Israel • Travis County
Boilers • Chillers • Window Film • BAS Controls
Assessment: $450,000• Annual Savings: $40,000

New Isis Theater • Tarrant County
HVAC • Building Envelope • Water
Assessment: $2.3 Million

TEXAS ★ PACE AUTHORITY

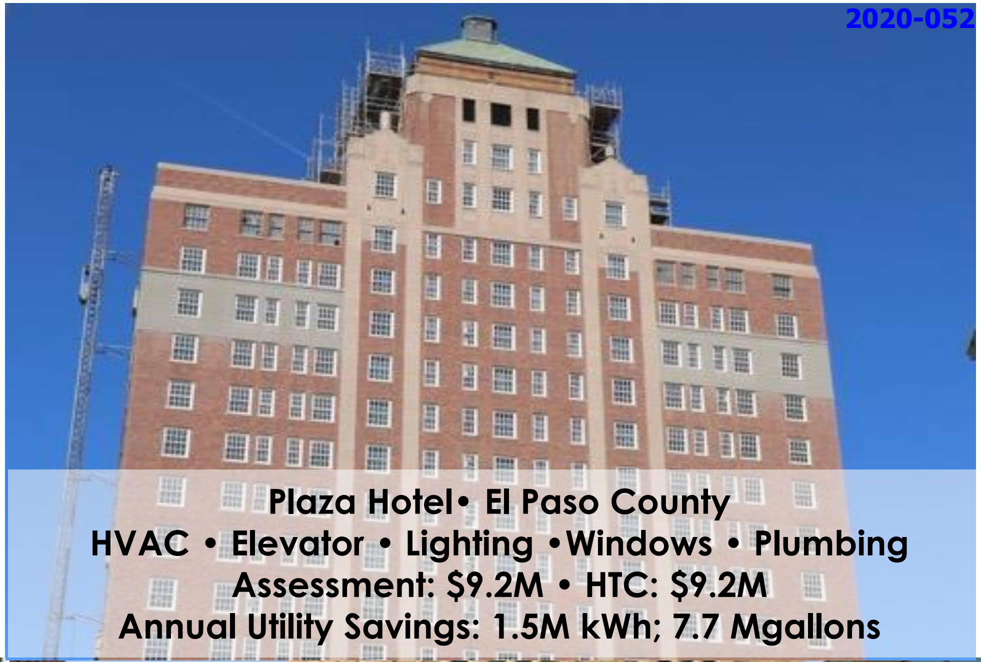
INDUSTRIAL & RETAIL

R.J. Liebe Company • Navarro County
HVAC • LED lighting
Assessment: $325,000• Annual Utility Savings: 30%

Simon Property Group • Multiple Counties
HVAC • Lighting • Water
Assessment: $10 Million • Annual Savings:

TEXAS PACE AUTHORITY

HOSPITALITY



Plaza Hotel• El Paso County
HVAC • Elevator • Lighting •Windows • Plumbing
Assessment: $9.2M • HTC: $9.2M
Annual Utility Savings: 1.5M kWh; 7.7 Mgallons

Barfield Building• City of Amarillo
LED lighting • Building Envelope • Water Efficiency •
Domestic Hot Water Heating •
Assessment: $6.4 M • HTC: $9M • Savings:

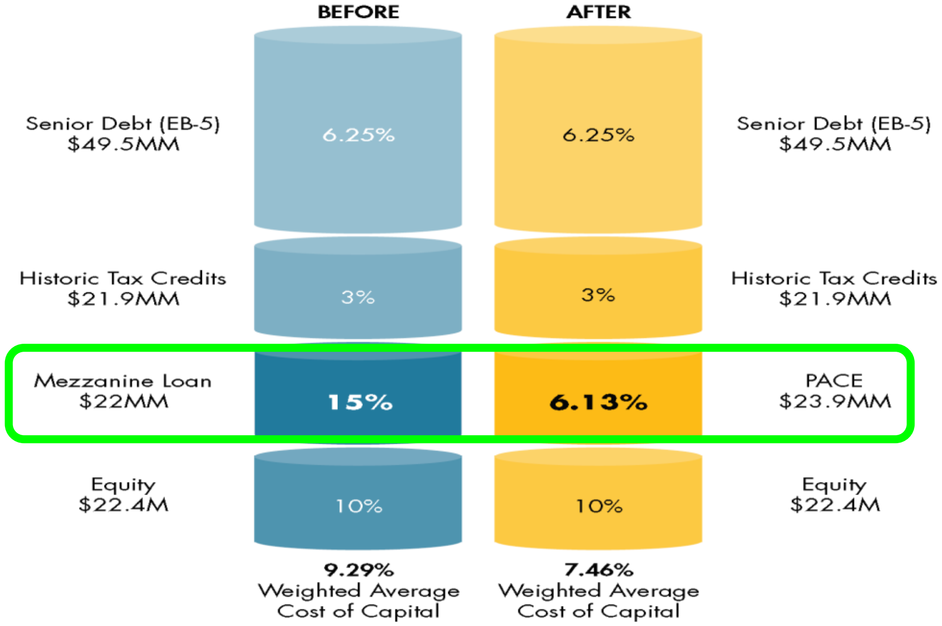
Kimpton Hotel • Tarrant County
HVAC • Lighting • Water Heater
Assessment: $5.8 M
Annual Savings: 2,000,000 kWh; 15,000 BTU

TEXAS PACE AUTHORITY

RESIDENTIAL & MIXED USE

Affordable Housing • Travis County
HVAC • Roof • Interior & Exterior Lighting
Assessment: $1.6M •
Annual Utility Savings: 700,000 kWh;

Butler Brothers Building• City of Dallas
HVAC • Lighting • Insulation • Roofing • Glazing •
Plumbing • Irrigation • Envelope
Assessment: $24M• Annual Savings: 40% energy;



PACE is a WIN-WIN-WIN

- ✓ **<u>Property Owners</u> – lower utility bills, energy independence, energy efficiency, property value increase**
- ✓ **<u>Contractors</u> – source of increase in business, more local hiring, best practices, keeping up with technology advancements**
- ✓ **<u>Lenders</u> – new loans, steady & stable process, fully collateralized, Tax Assessment lien position, improved asset value**
- ✓ **<u>State of Texas</u> – reduced peak demand, improved grid loading, distributed generation as resilient power source, improved air quality, better water conservation**
- ✓ **<u>Communities</u> – increased economic development and jobs, improved building infrastructure, more appealing building stock**

TEXAS PACE AUTHORITY

- **State Energy Conservation Office:**
  https://comptroller.texas.gov/programs/seco/funding/pace.php
- **Energy and Emissions Tool:**
  https://pace.harcresearch.org
- **Texas PACE Authority:**
  www.TexasPACEAuthority.org
- **Keeping PACE in Texas:**
  www.KeepingPACEinTexas.org
- **PACE Nation:**
  www.PACENation.us

TEXAS PACE AUTHORITY

TEXAS ★ PACE AUTHORITY

TEXAS' OPEN-MARKET PACE PROGRAM ADMINISTRATOR

www.TexasPACEAuthority.org

POWERED BY:

Charlene Heydinger, President
Charlene.Heydinger@KeepPACE.org

AR TX REDI
Regional Economic Development Inc.

May 20, 2020

Judge Bobby Howell
Precinct 1 Commissioner Sammy Stone
Precinct 2 Commissioner Tom Whitten
Precinct 3 Commissioner James Strain
Precinct 4 Commissioner Mike Carter

RE: Property Assessed Clean Energy (PACE) Act, Chapter 399 of the Local Government Code

Dear Judge Howell and Honorable Commissioners:

On behalf of AR-TX Regional Economic Development Inc (REDI), I want to express my group's enthusiastic support to establish a Commercial Property Assessed Clean Energy (PACE) program in Bowie County, Texas.

The 83rd Regular Legislative Session of the State of Texas created the PACE Act, Chapter 399 of the Local Government Code, which allows commercial, industrial, and certain multifamily residential property owners to invest in qualified improvements that will decrease water or energy consumption or demand while accessing financing through public or private funding and paying back the costs of the improvements over time through property assessments.

Bowie County could benefit from the energy and water demand savings by lessening the need to invest in expensive new water or power plants, creating new jobs to implement the conservation improvements, improving property values, increasing resiliency, and reducing harmful pollution.

The Texas statute and model program, *PACE in a Box*, adopted by 27 Texas counties contain a high level of consumer protection, rely on private capital rather than local bond funding, are funded with user fees rather than tax dollars, and have been uniformly adopted by every local jurisdiction establishing a Commercial PACE program in Texas.

The PACE model does not pick winners and losers rather it establishes a level playing field within the private sector, eases access to private capital in the most cost-effective way, imbeds uniform consumer protections, and enables all parties to successfully market the program to potential customers.

I am confident that approving a PACE program in Bowie County will offer our community another potential tool to attract businesses to our great community. Thank you for your continued support of attracting job creating opportunities.

Sincerely,

Rob Sitterley
President & CEO

Saint Michael Drive • 5th Floor, Texarkana, TX 75503
903-824-1792 • rob.sitterley@ar-txredi.com

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Medium

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/22/2020 9:51 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary

Subject: Ordinance No. 2020-049 for the reappointment of the Municipal Judge and the approval of a two-year employment agreement.

Briefing: 5/26/2020 **Public Hearing:** **Council Vote:** 5/26/2020

Item Schedule

Updates/History of Briefing:

Not Applicable.

Executive Summary and Background Information:

In Ordinance No. 145-09, the City Council established the City's municipal court as a "municipal court of record" pursuant to Chapter 30 of the Texas Government Code to provide a more efficient disposition of cases arising in the City and in order to more effectively enforce the ordinances of the City.

A municipal court of record is required to provide a court reporter to create and preserve a record in cases tried before the court, while an ordinary municipal court typically does not create or preserve a record. Appeals from either type of municipal court are generally to the county court. The creation and preservation of a "record" increases the efficiency of any appeals from decisions of the municipal court of record: such an appeal from a municipal court of record is based on specific points of error as contained in the "record". In contrast, an appeal from an ordinary municipal court results in a brand new trial since no record was created (the technical term is "trial de novo", meaning all of the witnesses and all of the documentation submitted in the first trial must be presented again).

Sec. 30.00006 of the Texas Government Code, applicable to judges of municipal courts of record, provides in pertinent part as follows:

> Sec. 30.00006. JUDGE.
>
> (a) A municipal court of record is presided over by one or more municipal judges.
>
> (b) The governing body shall by ordinance appoint its municipal judges.
>
> (c) A municipal judge must:
>
> (1) be a resident of this state;
> (2) be a citizen of the United States;

City of Texarkana, Texas

(3) be a licensed attorney in good standing; and
(4) have two or more years of experience in the practice of law in this state.

(d) The governing body shall provide by ordinance for the term of office of its municipal judges. The term must be for a definite term of two or four years.

* * *

(h) The governing body shall determine the salary of a municipal judge. The amount of a judge's salary may not be diminished during the judge's term of office. The salary may not be based directly or indirectly on fines, fees, or costs collected by the court.

The Honorable Sherry Jackson, Municipal Judge of The Municipal Court of Record in the City of Texarkana, Texas, desires to be reappointed to another two-year term effective June 1, 2020. Her salary set by her current compensation agreement is $81,530. The law vests with the City Council the function of determining the salary of a municipal judge; the office of municipal judge is included in the City's compensation plan; and the city pay scale salary survey indicates an increase of salary to $________.

Potential Options:

- Adopt the ordinance as presented.
- Revise the ordinance as presented
- Take other action as determined by the City Council.

Fiscal Implications:

A reappointment with salary set at current levels will have no fiscal implications. A reappointment with a salary increase to $______ per the city pay scale salary survey is within budgeted parameters.

Staff Recommendation:

Staff recommends adoption of the ordinance as presented.

Advisory Board/Committee Review:

None.

Board/Committee Recommendation:

Not Applicable.

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable.

Attachments

a. 2020-049 ORD Reappoint Municipal Court Judge (jcl rev) (DOCX)
b. 2020-049 EXH 'A' Municipal Judge Compensation Agreement 2020-2022 (DOC)

City of Texarkana, Texas

c. 2020-049 ATTH 01 Municipal Judge Compensation Agreement 2018-2020 (DOC)
d. 2020-049 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	Shirley Jaster	Department Head Review	Completed	05/21/2020 2:13 PM
City Manager	Shirley Jaster	City Manager Review	Completed	05/22/2020 9:59 AM
City Council	Vicky Coopwood	Meeting	Pending	05/26/2020 6:00 PM

Meeting History

ORDINANCE NO. 2020 - 049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, REAPPOINTING SHERRY L. JACKSON AS MUNICIPAL JUDGE OF THE MUNICIPAL COURT OF RECORD IN THE CITY OF TEXARKANA, TEXAS, FOR A TWO-YEAR TERM; APPROVING A COMPENSATION AGREEMENT AND DETERMINING THE SALARY FOR THE OFFICE OF MUNICIPAL JUDGE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 30.00006 of the Texas Government Code, applicable to municipal courts of record, provides that the governing body of the municipality shall provide by ordinance for the term of office of its municipal judges and shall determine the salary of a municipal judge; and

WHEREAS, the City Charter of the City of Texarkana, Texas, requires that the Council elect a municipal judge each even year by a majority vote for a two-year term; and

WHEREAS, Section 30.00006(c) of the Texas Government Code provides that a municipal judge must be a resident of this state, be a citizen of the United States, be a licensed attorney in good standing, and have two or more years of experience in the practice of law in this state; and

WHEREAS, the City Charter requires that a municipal judge shall have been a resident of the City of Texarkana, Texas, for at least one year preceding the appointment.

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

SECTION 1: That Sherry L. Jackson is deemed qualified under the Texas Government Code and the City Charter to serve as Municipal Judge of The Municipal Court of Record in the City of Texarkana, Texas, and is hereby reappointed to that office for a term of two years commencing on June 1, 2020.

SECTION 2: That the salary for the Municipal Judge and other expense reimbursements, training requirements, and performance reporting shall be determined by the City Council as set forth in the Compensation Agreement as set out in **Exhibit "A"** to this Ordinance, incorporated herein by reference for all purposes, and such agreement is hereby approved.

SECTION 3: That the City Manager, on behalf of the City Council, is authorized and directed to execute the approved Compensation Agreement.

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 **26th day of May, 2020**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

COMPENSATION AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Texarkana, Texas, a municipal corporation, (hereinafter referred to as the "CITY") and Sherry L. Jackson, (hereinafter referred to as "MUNICIPAL JUDGE").

WITNESSETH:

WHEREAS, CITY desires to employ the services of Sherry L. Jackson as the MUNICIPAL JUDGE of the City of Texarkana, Texas; and

WHEREAS, it is the desire of the City Council of the City of Texarkana, Texas, to provide certain compensation benefits, establish certain conditions of employment and to set working conditions of said MUNICIPAL JUDGE; and

WHEREAS, Sherry L. Jackson desires to accept employment as the MUNICIPAL JUDGE of the City of Texarkana, Texas;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the parties agree as follows:

Section 1. Duties.

CITY hereby agrees to employ said Sherry L. Jackson as the MUNICIPAL JUDGE of said CITY to perform the functions and duties authorized under State law, the City Charter and City Ordinances, and to perform other legally permissible and proper duties and functions as the Council or City Manager shall from time to time assign.

Section 2. Term.

A. Sherry L. Jackson shall commence serving as the MUNICIPAL JUDGE on the 1st day of June, 2020, and continue serving under the terms of this contract through the last day of May, 2022. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of the MUNICIPAL JUDGE at any time, with or without cause. Sufficiency of cause shall be solely within the discretion of CITY. Nothing contained within this Agreement shall be construed to confer an expectation of continued employment or a property interest therein.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the MUNICIPAL JUDGE to resign at any time from her position with the CITY.

C. MUNICIPAL JUDGE agrees to remain in the exclusive employ of CITY and to accept no other employment by another employer during the term of this Agreement. The term "employment" shall not be construed to include occasional teaching, writing, consulting, serving as legal counsel for issues unrelated to City business, or mediation performed on the MUNICIPAL JUDGE’S time off or compensatory time off.

Section 3. Compensation and Benefits.

A. CITY agrees to pay the MUNICIPAL JUDGE for her services rendered pursuant hereto an annual base salary of $_________ payable in accordance with the same schedule that other employees of the CITY are paid and subject to the same applicable deductions for taxes, social security, benefit plans and other wage withholdings.

B. CITY agrees to provide the MUNICIPAL JUDGE with compensation benefits as follows:

(1) City to pay Health Insurance benefits for employee only;

(2) Texas Municipal Retirement System: employee contribution equal 7% Matching Ration 2:1;

(3) Longevity pay in accordance with City practices as it relates to other City employees;

(4) Professional and Association dues to appropriate memberships in State organizations and other related training as approved in consultation with the City Manager. Approved training and travel will be reimbursed at normal and customary City rates.

Section 4. Performance Evaluation.

The MUNICIPAL JUDGE, at least once annually, shall provide the City Council with a written report of her continuing education activities and any specific areas of interest related to her abilities to perform the full range of her court duties.

Section 5. Hours of Work.

The position of MUNICIPAL JUDGE is a professional position, and MUNICIPAL JUDGE agrees that during regular business hours she will generally be involved in the pursuit of City business. The City recognizes that on occasion the MUNICIPAL JUDGE must devote time outside regular business hours of municipal office in performing her powers and duties (i.e. night court, etc.), and City agrees that the MUNICIPAL JUDGE may attend to personal matters during regular business hours when such use is reasonable and does not interfere with her duties or is compelled by unusual circumstances.

Section 6. Expenses.

The MUNICIPAL JUDGE shall be reimbursed for job-related expenses incurred in the conduct of City business, in the same manner and for the same purposes as other City employees.

Section 7. Severance.

If, and only if, terminated other than “for cause” by the City Council as defined hereinbelow, the MUNICIPAL JUDGE shall upon termination receive one lump sum payment of severance pay not to exceed the equivalent of two (2) months standard salary plus accumulated vacation time as provided in the City’s Personnel Handbook. If the MUNICIPAL JUDGE resigns of her own initiative, leaves for other employment, retires, or is terminated “for cause” this section does not apply. The term “for cause,” as used in this section, shall mean a conviction for a misdemeanor involving moral turpitude or personal gain or for any felony or a pattern of insubordination which stems from a persistent failure to comply with a legally authorized written directive from the City Manager or City Council and which continues after a reasonable opportunity to remediate such failure to comply.

Section 8. Vacation, Sick Leave, Retirement, and other Benefits.

In addition to the benefits provided in this Agreement, all provisions of the City’s Code of Ordinances and Employee Personnel Handbook relating to health care, vacation, sick leave, retirement system contributions, holidays and other fringe benefits and working conditions as they now exist or may be amended, shall also apply to the MUNICIPAL JUDGE as they would to other employees of the CITY, insofar as those provisions, rules and regulations are not inconsistent with this Agreement.

Section 9. Notices.

Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to CITY or MUNICIPAL JUDGE as the case may be at the address set forth opposite the signature of the party.

Section 10. Entire Agreement.

This Agreement constitutes the sole and only agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting this subject matter.

Section 11. Successor and Assigns.

This Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns.

Section 12. Governing Law.

This Agreement is governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be Bowie County, Texas.

Section 13. Amendment.

This Agreement may be amended by the mutual written agreement of the parties.

Section 14. Legal Construction.

In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

Section 15. No Waiver.

The failure to enforce or insist on performance of any term or provision of this Agreement by CITY shall not be construed as a waiver of such provision.

EXECUTED this ____________day of _____________________________, 2020.

MUNICIPAL JUDGE

By: ______________________________

Sherry L. Jackson
Texas Municipal Court
100 N. Stateline, Box 1
Texarkana, Texas 75501

CITY OF TEXARKANA, TEXAS

By: ______________________________

Shirley Jaster
City Manager
City Manager's Office
P. O. Box 1967
Texarkana, Texas 75504

ATTEST:

By: _________________________________

Jennifer Evans
City Secretary

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Section 15. No Waiver.

The failure to enforce or insist on performance of any term or provision of this Agreement by CITY shall not be construed as a waiver of such provision.

EXECUTED this ____________day of ____________________________, 2018.

MUNICIPAL JUDGE

By: _____________________________

Sherry L. Jackson
Texas Municipal Court
100 N. Stateline, Box 1
Texarkana, Texas 75501

CITY OF TEXARKANA, TEXAS

By: _____________________________

Shirley Jaster
City Manager
City Manager's Office
P. O. Box 1967
Texarkana, Texas 75504

ATTEST:

By: ________________________________

Jennifer Evans
City Secretary

City of Texarkana, Texas **2020-049**

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 5/18/2020 1:39 PM

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,

Subject: Ordinance No. 2020-040 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 1 & 2, Block 35, Grandview Addition, located at 2707 Davis Street. Sharon Robinson Block, applicant.

Briefing: 5/26/2020 **Public Hearing:** 6/8/2020 **Council Vote:** 6/8/2020

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

S-715: This is a request by Sharon Robinson Block, owner, for a Specific Use Permit to allow the location of a double wide HUD code manufactured home as a residence on Lots 1 and 2, Block 35, Grandview Addition, located at 2707 Davis Street. This property is currently vacant land.

The adjacent zoning is Single Family-3 to the north, south, and west, and Single Family-2 to the east. The adjacent land use is vacant land to the north, east and west, and a residence 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 a 2019 or newer 4-bedroom 3 bath double wide HUD code manufactured home be allowed on this property. See attached floor plan and photograph of home exterior.
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.

Potential Options:

None

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval with stipulations.

Advisory Board/Committee Review:

The Planning and Zoning Commission unanimously recommended for approval with staff stipulations.

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

May 4, 2020

Attachments

a. 2020-040 ORD granting SUP at 2707 Davis St. (DOCX)
b. 2020-040 ATTH 01 (zoning map) (PDF)
c. 2020-040 ATTH 02 (aerial map) (PDF)
d. 2020-040 ATTH 03 (photo of manf. home and floor plan) (PDF)
e. 2020-040 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	Completed	05/18/2020 12:32 PM
City Manager	Shirley Jaster	City Manager Review	Completed	05/19/2020 3:08 PM
City Council	Vicky Coopwood	Meeting	Pending	05/26/2020 6:00 PM

Meeting History

ORDINANCE NO. 2020-040

S-715

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-715 TO ALLOW THE LOCATION OF A DOUBLE WIDE HUD CODE MANUFACTURED HOME ON LOTS 1 AND 2, BLOCK 35, GRANDVIEW ADDITION, LOCATED AT 2707 DAVIS 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 1 and 2, Block 35, Grandview Addition, located at 2707 Davis 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-715 to allow the location of a double wide HUD code manufactured home on Lots 1 and 2, Block 35, Grandview Addition, located at 2707 Davis 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 a 2019 or newer 4-bedroom 3 bath 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.

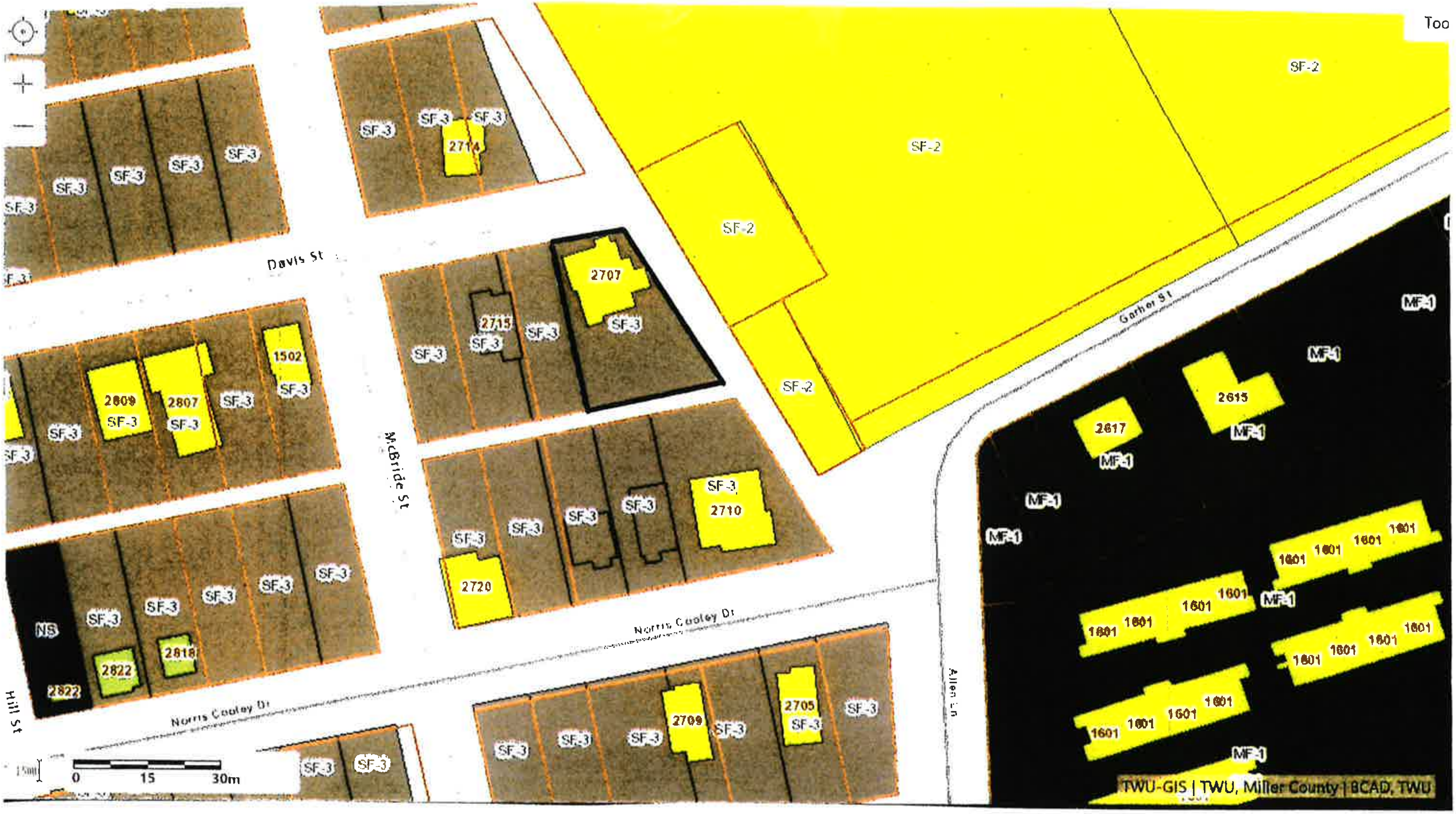
SECTION 5: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **8th day of June, 2020.**

ATTEST:

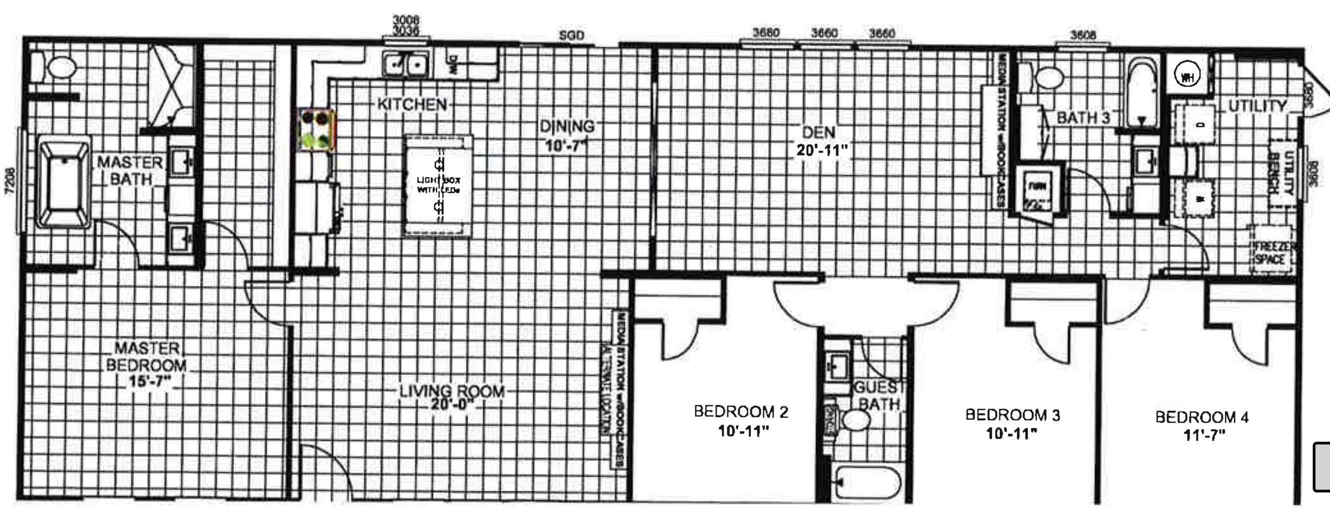
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

2707 Davis Street



2020-040 ATTH 02

2707 Davis



Mariana 9776

28 x 76 (80) Overall
27'4" x 76 Box 2,077 Lvg.Sq.Ft.
4 Bedroom 3 Bath
Rev. 1-21-20

Attachment: 2020-040 ATTH 03 (photo of manf. home and floor plan) (2265 : 2020-040 ORD granting SUP)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA	No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: B

Briefing Sheet

Update Date: 5/20/2020 3:40 PM

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,

Subject: Ordinance No. 2020-041 rezoning an approximate 2.9-acre tract of land in the M.E.P. Ry. Co. HRS, A-421, located at 3920 Summerhill Road. General Retail to Planned Development-Commercial. Alan Schimming, applicant.

Briefing: 5/26/2020 **Public Hearing:** 6/8/2020 **Council Vote:** 6/8/2020

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Z-20-4: This is a request by Alan Schimming, dba Condeb, L.P., owner, to rezone an approximate 2.9-acre tract of land in the MEP & P HRS, A-421, located at 3920 Summerhill Road from General Retail to Planned Development-Commercial (PD-C). The old Ellis Pottery building is currently located on this site. The proposed use is retail and commercial rental property.

The adjacent zoning is General Retail to the north and west, Single Family-2 to the east and PD-General Retail to the south. The adjacent land use is a shopping center to the north, residences to the east, and office and business uses to the west and south.

The Future Land Use Map designates this property as “Neighborhood Retail”. However, there are other Commercial zoned properties in this area along Summerhill Road. The applicant is requesting rezoning to PD-Commercial to expand potential future uses of the property.

Since other commercial zoned properties are currently located in this area, staff recommends for approval to PD-Commercial. If the request is approved, staff would recommend adding the following prohibited uses:

1. Auto mechanic work (minor or major repair), oil or tire sales store.
2. Construction yard or heavy machinery storage or sales.
3. Auctions.
4. Wrecking, scrap or auto salvage yard.
5. Tire retreading or capping business.
6. Permanent outside storage with the exception of automobile sales.

City of Texarkana, Texas

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

Potential Options:

None

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval to PD Commercial with prohibited uses.

Advisory Board/Committee Review:

At the Planning and Zoning Commission meeting, the applicant (Alan Schimming) asked that the list of prohibited uses recommended by staff be amended to allow minor auto repair and to include several more uses in outdoor sales.

The Planning and Zoning Commission amended staff's recommendations for prohibited uses and voted unanimously for approval with the following amended list of prohibited uses:

1. Major auto mechanic work, oil or tire sales store.
2. Construction yard or heavy machinery storage or sales.
3. Auctions.
4. Wrecking, scrap or auto salvage yard.
5. Tire retreading or capping business.
6. Permanent outside storage with the exception of automobile, boat, motorcycle/ATV, RV, outdoor lawn equipment and nursery sales.

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

May 4, 2020

Attachments

a. 2020-041 ORD rezoning 3920 Summerhill Rd.. GR to PD-C (DOCX)
b. 2020-041 EXH 'A' (legal description) (PDF)
c. 2020-041 ATTH 01 (zoning map) (PDF)
d. 2020-041 ATTH 02 (aerial map) (PDF)
e. 2020-041 ATTH 03 (email from neighbor) (PDF)
f. 2020-041 Goals & Perspectives (DOCX)

Staff Coordination

City of Texarkana, Texas

Planning and Community Development David Orr Department Head Review
Completed 05/18/2020 12:34 PM
City Manager Shirley Jaster City Manager Review Completed 05/21/2020
2:01 PM
City Council Vicky Coopwood Meeting Pending 05/26/2020
6:00 PM

Meeting History

Z-20-3
(PD-20-2)

ORDINANCE NO. 2020-041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 2.9 ACRE TRACT OF LAND IN THE M.E.P. & P. RY. CO. HRS, A-421, LOCATED AT 3920 SUMMERHILL ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM GENERAL RETAIL TO PLANNED DEVELOPMENT-COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **an approximate 2.9 acre tract of land in the M.E.P. & P. Ry. Co. HRS, A-421 (Exhibit 'A'), located at 3920 Summerhill Road** in the City of Texarkana, Bowie County, Texas, from **General Retail to PD-Commercial;** and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and 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 General Retail to PD-Commercial on an approximate 2.9 acre tract of land in the M.E.P. & P. Ry. Co. HRS, A-421 (Exhibit 'A'), located at 3920 Summerhill Road** in 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 **General Retail to PD-Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **an approximate 2.9 acre tract of land in the M.E.P. & P. Ry. Co. HRS, A-421 (Exhibit 'A'), located at 3920 Summerhill Road** in the City of Texarkana, Bowie County, Texas, from **General Retail to PD-Commercial.**

SECTION 2: That the following uses are prohibited:

1. Major auto mechanic work, oil or tire sales store.
2. Construction yard or heavy machinery storage or sales.
3. Auctions.
4. Wrecking, scrap or auto salvage yard.
5. Tire retreading or capping business.
6. Permanent outside storage with the exception of automobile, boat, motorcycle/ATV, RV, outdoor lawn equipment and nursery sales.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **8th day of June, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2020-041

EXHIBIT "A"

Property description: Landlord does hereby lease to Tenant the following described real property and the buildings and improvements thereon in the City of Texarkana, County of Bowie, State of Texas, designated as 3920 Summerhill Road, to-wit:

Part of a certain tract or parcel of land in and being part of Section 3, M.E.P. & P. Ry. Co. SURVEY, Abstract No. 421, in Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of Lot No. 3 in Block No. 50 of Glenwood 10th Addition, same being 2506.61 feet South and 959.70 feet West of an inside corner of said Sec. 3, and the Southwest corner of the Willis Oldham H.R. Survey;

THENCE No. 01 deg. 40' W., with the West boundary line of Glenwood 10th Addition, 380.27 feet to the Northwest corner of Lot No. 1 in Block No. 50, same being on the South ROW Line of a street designated as 40th Street (a 70 foot ROW);

THENCE S. 88 deg. 16' W.,5.68 feet along the South ROW Line of said 40th Street to a point for curve to the left, whose central angle is 34 deg. 41' and whose radius is 197.18 feet;

THENCE around said curve to the left 119.36 feet along the South ROW Line of 40th Street to a point for reverse curve to the right, whose central angle is 34 deg. 41' and whose radius is 267.18 feet;

THENCE around said curve to the right 161.73 feet along the South ROW Line of 40th Street to the end of said curve;

THENCE S. 88 deg. 16' W., 115.15 feet along the South ROW Line of 40th Street to a point for curve to the left whose central angle is 89 deg. 56' and whose radius is 25.00 feet;

THENCE around said curve to the left 39.24 feet to the end of said curve, also being a point in the East ROW Line of Summerhill Road (State Hwy. 93, a variable width ROW);

THENCE S. 1 deg. 40' E., 192.08 feet along the East ROW Line of Summerhill Road to a point for angle;

THENCE S. 4 deg. 54' E., 43.42 feet along the East ROW Line of Summerhill Road to a point for curve to the right whose central angle is 0 deg. 16' 46" and whose radius is 5779.58 feet;

THENCE around said curve to the right 28.19 feet along the East ROW Line of Summerhill Road to the end of said curve and a point for corner;

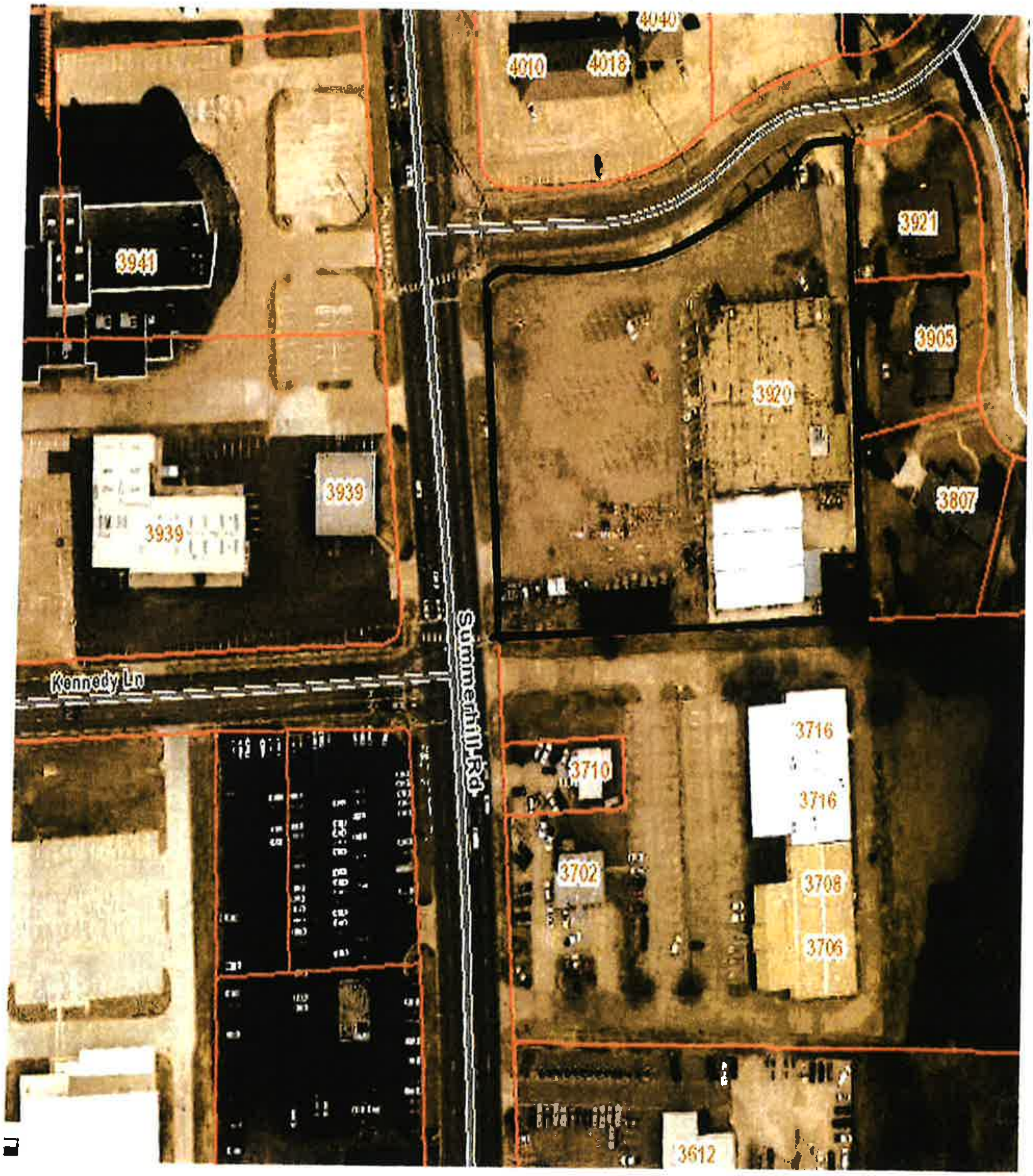
THENCE N. 89 deg. 34' E., 406.15 feet to the place of beginning, and containing 130,641.0 sq. ft. or 2.999 acres of land.

SAVE AND EXCEPT .009 acres (392 feet) of land conveyed to the State of Texas for right-of-way by Deed dated April 23, 1965, recorded in Vol. 481, Page 788.

3920 Summerhill Road

2020-041 ATTH 02

3920 Summerhill



TEX-Burk, Debbie

From: Martha Stilwell <mlou2109@gmail.com>
Sent: Thursday, April 30, 2020 3:33 PM
To: TEX-Burk, Debbie
Subject: 3920 Summerhill Road

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

I am concerned about the old Ellis Pottery building and the use of the property. While driving, I noticed that a rezoning sign was up and was apprehensive about the rezoning. I live in the area and am concerned that a reputable business be in place. I, along with others who live in this area, feel that an apartment, multiple family dwelling, condo, or duplex would effect the neighborhood in a negative manner. Please consider the effect any new business or new building would have on the area.

Thank you for your consideration.

Sincerely yours,

Martha Stilwell

Sent from my iPad

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA	No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 5/18/2020 1:38 PM

Lead Department:	Planning and Community Development	**Action Officer:**	Debbie Burk,
Subject:	Ordinance No. 2020-042 granting Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 3 & 4, Block 19, Grandview Addition, located at 3919 Alexander Avenue. Mildred Wyatt, applicant. Sharon Williams, agent.		

Briefing: 5/26/2020 **Public Hearing:** 6/8/2020 **Council Vote:** 6/8/2020

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

S-716: This is a request by Mildred Wyatt, owner, and Sharon Williams, agent, for a Specific Use Permit to allow the location of a double wide HUD code manufactured home as a residence on Lots 3 and 4, Block 19, Grandview Addition, located at 3919 Alexander Avenue. This property is currently vacant land.

The adjacent zoning is Single Family-3 to the north, south, east and west. The adjacent land use is residences to the north and west and vacant property to east and 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 a 2019 or newer 4 or 5 bedroom, 2 or 3 bath double wide HUD code manufactured home be allowed on this property. See attached floor plan and photograph of home exterior.
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.

City of Texarkana, Texas

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.

Potential Options:

None

Fiscal Implications:

Not applicable.

Staff Recommendation:

Staff recommends approval with stipulations.

Advisory Board/Committee Review:

The Planning and Zoning Commission unanimously recommended for approval with staff stipulations.

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

May 4, 2020

Attachments

a. 2020-042 ORD granting SUP at 3919 Alexander Ave. (DOCX)
b. 2020-042 ATTH 01 (zoning map) (PDF)
c. 2020-042 ATTH 02 (aerial map) (PDF)
d. 2020-042 ATTH 03 (photo of manf. home and floor plan) (PDF)
e. 2020-042 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development David Orr Department Head Review Completed 05/18/2020 12:35 PM
City Manager Shirley Jaster City Manager Review Completed 05/19/2020 2:57 PM
City Council Vicky Coopwood Meeting Pending 05/26/2020 6:00 PM

Meeting History

ORDINANCE NO. 2020-042

S -716

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-716 TO ALLOW THE LOCATION OF A DOUBLE WIDE HUD CODE MANUFACTURED HOME ON LOTS 3 AND 4, BLOCK 19, GRANDVIEW ADDITION, LOCATED AT 3919 ALEXANDER 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 3 and 4, Block 19, Grandview Addition, located at 3919 Alexander 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-716 to allow the location of a double wide HUD code manufactured home on Lots 3 and 4, Block 19, Grandview Addition, located at 3919 Alexander 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 a 2019 or newer 4 or 5 bedroom, 2 or 3 bath 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 **8th day of June, 2020.**

ATTEST:

______________________________	______________________________
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

3919 Alexander Avenue

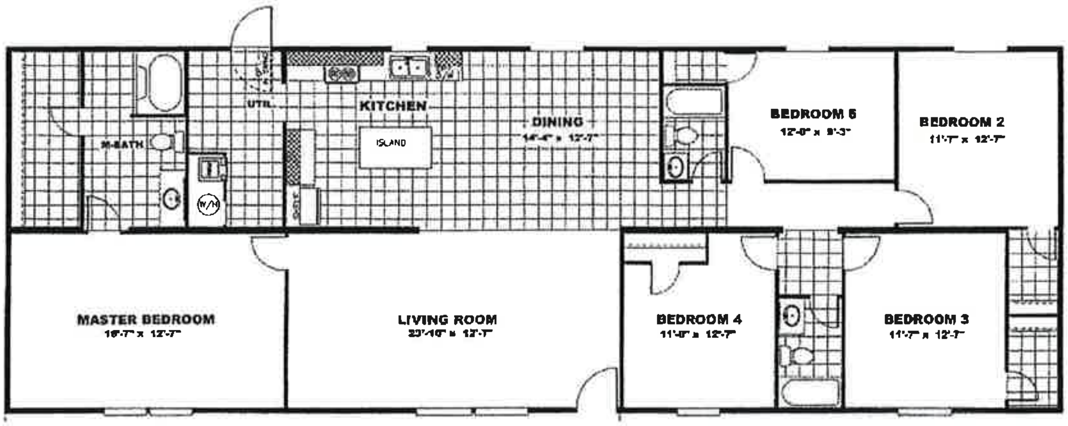
3919 Alexander

2020-042 ATTH 03

TRIUMPH

TRU28765A

2,001 sq ft // 5 beds // 3 baths



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA	No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: A
Update Date: 5/19/2020 4:01 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,

Subject: Ordinance No. 2020-043 granting Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 7-10, Block 10, Grandview Addition, located at 3324 Alexander Avenue. John and Valerie Fuller, applicants.

Briefing: 5/26/2020 **Public Hearing:** 6/8/2020 **Council Vote:** 6/8/2020

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

S-717: This is a request by John and Valerie Fuller, owners, for a Specific Use Permit to allow the location of a double wide HUD code manufactured home as a residence on Lots 7-10, Block 10, Grandview Addition, located at 3324 Alexander Avenue. This property is currently vacant land.

The adjacent zoning is Single Family-3 to the north, south, east and west. The adjacent land use is residences to the north, west and east and vacant property 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 a 2019 or newer 4-bedroom 2.5 bath double wide HUD code manufactured home be allowed on this property. See attached floor plan.
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.

Potential Options:

None

Fiscal Implications:

Not applicable.

Staff Recommendation:

Staff recommends for approval with stipulations.

Advisory Board/Committee Review:

The Planning and Zoning Commission unanimously recommended for approval with stipulations.

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

May 4, 2020

Attachments

a. 2020-043 ORD granting SUP at 3324 Alexander Ave. (DOCX)
b. 2020-043 ATTH 01 (zoning map) (PDF)
c. 2020-043 ATTH 02 (aerial map) (PDF)
d. 2020-043 ATTH 03 (floor plan of manf. home) (PDF)
e. 2020-043 ATTH 04 (survey) (PDF)
f. 2020-043 ATTH 05 (email of support from church in area) (PDF)
g. 2020-043 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development David Orr Department Head Review Completed 05/18/2020 12:35 PM
City Manager Shirley Jaster City Manager Review Completed 05/19/2020 3:01 PM
City Council Vicky Coopwood Meeting Pending 05/26/2020 6:00 PM

Meeting History

S-717

ORDINANCE NO. 2020-043

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-717 TO ALLOW THE LOCATION OF A DOUBLE WIDE HUD CODE MANUFACTURED HOME ON LOTS 7-10, BLOCK 10, GRANDVIEW ADDITION, LOCATED AT 3324 ALEXANDER 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 7-10, Block 10, Grandview Addition, located at 3324 Alexander 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-717 to allow the location of a double wide HUD code manufactured home on Lots 7-10, Block 10, Grandview Addition, located at 3324 Alexander 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 a 2019 or newer 4-bedroom 2.5 bath 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 **8th day of June, 2020.**

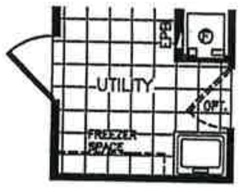
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

3324 Alexander Avenue

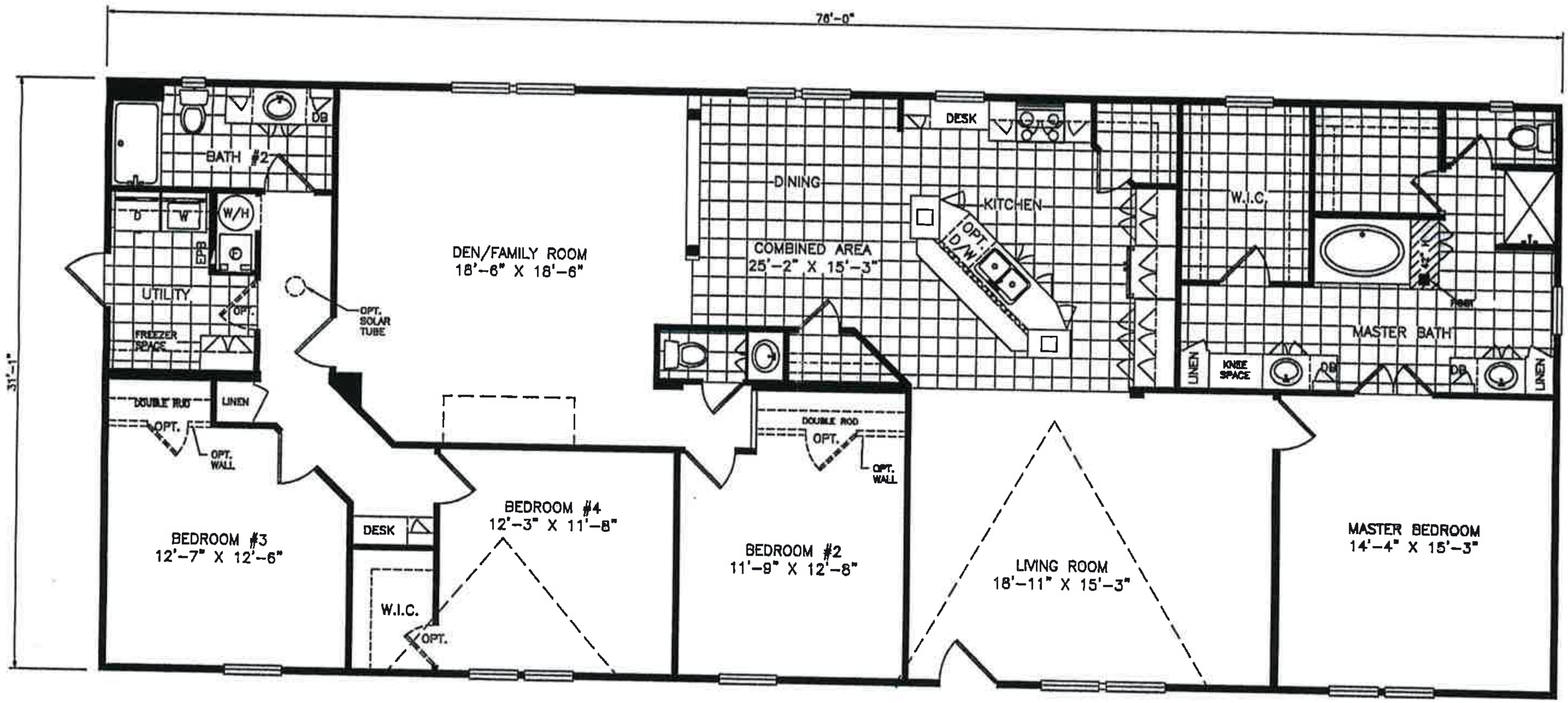
3324 Alexander



OPT. UTILITY SINK

Star Homes

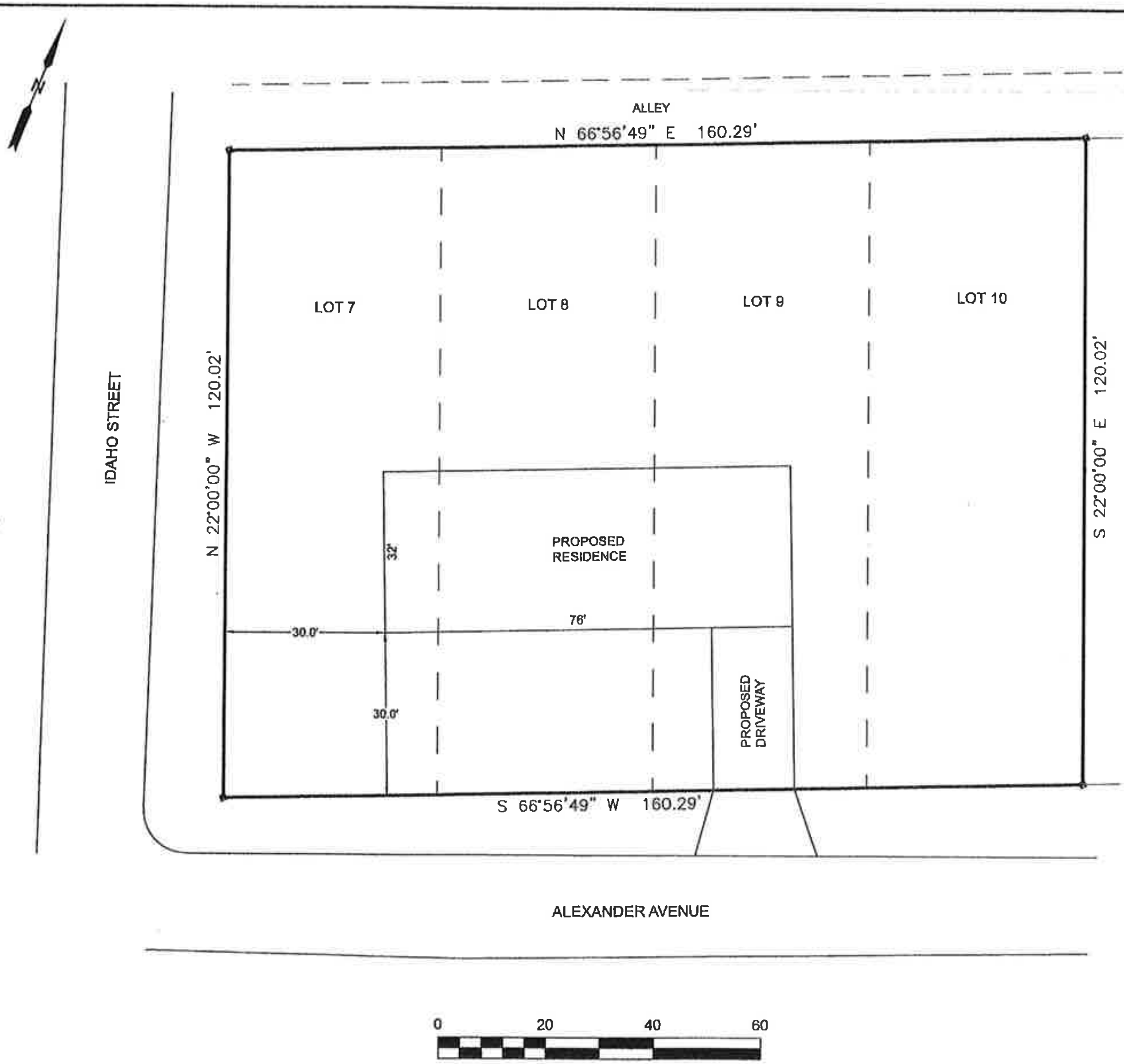
"Your Manufactured Housing Specialist"



MODEL C-3280-42.5B
BOX SIZE=31'-1" x 76'-0"
4 BEDROOMS / 2.5 BATH (2369 SQ. FT.)

4801 MARK IV PARKWAY FORT WORTH, TX 76106 (817) 624-7565 103 N. NEAL STREET COMMERCE, TX 75428	DATE: 08/22/2016 SCALE: NTS	MODEL: 3280-42.5B DRAWN BY: JMS	TITLE: LITERATURE REF # DESCRIPTION DATE REVISED BY:	DWG #:

2020-043 ATTH 04



THIS IS TO CERTIFY: that this plat correctly reflects the results of a survey on the ground covering Lots Numbered Seven (7), Eight (8), Nine (9) and Ten (10) in Block Numbered Ten (10) of GRANDVIEW ADDITION to the City of Texarkana, Bowie County, Texas, according to the map or plat thereof recorded in Volume 40, Page 21 of the Plat Records of Bowie County, Texas.

JOHNNY E. PLUNK, JR
REGISTERED PROFESSIONAL
LAND SURVEYOR
TEXAS NO. 5080

STATE OF TEXAS REGISTERED JOHNNY E. PLUNK, JR. 5080 PROFESSIONAL LAND SURVEYOR

SURVEY FOR FULLER
ALEXANDER AVENUE, TEXARKANA, TEXAS

PLUNK LAND SURVEYING 3605 JEFFERSON AVENUE TEXARKANA, ARKANSAS 71854 PHONE (870) 779-8002	**LOTS 7–10 BLOCK 10 GRANDVIEW ADDITION BOWIE COUNTY, TEXAS**
	SCALE: 1"=20' / DATE: 4/6/2020
TX FIRM NO. 10073900–AR COA NO. 1711	DRAWN BY: JEP / JOB NO: 200341

TEX-Burk, Debbie

From:	TEX-Orr, David
Sent:	Monday, May 4, 2020 12:30 PM
To:	TEX-Burk, Debbie
Subject:	FW: Support of Rezoning

David W. Orr
Director of Planning & Community Development

City of Texarkana, Texas
Office: (903) 798-3902
Cell: (903) 278-7735
Fax: (903) 798-3913
Email: david.orr@txkusa.org

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

From: Dr. James Anthony Morris <jamesamorris1@gmail.com>
Sent: Monday, May 4, 2020 12:10 PM
To: TEX - PCD <TEXPlanning@txkusa.org>
Subject: Support of Rezoning

To: Texarkana Planning & Zoning Commission c/o Debbie Burk

This email is in support of the following:

Applicants: John and Valerie Fuller
3321 Findley Street - Texarkana, TX 75501
Location of Rezoning: 3324 Alexander Avenue - Texarkana, TX 75501
Proposed Change: Specific Use Permit to Allow a Double Wide HUD Code Manufactured Home
Legal Description: Lots 7-10, Block 10, Grandview Addition
Case No: S-717

The Hamilton Memorial AME Church is located across the street from this lot and we fully support the rezoning of this property to allow the Fullers to have a new home to replace their home that was damaged by fire.

Regards,

Dr. James Anthony Morris, Pastor
Hamilton Memorial AME Church
3401 Alexander Avenue - Texarkana, TX 75501

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA	No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

Attachment: 2020-043 Goals & Perspectives (2268 : 2020-043 ORD granting SUP at 3324 Alexander Ave.)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 5/18/2020 3:58 PM

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,

Subject: Ordinance No. 2020-044 granting Specific Use Permit to allow a telecommunications tower on Lots 7 & 8, Block 125, Trigg's Addition, located at 1204 Wood Street. Fred Norton, applicant. Gregg Staggs, agent.

Briefing: 5/26/2020 **Public Hearing:** 6/8/2020 **Council Vote:** 6/8/2020

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

S-718: This is a request by Fred Norton, owner, and Gregg Staggs, representing Integrisite and AT& T Mobility, agent, for a Specific Use Permit to allow the new build of a 180’ AT&T telecommunications tower on Lots 7 & 8, Block 125, Trigg’s Addition, located at 1204 Wood Street. The applicant has leased a 75’ x 75’ tract of land for the location of the proposed tower. The property is currently vacant land.

The adjacent zoning is Office to the north, south, east and west. The adjacent land use is vacant land to the north and east, a residence to the west and a church to the south across West 12th Street.

Per information provided by the applicant, AT & T Mobility is requesting this new tower “to provide capacity, relieve exhausted sectors, improve coverage and provide adequate RF signals for the AT & T network along State Line Avenue/Highway 71. AT & T takes all precautions necessary to ensure that none of its transmission locations interfere with any other carrier and/or wireless entity. Also, the tower will conform to applicable FCC standards for radio frequency emissions and copies of any federally studies or measurements of radio frequency.”

The proposed 180’ monopole telecommunications tower will be collapsible to one-half (90’) of the tower height horizontally. There are no residential or commercial structures located within the 90’ fall zone. The applicant has stated that there are no other towers in the immediate that would work for calculation. At the present time, AT & T is the only carrier for the tower.

The applicant provided a letter from the Federal Aviation Administration stating that an aeronautical study was done for this site. The study revealed that the structure does not exceed obstruction standards and will not be a hazard to air navigation.

Due to the need for cellular service in this area and since no structures are located within the 90’ fall zone, staff recommends for approval of this request.

City of Texarkana, Texas

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

Potential Options:

None

Fiscal Implications:

Not applicable.

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

The Planning and Zoning Commission unanimously recommended for approval.

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

May 4, 2020

Attachments

a. 2020-044 ORD granting SUP at 1204 Wood St. (DOCX)
b. 2020-044 EXH 'A' (site plan) (PDF)
c. 2020-044 ATTH 01 (zoning map) (PDF)
d. 2020-044 ATTH 02 (aerial map) (PDF)
e. 2020-044 ATTH 03 (Fall zone map) (PDF)
f. 2020-044 ATTH 04 (letter from AT & T) (PDF)
g. 2020-044 ATTH 05 (letter from design engineer) (PDF)
h. 2020-044 ATTH 06 (letter from FAA) (PDF)
i. 2020-044 ATTH 07 (email from Wadley AT&T tower) (PDF)
j. 2020-044 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	Completed	05/18/2020 12:37 PM
City Manager	Shirley Jaster	City Manager Review	Completed	05/19/2020 3:06 PM
City Council	Vicky Coopwood	Meeting	Pending	05/26/2020 6:00 PM

Meeting History

ORDINANCE NO. 2020-044

S -718

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-718 TO ALLOW THE LOCATION OF A TELECOMMUNICATIONS TOWER ON LOTS 7 AND 8, BLOCK 125, TRIGG'S ADDITION, LOCATED AT 1204 WOOD 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 telecommunications tower (Exhibit 'A') on Lots 7 and 8, Block 125, Trigg's Addition, located at 1204 Wood 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 **four (4) to zero (0) with one (1) member abstaining, to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a telecommunications tower** 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-718 to allow the location of a telecommunications tower (Exhibit 'A') on Lots 7 and 8, Block 125, Trigg's Addition, located at 1204 Wood Street** in the City of Texarkana, Bowie County, Texas.

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

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

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

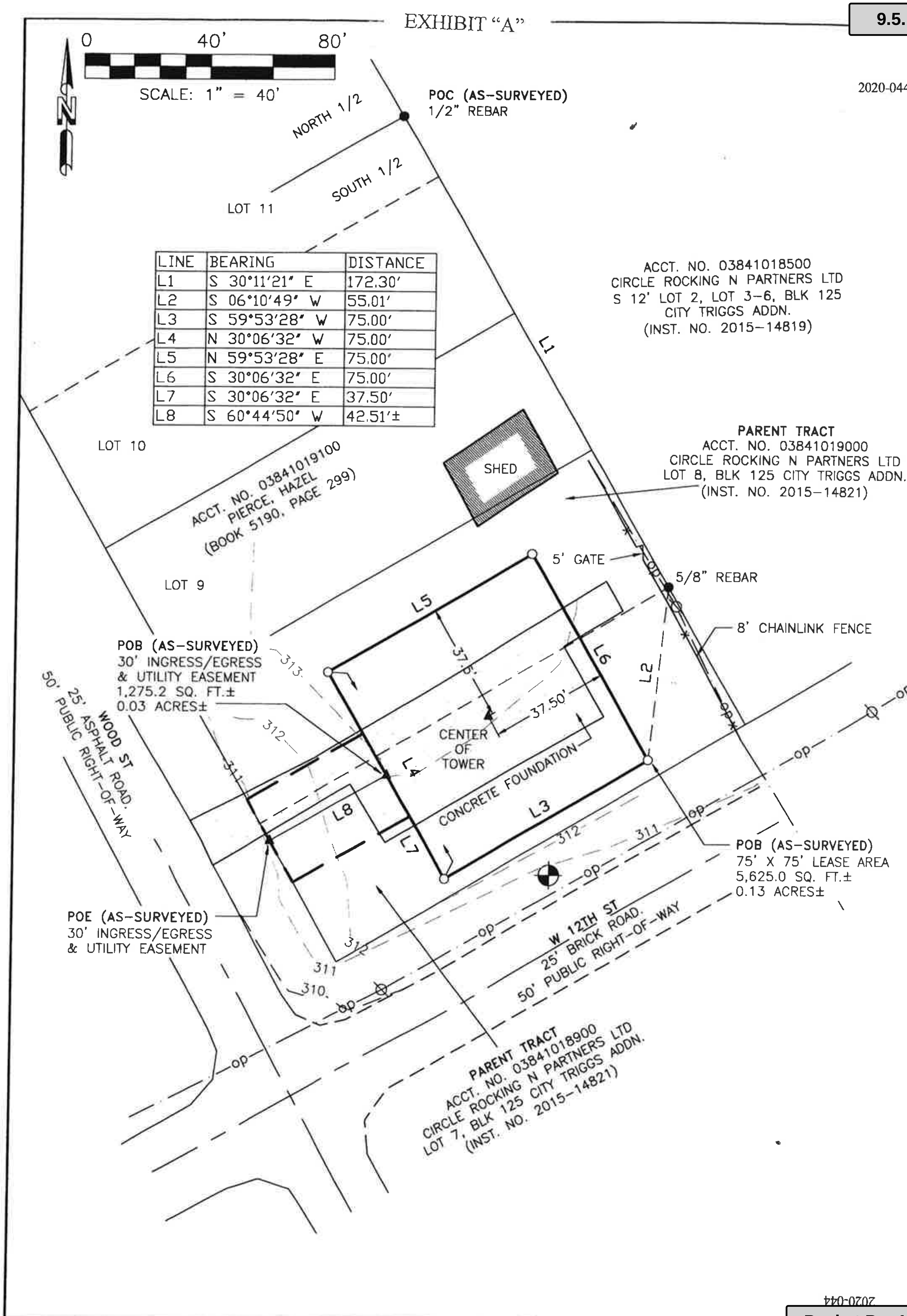
PASSED AND APPROVED in Regular Council Session on this the **8th day of June, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

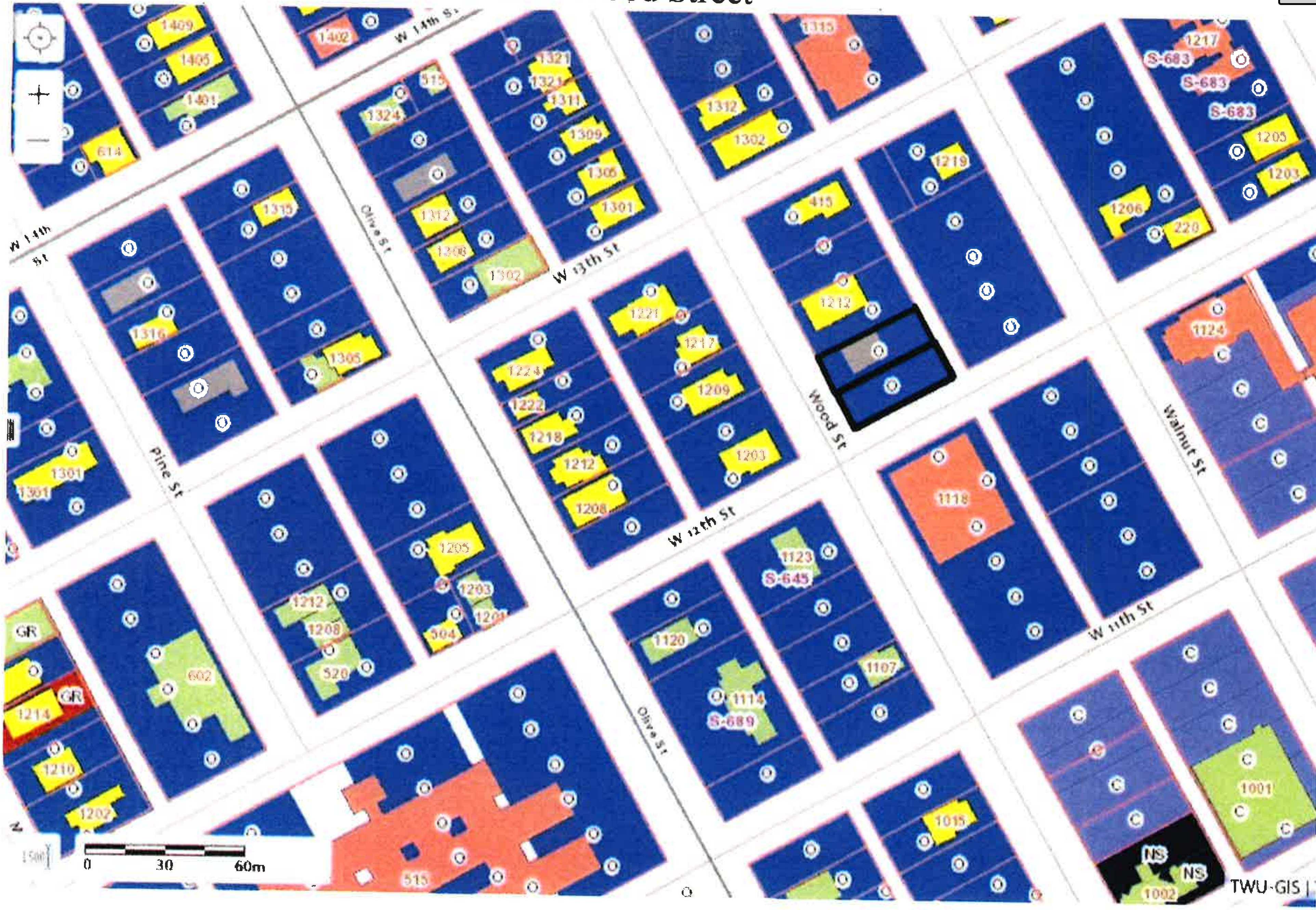
EXHIBIT "A"



LINE	BEARING	DISTANCE
L1	S 30°11'21" E	172.30'
L2	S 06°10'49" W	55.01'
L3	S 59°53'28" W	75.00'
L4	N 30°06'32" W	75.00'
L5	N 59°53'28" E	75.00'
L6	S 30°06'32" E	75.00'
L7	S 30°06'32" E	37.50'
L8	S 60°44'50" W	42.51'±

Attachment: 2020-044 EXH 'A' (site plan) (2269 : 2020-044 ORD granting SUP at 1204 Wood St.)

1204 Wood Street



2020-044 ATTH 02

1204 Wood

Attachment: 2020-044 ATTH 02 (aerial map) (2269 : 2020-044 ORD granting SUP at 1204 Wood St.)

2020-044 ATTH 03

AT&T

March 16, 2020

RE: Proposed Tower: State Line / ARL01843 / 14742272 / 3103A0K9LZ

To Whom It May Concern:

AT&T Mobility ("AT&T") respectfully submits this letter in an effort to construct a new telecommunications tower just outside the metropolitan area of Texarkana, Texas. The proposed new tower is required to provide capacity, relieve exhausted sectors, improve coverage and provide adequate RF signal for the AT&T network along Hwy 71/State Line Ave area.

This new site will improve the access to AT&T's enhanced E911 services as required the FCC (FirstNet, network exclusively for public safety and First Responders) as well as local PSAP and improve safety to the citizens. AT&T takes all precautions necessary to ensure that none of its transmission locations interfere with any other carrier and/or wireless entity. Also, the tower facility will conform to applicable FCC standards for radio frequency emissions and copies of any federally studies or measurements of radio frequency.

For AT&T to meet the increasing demand for its wireless services, it is essential to place telecommunication facilities in strategic locations to adequately support the expanding capacity requirements of both its voice and data networks. Specifically, AT&T RF Engineering has determined that there is a necessity for increased in-building voice and data capacity at the areas near this proposed new site. The areas near this proposed new site will experience increased in-building data throughput rates and improved signal as a result of the new tower.

Previous optimization efforts in the area encompassing the capacity exhausted neighboring AT&T sites, were unable to provide the needed coverage of traffic due to surrounding terrain conditions and distance to the targeted area. Before requesting permission to build a new tower, AT&T looks first for co-location opportunities. There are no opportunities for co-location in the current candidate search ring area.

If you have additional questions you may contact me at ma6375@att.com.

Sincerely,

Matthew Ashley
Sr Real Estate & Construction Manager (Arkansas / Oklahoma)

2020-044 ATTH 05

Sabre Industries™
Towers and Poles

March 11, 2020

Jamie Lahr
Vice President – Development, Operations & Engineering
Diamond Communications
820 Morris Turnpike, Suite 104
Short Hills, NJ 07078

RE: Proposed 180' Sabre Monopole and foundation for TX241 Wood Street, TX (20-6339-JDS)

Dear Mr. Lahr:

Upon receipt of order, we propose to design and supply a 180' monopole and foundation for the above referenced site. The monopole and foundation will be designed for an ASCE 7-16 ultimate wind speed of 105 mph without ice and 30 mph with 1.5" ice, Structure Class II, Exposure Category B and Topographic Category 1, in accordance with ANSI/TIA-222-G.

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. **Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles.** This would effectively result in a fall radius less than or equal to 50% of the monopole height.

Sincerely,

STATE OF TEXAS
AMY R. HERBST
96945
LICENSED
PROFESSIONAL ENGINEER

3/11/20

Amy R. Herbst, P.E.
Senior Design Engineer

Sabre Towers and Poles • 7101 Southbridge Drive • P.O. Box 658 • Sioux City, IA 51102-0658
P: 712-258-6690 **F**: 712-279-0814 **W**: www.SabreTowersandPoles.com

2020-044 ATTH 06

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-ASW-4036-OE

Issued Date: 03/18/2020

Sandra Wiley
AT&T
208 S. Akard St.
Dallas, TX 75202

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower STATE LINE - ARL01843
Location:	Texarkana, TX
Latitude:	33-25-54.73N NAD 83
Longitude:	94-02-45.83W
Heights:	314 feet site elevation (SE)
	190 feet above ground level (AGL)
	504 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 09/18/2021 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

TEX-Coopwood, Vicky

From: Brown, Shelby <Shelby.Brown@steward.org>
Sent: Friday, May 1, 2020 1:11 PM
To: TEX-Orr, David
Subject: AT&T Tower

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David,

As far as Wadley Regional Medical Center is concerned, we are fine with the proposed AT&T tower erection near our location. Although this will not enhance our business operation, it should benefit the personal cell phone usage inside the hospital.

Respectfully,
Shelby

Shelby Brown
Director of Marketing & Planning
Wadley Regional Medical Center
O 903-798-8085 | F 903-798-8077 | wadleyhealth.org

Steward

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA	No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 5/20/2020 12:22 PM

Lead Department: Planning and Community Development

Action Officer: David Orr, Planning & Community Development Director

Subject: Resolution No. 2020-051 supporting The Texarkanan (former Texarkana National Bank building) redevelopment project, authorizing use of funds to any person or entity allying with Texarkana Renewal Properties, LLC for the project, and authorizing the City Manager to execute any and all loan documents or other documents necessary for the project.

Briefing: 5/26/2020 **Public Hearing:** 6/8/2020 **Council Vote:** 6/8/2020

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The project includes restoration and redevelopment of two sites, the former Texarkana National Bank Building located at 100 W. Broad Street and the Parking Garage Property located on the SW corner of W. 3rd Street and Pine Street.

The former Texarkana National Bank building was originally constructed in 1914 with additions made in 1924 and 1962. The building contains 56,250 sq. ft, and at eight (8) stories, is the second tallest building downtown.

The proposed project contains several phases, with the initial phase being to remove the façade exposing the original architecture. Once this phase is complete, the developer will seek state and national historic designation. The proposed project will preserve the historic elements of the building while completely updating the property.

The goal is to redevelop the building with meeting space and offices on the ground level, apartments throughout the remaining floors with a restaurant included on the fifth floor.

City of Texarkana, Texas

Recent developments over the past several years included a Phase 1 EPA Brownfield Site Assessment completed in the Summer of 2011 and updated in December 2019, and Phase II Brownfields Environmental Site Assessment completed in April 2013, making the project eligible for EPA Revolving Loan funds.

The former parking garage property consists of a 0.32-acre parcel of land with a five-story 44,000+ sq. ft. parking garage and associated basement, office, and retail spaces. The parking garage was constructed in 1960.

The goal is to revitalize the parking garage for parking and storage, and to revitalize the retail space maintaining the retail use. The parking facility will be private parking for residents of the redeveloped Texarkanan.

Potential Options:

- Approve
- Deny

Fiscal Implications:

EPA Brownfields Cleanup loans		$400,000
City Façade program loans	$100,000	
City Façade Restoration and Improvement Grants	$10,000	
Total	$510,000	

Staff Recommendation:

The developer is proposing a multiple phase approach for the redevelopment of this property that includes removal of the exterior façade and environmental cleanup as phase one. The phase one work will reveal the original brick façade to qualify for historic tax credits. Phase two will include actual construction work for the redevelopment of the property. Due to the complexity and multiple phasing of the development and financing plan, this loan is considered high risk. However, this development is important to the City's continued support of downtown revitalization efforts and the development is located in a federally qualified Opportunity Zone. Furthermore, the developer has a positive track record with other downtown properties. As a result, staff recommends approval with the following terms and conditions:

1. EPA Brownfields Cleanup loans up to $400,000 for both the formerly Texarkana National Bank building and Parking Garage with a 12-year term. No interest for one

year with interest only in years 2 and 3 with principle and interest due years 4-12. Interest rate will be set at the 10-year treasury rate plus 1%.

2. City Façade program loans for $50,000 for the formerly Texarkana National Bank building and $50,000 for the Parking Garage each with a 10-year term. No interest for one year with interest only in years 2 and 3 with principle and interest due years 4-10. Interest rate will be set at the 10-year treasury rate plus 1%.
3. City Façade Restoration and Improvement Grants of $5,000 each for the formerly Texarkana National Bank building and Parking Garage provided the terms, conditions and match requirements of the program are met.
4. Developer will follow all applicable City Building Codes along with all EPA Brownfield Program terms and conditions. Developer will ensure work is protective of human health & the environment including but not limited to adherence to approved EPA cleanup plans, approved EPA closure reports and Davis-Bacon requirements.
5. For the EPA loan, the lender may withhold up to twenty percent (20%) of each payment requested as a retainage until any **EPA Agency or Lender required closure reports are received and approved by the Agency**.
6. Collaterally assign to the City real property located at 5305-5309 N. State Line Ave with a 1st lien position.
7. Developer provide additional letters of financial commitment and an updated proforma after Phase I work is completed and prior to Phase II beginning.

Advisory Board/Committee Review:
EPA Revolving Loan Program (RLF) Committee

Board/Committee Recommendation:
EPA Revolving Loan Program RLF Committee recommended approval with staff terms and conditions.

Advisory Board/Committee Meeting Date and Minutes:
EPA Revolving Loan Program (RLF) Committee met on May 14th, 2020 - Meeting Minutes Attachment

Attachments

a. 2020-051 RES Auth City Manager to enter into agreements Texarkana National Bank & Parking Garage Properties (DOCX)
b. 2020-051 Goals & Perspectives (DOCX)
c. 2020-051 ATTH 01 TNB Presentation_D Peavy (PDF)
d. 2020-051 ATTH 02 RLF Committee May 14 2020 Minutes (DOCX)

City of Texarkana, Texas

Staff Coordination

Planning and Community Development David Orr Department Head Review Completed 05/20/2020 10:39 AM
Finance Department Kristin Peeples Finance Review Completed 05/20/2020 10:48 AM
City Manager Shirley Jaster City Manager Review Completed 05/20/2020 2:43 PM
City Council Vicky Coopwood Meeting Pending 05/26/2020 6:00 PM

Meeting History

RESOLUTION NO. 2020-051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING SUPPORT OF THE TEXARKANA PROJECT TO REDEVELOP THE FORMER TEXARKANA NATIONAL BANK AND PARKING GARAGE PROPERTIES, AND APPROVING THE USE OF COMMITTED FUNDS TO ANY PERSON OR ENTITY ALLYING WITH TEXARKANA RENEWAL PROPERTIES, LLC FOR THE PROJECT, AND AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL LOAN DOCUMENTS OR OTHER DOCUMENTS NECESSARY FOR THE PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the redevelopment of these two properties are pivotal for downtown revitalization and increasing the tax base of the City of Texarkana, Texas, and

WHEREAS, grant funds and other non-general fund dollars are available for this project; and

WHEREAS, City staff and the RLF Loan Committee approved by unanimous vote an EPA Brownfields Revolving Loan Fund loan up to $400,000, City Façade loans in the amount of $50,000 for each property, and City Façade Restoration and Improvement Grants in the amount of $5,000 for each property; and

WHEREAS, Texarkana Renewal Properties, LLC is preparing applications for tax credit opportunities and PACE loans; and

WHEREAS, the City Council intends by this resolution to affirm its approval and support of the redevelopment project, authorizing the City Manager to execute any and all loan documents or other documents necessary for the project.

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

SECTION 1: The City Council affirms its approval and support of the project to redevelop the former Texarkana National Bank and Parking Garage properties.

SECTION 2: The City Council authorizes the City Manager to execute any and all loan documents or other documents necessary for the project.

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 **8th day of June, 2020**.

ATTEST:

______________________________ ______________________________

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Medium

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2020-051 Goals & Perspectives (2270 : 2020-051 RES Auth CM to enter into loan agrmts for former TNB)

TEXARKANA NATIONAL BUILDING Re-Development

By
Texarkana Renewal Properties, LLC

The Texarkana

Apartments/ Hotel/ Venue/ Retail

An Opportunity Zone Development
Investor/ Loan Package
February, 2020

Texarkana National Bank 1914-1980’s Hibernia Bank 1980’s Capital One Bank 2000’s Left 2011

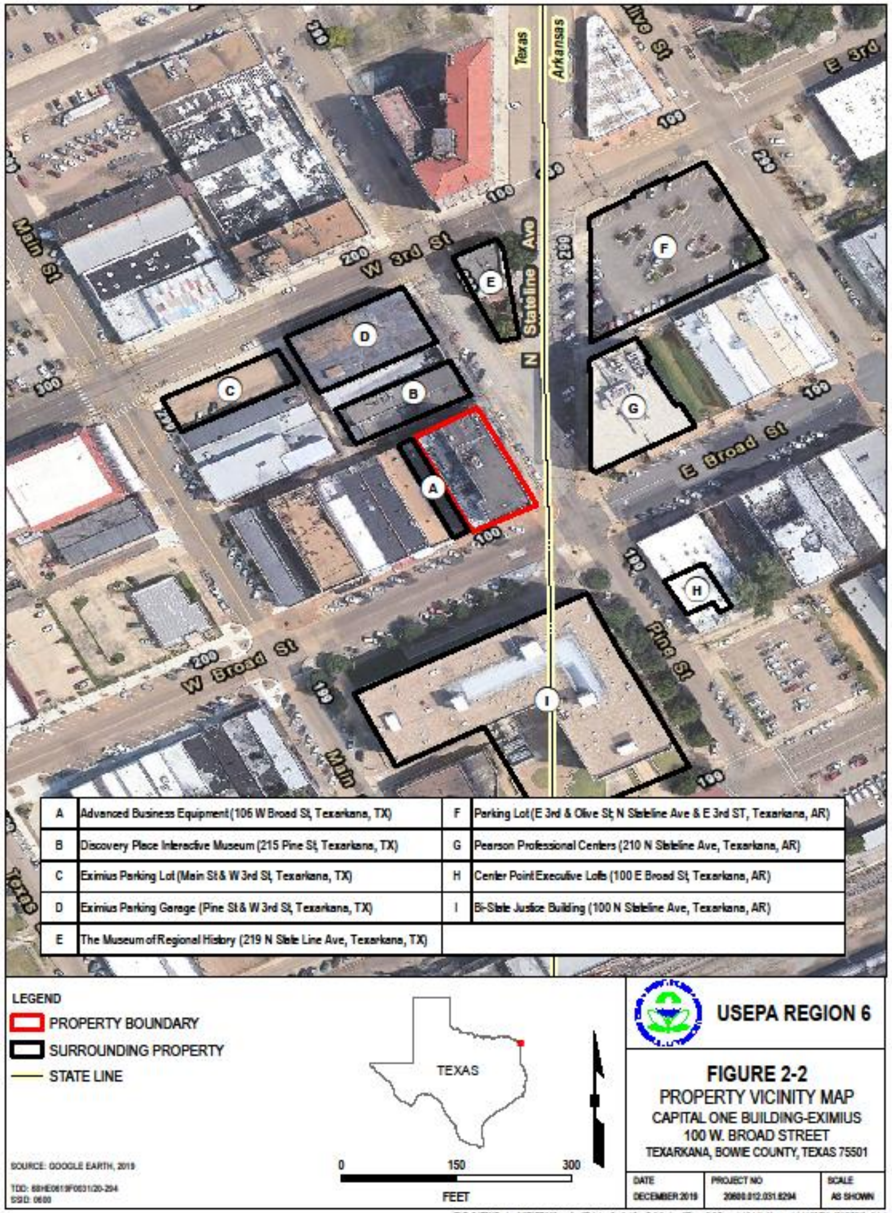
Slip Cover over the original Façade installed in 1971

Texarkana National Bank 1914-1924

Original Building was 25 foot wide

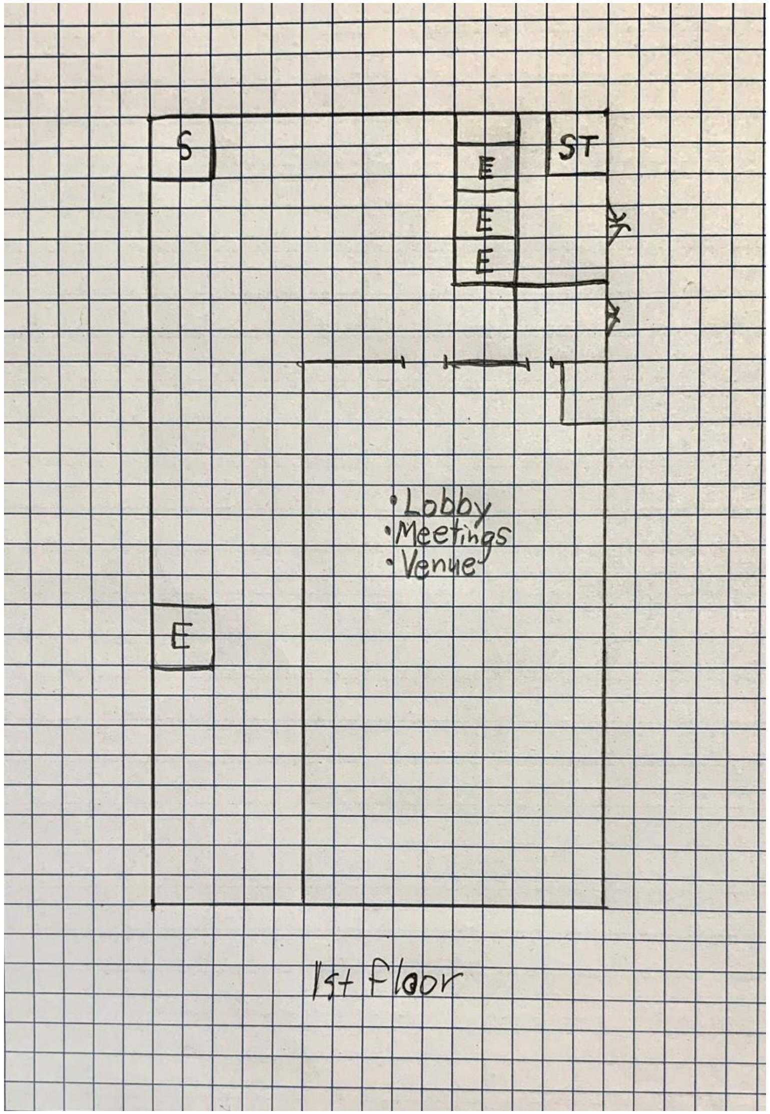
Texarkana National Bank Expanded in 1924-1925

Much of the Original Architectural Artwork still exist under the slip



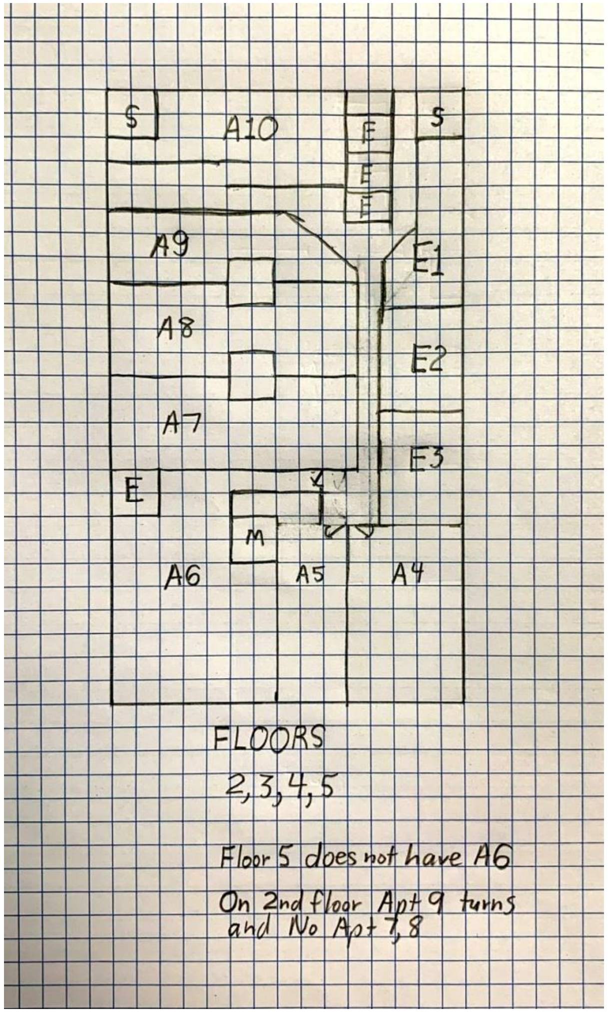
Location Map

Redevelopment Building Location (Red Outline)



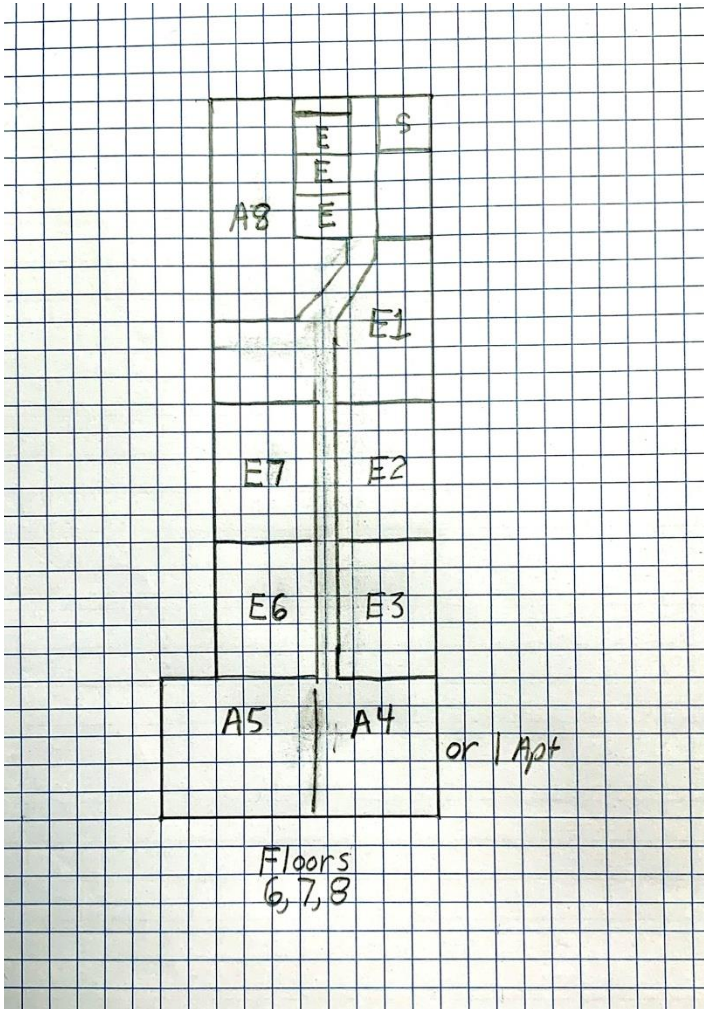
Preliminary Redevelopment layout drawings

1st Floor



Preliminary Redevelopment layout drawings

2-4st Floors



Preliminary Redevelopment layout drawings

6-8th Floor

Preliminary Cost Projections For Texarkanan Building

B	C	D	E	F	G	H	I	J	K	L
Description of Work	**Scheduled Value**	**Change Order**	**Revised Scheduled Value**	**Work Complete Previous Applications**	**This Period**	**Materials Presently Stored**	**Total Completed and Stored to Date**	**%**	**Balance to Finish**	**Retainage**
Property	300,000.00	0.00	300,000.00	0.00	**0.00**	0.00	0.00	0.00%	300,000.00	0.00
Historic Cert/phase1-3	30,000.00	0.00	30,000.00	0.00	**0.00**	0.00	0.00	0.00%	30,000.00	0.00
Architect/ Engineering	120,000.00	0.00	120,000.00	0.00	**0.00**	0.00	0.00	0.00%	120,000.00	0.00
Insurance	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Bank Interest	150,000.00	0.00	150,000.00	0.00	**0.00**	0.00	0.00	0.00%	150,000.00	0.00
Inspections	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Permits	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Bank closing cost	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Cash	75,000.00	0.00	75,000.00	0.00	**0.00**	0.00	0.00	0.00%	75,000.00	0.00
Direct Labor				0.00	**0.00**	0.00	0.00			0.00
	300,000.00	0.00	300,000.00	0.00	**0.00**	0.00	0.00	0.00%	300,000.00	0.00
Trash/ Utilities	75000.00	0.00	75,000.00	0.00	**0.00**	0.00	0.00	0.00%	75,000.00	0.00
Termite - Pillow	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Roof Repair	150,000.00	0.00	150,000.00	0.00	**0.00**	0.00	0.00	0.00%	150,000.00	0.00
Brick Cap/ Flashing	30,000.00	0.00	30,000.00	0.00	**0.00**	0.00	0.00	0.00%	30,000.00	0.00
Asbestos Abatement	750,000.00	0.00	750,000.00	0.00	**0.00**	0.00	0.00	0.00%	750,000.00	0.00
Stairs Upgrades	100,000.00	0.00	100,000.00	0.00	**0.00**	0.00	0.00	0.00%	100,000.00	0.00
Sprinkler system	250,000.00	0.00	250,000.00	0.00	**0.00**	0.00	0.00	0.00%	250,000.00	0.00
Fire Alarm	125,000.00	0.00	125,000.00	0.00	**0.00**	0.00	0.00	0.00%	125,000.00	0.00
Access Control	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Gates/Fences	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Stairwell railing	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
Steel beam adds	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Handrails at basement entrances	9,000.00	0.00	9,000.00	0.00	**0.00**	0.00	0.00	0.00%	9,000.00	0.00
Terracotta/brick repairs	225,000.00	0.00	225,000.00	0.00	**0.00**	0.00	0.00	0.00%	225,000.00	0.00
Windows/Glass	200,000.00	0.00	200,000.00	0.00	**0.00**	0.00	0.00	0.00%	200,000.00	0.00
Bldg Materials	1,200,000.00	0.00	1,200,000.00	0.00	**0.00**	0.00	0.00	0.00%	1,200,000.00	0.00
Basement	75,000.00	0.00	75,000.00	0.00	**0.00**	0.00	0.00	0.00%	75,000.00	0.00
FramingDrywall/ Painting	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Trim Work	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
Plumbing	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
A/C	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Electrical	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
Millwork	2,500.00	0.00	2,500.00	0.00	**0.00**	0.00	0.00	0.00%	2,500.00	0.00
Flooring	5,000.00	0.00	5,000.00	0.00	**0.00**	0.00	0.00	0.00%	5,000.00	0.00
1st Floor	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
FramingDrywall/ Painting	150,000.00	0.00	150,000.00	0.00	**0.00**	0.00	0.00	0.00%	150,000.00	0.00
Plaster Repair/Trim Work	225,000.00	0.00	225,000.00	0.00	**0.00**	0.00	0.00	0.00%	225,000.00	0.00
Plumbing	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
A/C	50,000.00	0.00	50,000.00	0.00	**0.00**	0.00	0.00	0.00%	50,000.00	0.00
Electrical	40,000.00	0.00	40,000.00	0.00	**0.00**	0.00	0.00	0.00%	40,000.00	0.00
2nd- 8th Floor		0.00		0.00	**0.00**					
FramingDrywall/ Painting	800,000.00	0.00	800,000.00	0.00	**0.00**	0.00	0.00	0.00%	800,000.00	0.00
Trim Work	250,000.00	0.00	250,000.00	0.00	**0.00**	0.00	0.00	0.00%	250,000.00	0.00
Plumbing	600,000.00	0.00	600,000.00	0.00	**0.00**	0.00	0.00	0.00%	600,000.00	0.00
A/C	800,000.00	0.00	800,000.00	0.00	**0.00**	0.00	0.00	0.00%	800,000.00	0.00
Electrical	800,000.00	0.00	800,000.00	0.00	**0.00**	0.00	0.00	0.00%	800,000.00	0.00
Glass	50,000.00	0.00	50,000.00	0.00	**0.00**	0.00	0.00	0.00%	50,000.00	0.00
Countertops	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Millwork	80,000.00	0.00	80,000.00	0.00	**0.00**	0.00	0.00	0.00%	80,000.00	0.00
Flooring	100,000.00	0.00	100,000.00	0.00	**0.00**	0.00	0.00	0.00%	100,000.00	0.00
Elevator Shaft	25,000.00	0.00	25,000.00	0.00	**0.00**		0.00	0.00%	25,000.00	0.00
FramingDrywall/ Painting	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Trim Work	2,000.00	0.00	2,000.00	0.00	**0.00**	0.00	0.00	0.00%	2,000.00	0.00
Electrical	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Steel	5,000.00	0.00	5,000.00	0.00	**0.00**	0.00	0.00	0.00%	5,000.00	0.00
Stairwell N-S		0.00		0.00	**0.00**					
FramingDrywall/ Painting	64,000.00	0.00	64,000.00	0.00	**0.00**	0.00	0.00	0.00%	64,000.00	0.00
Trim Work	1,000.00	0.00	1,000.00	0.00	**0.00**	0.00	0.00	0.00%	1,000.00	0.00
Electrical	5,000.00	0.00	5,000.00	0.00	**0.00**	0.00	0.00	0.00%	5,000.00	0.00
Flooring	2,000.00	0.00	2,000.00	0.00	**0.00**	0.00	0.00	0.00%	2,000.00	0.00
Elevator	750,000.00	0.00	750,000.00	0.00	**0.00**	0.00	0.00	0.00%	750,000.00	0.00
Basement Concrete	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Outside upgrades	32,000.00	0.00	32,000.00	0.00	**0.00**	0.00	0.00	0.00%	32,000.00	0.00
Insulation/ Fireproof	100,000.00		100,000.00	0.00	**0.00**	0.00	0.00	0.00%	100,000.00	0.00
Extra/adds/fees	490,000.00		490,000.00	0.00	**0.00**	0.00	0.00	0.00%	490,000.00	0.00
TOTALS	**9,997,500.00**	**0.00**	**9,997,500.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00%**	**9,997,500.00**	**0.00**

Preliminary Investment Projections and Income For Texarkana Building

Investments	Scheduled Value	Change Order	Revised Scheduled Value	Interest	Monthly Payments		Without Investors
EPA Loan I	400,000.00		400,000.00	3%	3863	10y	3863
EPA Loan II	333,000.00		333,000.00	3%	3216	10y	3216
Façade Loan	50,000.00	0.00	50,000.00	3%	966	10y	966
Façade Grant	5,000.00	0.00	5,000.00	0%	0		0
Pace loan	2,300,000.00	0.00	2,300,000.00	7%	16256	25	16256
Private Investors/ Condo Sales	4,884,500.00	0.00	4,884,500.00	6%	0	25	31470
Texas State Historic Tax Credits 25%	2,025,000.00	0.00	2,025,000.00	0%	0		0
Federal Tax Credits	0.00		0.00	0%	0	20	0
TOTALS	**9,997,500.00**	**0.00**	**9,997,500.00**		24301		55771

Historic Tax Credits **9,000,000 x .25 x .9= $2,025,000**

Federal Tax Credits **9,000,000 x .20 x .8 = $1,440,000**

Investments (Selling Out the Federal Tax credits)	Scheduled Value	Change Order	Revised Scheduled Value	Interest	Monthly Payments		Without Investors
EPA Loan I	400,000.00		400,000.00	3%	3863	10y	3863
EPA Loan II	333,000.00		333,000.00	3%	3216	10y	3216
Façade Loan	50,000.00	0.00	50,000.00	3%	966	10y	966
Façade Grant	5,000.00	0.00	5,000.00	0%	0		0
Pace loan	2,300,000.00	0.00	2,300,000.00	7%	16256	25	16256
Private Investors/ Condo Sales	3,444,500.00	0.00	3,444,500.00	6%	0	25	22193
Texas State Historic Tax Credits 25%	2,025,000.00	0.00	2,025,000.00	0%	0		0
Federal Tax Credits	1,440,000.00		1,440,000.00	0%	0	20	0
TOTALS	**9,997,500.00**	**0.00**	**9,997,500.00**		24301		46494

THE TEXARKANA NATIONAL BANK
THE TEXARKANA NATIONAL MOTOR BANK
THE INSTALMENT LOAN BUILDING
THE TEXARKANA NATIONAL PARKING GARAGE

Growing with Texarkana . . . since the horse and buggy days . . . from the pioneer times of seventy-five years ago to the comfort of the hour . . . so much has The Texarkana National Bank looked upon in its seventy-five years . . . and so much do we see ahead . . . as we wish our many friends good fortune and happiness.

Parking Garage and Storage and Retail

2020-051 ATTH 01

Preliminary Cost Projections For Texarkana Garage and Storage

Description of Work	Scheduled Value	Change Order	Revised Scheduled Value	Work Complete Previous Applications	This Period	Materials Presently Stored	Total Completed and Stored to Date	%	Balance to Finish	Retainage
Property	100,000.00	0.00	100,000.00	0.00	**0.00**	0.00	0.00	0.00%	100,000.00	0.00
Historic Cert/phase1-3	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
Architect/ Engineering	50,000.00	0.00	50,000.00	0.00	**0.00**	0.00	0.00	0.00%	50,000.00	0.00
Insurance	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Bank Interest	50,000.00	0.00	50,000.00	0.00	**0.00**	0.00	0.00	0.00%	50,000.00	0.00
Inspections	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Permits	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Bank closing cost	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Cash	50,000.00	0.00	50,000.00	0.00	**0.00**	0.00	0.00	0.00%	50,000.00	0.00
Direct Labor				0.00	**0.00**	0.00	0.00			0.00
	100,000.00	0.00	100,000.00	0.00	**0.00**	0.00	0.00	0.00%	100,000.00	0.00
Other Labor	0.00	0.00	0.00	0.00	**0.00**	0.00	0.00	#DIV/0!	0.00	0.00
Trash/ Utilities	24000.00	0.00	24,000.00	0.00	**0.00**	0.00	0.00	0.00%	24,000.00	0.00
Termite - Pillow	10,000.00	0.00	10,000.00	0.00	**0.00**	0.00	0.00	0.00%	10,000.00	0.00
Roof Repair	150,000.00	0.00	150,000.00	0.00	**0.00**	0.00	0.00	0.00%	150,000.00	0.00
Exterior facade	6,000.00	0.00	6,000.00	0.00	**0.00**	0.00	0.00	0.00%	6,000.00	0.00
Asbestos Abatement	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Stairs Upgrades	100,000.00	0.00	100,000.00	0.00	**0.00**	0.00	0.00	0.00%	100,000.00	0.00
Sprinkler system	150,000.00	0.00	150,000.00	0.00	**0.00**	0.00	0.00	0.00%	150,000.00	0.00
Structural improvements	30,000.00	0.00	30,000.00	0.00	**0.00**	0.00	0.00	0.00%	30,000.00	0.00
1st floor	0.00	0.00	0.00	0.00	**0.00**	0.00	0.00	#DIV/0!	0.00	0.00
2nd floor	0.00	0.00	0.00	0.00	**0.00**	0.00	0.00	#DIV/0!	0.00	0.00
3rd floor	0.00	0.00	0.00	0.00	**0.00**	0.00	0.00	#DIV/0!	0.00	0.00
Fire Alarm	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Access Control/cameras	75,000.00	0.00	75,000.00	0.00	**0.00**	0.00	0.00	0.00%	75,000.00	0.00
Steel railing/ structure/ fences/gates		0.00		0.00	**0.00**					
Gates/Fences	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
Steel beam adds	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Handrails at basement entrances	9,000.00	0.00	9,000.00	0.00	**0.00**	0.00	0.00	0.00%	9,000.00	0.00
bldg Materials	75,000.00	0.00	75,000.00	0.00	**0.00**	0.00	0.00	0.00%	75,000.00	0.00
Basement	0.00	0.00	0.00	0.00	**0.00**	0.00	0.00	#DIV/0!	0.00	0.00
FramingDrywall/ Painting	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Trim Work	5,000.00	0.00	5,000.00	0.00	**0.00**	0.00	0.00	0.00%	5,000.00	0.00
Plumbing	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
A/C	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Electrical	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
Millwork	2,500.00	0.00	2,500.00	0.00	**0.00**	0.00	0.00	0.00%	2,500.00	0.00
Flooring	5,000.00	0.00	5,000.00	0.00	**0.00**	0.00	0.00	0.00%	5,000.00	0.00
Glass	2,000.00	0.00	2,000.00	0.00	**0.00**	0.00	0.00	0.00%	2,000.00	0.00
1st Floor	0.00	0.00	0.00	0.00	**0.00**	0.00	0.00	#DIV/0!	0.00	0.00
FramingDrywall/ Painting	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Trim Work	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Plumbing	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
A/C	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Electrical	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
2nd- 5th Floor		0.00		0.00	**0.00**					
FramingDrywall/ Painting	40,000.00	0.00	40,000.00	0.00	**0.00**	0.00	0.00	0.00%	40,000.00	0.00
Plumbing	15,000.00	0.00	15,000.00	0.00	**0.00**	0.00	0.00	0.00%	15,000.00	0.00
Electrical	50,000.00	0.00	50,000.00	0.00	**0.00**	0.00	0.00	0.00%	50,000.00	0.00
Glass	25,000.00	0.00	25,000.00	0.00	**0.00**	0.00	0.00	0.00%	25,000.00	0.00
Partitions	80,000.00	0.00	80,000.00	0.00	**0.00**	0.00	0.00	0.00%	80,000.00	0.00
Flooring	20,000.00	0.00	20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
Stairwell N-S		0.00		0.00	**0.00**					
FramingDrywall/ Painting	64,000.00	0.00	64,000.00	0.00	**0.00**	0.00	0.00	0.00%	64,000.00	0.00
Trim Work	1,000.00	0.00	1,000.00	0.00	**0.00**	0.00	0.00	0.00%	1,000.00	0.00
Electrical	5,000.00	0.00	5,000.00	0.00	**0.00**	0.00	0.00	0.00%	5,000.00	0.00
Flooring	2,000.00	0.00	2,000.00	0.00	**0.00**	0.00	0.00	0.00%	2,000.00	0.00
Outside upgrades	32,000.00	0.00	32,000.00	0.00	**0.00**	0.00	0.00	0.00%	32,000.00	0.00
Insulation/ Fireproof	20,000.00		20,000.00	0.00	**0.00**	0.00	0.00	0.00%	20,000.00	0.00
Extra/adds/fees	26,500.00		26,500.00	0.00	**0.00**	0.00	0.00	0.00%	26,500.00	0.00
TOTALS	**1,749,000.00**	**0.00**	**1,749,000.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00%**	**1,749,000.00**	**0.00**

Preliminary Investment Projections and Income For Texarkana Garage and Storage

Investments	Scheduled Value	Change Order	Revised Scheduled Value	Interest	Monthly Payments		Without Investors
EPA Loan I	25,000.00		25,000.00	3%	241	10y	241
Façade Loan	50,000.00	0.00	50,000.00	3%	483	10y	483
Façade Grant	5,000.00	0.00	5,000.00	0%	0		0
Pace loan	247,390.00	0.00	247,390.00	7%	1759	25	1759
Private Investors	844,110.00	0.00	844,110.00	0%	0	20	6230
Texas State Historic Tax Credits 25%	337,500.00	0.00	337,500.00	0%	0		0
Federal Tax Credits	240,000.00		240,000.00	7%	0	20	1861
TOTALS	**1,749,000.00**	**0.00**	**1,749,000.00**		2483		10574

Historic Tax Credits **1,500,000 x .25 x .9= $337,500**
Federal Tax Credits **1,500,000 x .20 x .8 = $240.000**

Potential Income	Monthly Scheduled Value	Change Order	Annual Scheduled Value
Retail 1	750.00	0.00	9,000.00
Retail 2	750.00	0.00	9,000.00
Retail 3	750.00	0.00	9,000.00
Retail 4	750.00	0.00	9,000.00
Storage	6,000.00	0.00	72,000.00
Parking	3,400.00	0.00	40,800.00
Parking Enclosed	800.00	0.00	9,600.00
TOTALS	**13,200.00**	**0.00**	**158,400.00**

Other Downtown Investments

Downtown Texarkana is on a long awaited rebound. Millions of dollars are currently being poured into the buildings and infrastructure of Downtown.

Grim Hotel	$26,000,000
Post Office/ Courthouse	$14,000,000
1894City Market	$4,000,000
Regions Bank	$3,000,000
Moore’s Furniture	$1,500,000

Some of these cost are projections.

Many other smaller projects are underway in downtown Texarkana.

Investor Opportunities

1. If you have capital gains taxes generated in the last 18 months, you could shelter those taxes until 2027. Those taxes could also be reduced by 10 percent after 5 years.

2. You could receive a 20% tax credit for investing in a historic building.

3. You could keep equity in the building and receive revenue from leasing out the building. Your share of the net income would be proportional to your share of the partnership.

4. You can buy Condo Space up front at a 30% savings from the completed building price.

An Investor would be an Equity Owner of the building.

A $100,000 investment would buy a 1% interest in the building,
based on the $10,000,000 we are projected to spend on the building.

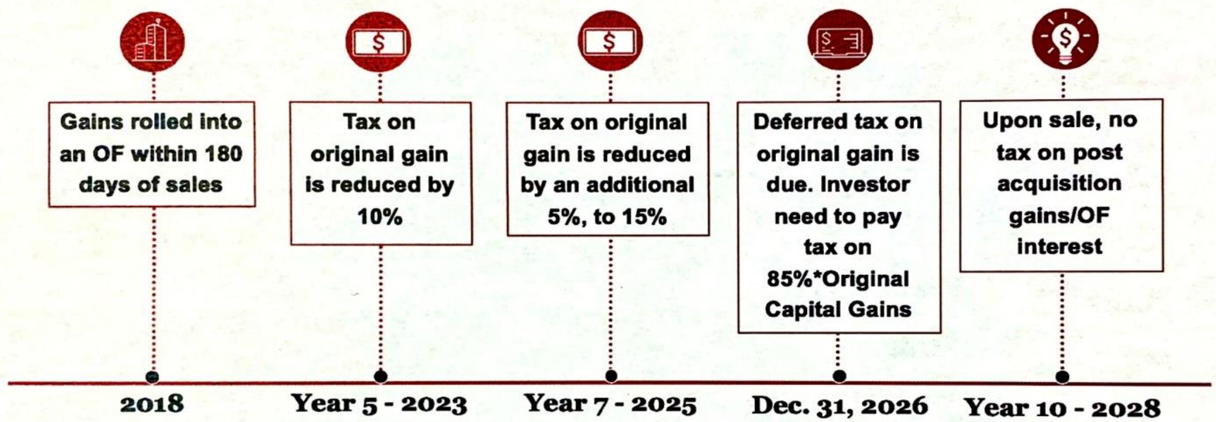
Future Returns would be paid at a pro rata % share to the investor after loan principles and interest, expenses, reserves, and management fees are paid.

Condo Price List per Floor

Pricing	Early Bird Price Per Foot	After Building or Floor Complete
2nd Floor		
	$260	**$360**
700	$182,000	$252,000
450	$117,000	$162,000
1480	$384,800	$384,800
1750	$455,000	$630,000
850	$221,000	$306,000
450	$117,000	$162,000
850	$221,000	$306,000
3rd Floor		
	$260	**$360**
700	$182,000	$252,000
450	$117,000	$162,000
1480	$384,800	$384,800
1750	$455,000	$630,000
1040	$270,400	$374,400
1000	$260,000	$360,000
850	$221,000	$306,000
450	$117,000	$162,000
850	$221,000	$306,000
4th Floor		
	$260	**$360**
700	$182,000	$252,000
450	$117,000	$162,000
1480	$384,800	$384,800
1750	$455,000	$630,000
1040	$270,400	$374,400
1000	$260,000	$360,000
850	$221,000	$306,000
450	$117,000	$162,000
850	$221,000	$306,000

Pricing	Early Bird Price Per Foot	After Building or Floor Complete
5th Floor	**$270**	**$370**
700sqft	$189,000	$259,000
450sqft	$121,500	$166,500
450sqft	$121,500	$166,500
900sqft	$243,000	$333,000
580sqft	$156,600	$214,600
1750sqft	$472,500	$647,500
1040sqft	$280,800	$384,800
1000sqft	$270,000	$370,000
800sqft	$216,000	$296,000
800sqft	$216,000	$296,000
6th Floor	**$280**	**$380**
1300sqft	$364,000	$494,000
800sqft	$224,000	$304,000
450sqft	$126,000	$171,000
450sqft	$126,000	$171,000
450sqft	$126,000	$171,000
900sqft	$252,000	$342,000
7th Floor	**$290**	**$390**
1300sqft	$377,000	$507,000
800sqft	$232,000	$312,000
450sqft	$130,500	$175,500
450sqft	$130,500	$175,500
450sqft	$130,500	$175,500
900sqft	$261,000	$351,000
8th Floor	**$300**	**$400**
1300sqft	$390,000	$520,000
800sqft	$240,000	$320,000
450sqft	$135,000	$180,000
450sqft	$135,000	$180,000
450sqft	$135,000	$180,000
900sqft	$270,000	$360,000

Opportunity Fund Incentives | Tax Deferral Timeline



*Tax benefits of opportunity zone are reliant on the Sponsor meeting the requirements outlined in the code. Full regulations have not been issued and may never be fully issued.

IRS CODE ALLOWANCES FOR TAX CRDITS

30. What are some examples of expenses that do not qualify for the rehabilitation tax credit?

Acquisition costs
Appliances
Cabinets
Carpeting (if tacked in place and not glued)
Decks (not part of original building)
Demolition costs (removal of a building on property site)
Enlargement costs (increase in total volume)
Fencing
Feasibility studies
Financing fees
Furniture
Landscaping
Leasing Expenses
Moving (building) costs (if part of acquisition)
Outdoor lighting remote from building
Parking lot
Paving
Planters
Porches and Porticos (not part of original buildings)
Retaining Walls
Sidewalks
Signage
Storm Sewer Construction Costs

31. What are some expenses that qualify for the rehabilitation tax credit?

Any expenditure for a structural component of a building will qualify for the rehabilitation tax credit. Treasury Regulation 1.48-1(e)(2) defines structural components to include walls, partitions, floors, ceilings, permanent coverings such as paneling or tiling, windows and doors, components of central air conditioning or heating systems, plumbing and plumbing fixtures, electrical wiring and lighting fixtures, chimneys, stairs, escalators, elevators, sprinkling systems, fire escapes, and other components related to the operation or maintenance of the building.

In addition to the above named "hard costs", there are "soft costs" which also qualify. These include construction period interest and taxes, architect fees, engineering fees, construction management costs, reasonable developer fees, and any other fees paid that would normally be charged to a capital account.

To be Clear:

The cost in these charts are projections and the real cost could be more or less.

The gross income projections are not guaranteed and are only possible projections.

There are two projects here, one is the Texarkana 8 story building. The other is the parking garage. There is a key shop next to the garage that is not in these two projects.

We are looking for investors in the two projects independent of each other.

The gross income would require that expenses be taken out to determine the Net income.

Some of those expenses would be:

Utilities

Advertizing

Professional services

Cleaning and maintaining

Maintenance contracts

Replacement reserves

Payment of principle and interest on loans

Insurance

Property Taxes

Management cost of 15%

To be Clear:

We will be applying to get both the buildings on the national register. This will allow these projects to be eligible for state and federal tax credits.

We believe both buildings have the historic significance to qualify and be awarded national register status.

It is possible that one or both of these buildings could not be allowed national register status.

It is also possible that the National Park service could make requirements that could increase the cost of these projects.

Also, we could find hidden and concealed building flaws that we did not anticipate.

City of Texarkana, Texas
EPA Revolving Loan Program
RLF Committee Meeting
May 14, 2020, 3:30 p.m.
Via Zoom Meeting 94259526166

Members Present:
Diane Martin
Philip Mobley
Jerry Sparks
Millagros Serrano

City Staff Present:
David Orr
Kristen Peeples
Daphnea Ryan

Developer(s) Present:
David Peavy

The City of Texarkana, Texas presented one loan application for EPA Brownfields Revolving Loan Fund from Texarkana Renewal Properties, LLC. The loan is for environmental cleanup of the former Capital One/Texarkana National Bank Building located at 100 W. Broad Street, and the old parking garage and retail space located at 217-223 Pine Street for an initial loan in an amount not to exceed $400,000. The developer is also requesting a City Façade loan of each building

Developer, Texarkana Renewal Properties, LLC, represented by David Peavy provided an overview of the planned project, answered questions, and exited the meeting. The Committee discussed the loan request, interest rate, other funding sources, and the applicant's proforma. Committee members acknowledged the health and safety benefit to the community to abate the exterior asbestos and remove the aging façade as the first phase. The committee agreed for a successful redevelopment the façade removal is needed prior to securing additional funding.

After full discussion, Dianne Martin made a motion to approve an EPA RLF loan up to $400,000, a $50,000 City Façade loan for the former Texarkana National Bank building, $50,000 City Façade loan for the Parking Garage/Retail property, a $5,000 City Façade Restoration and Improvement Grant for the former Texarkana National Bank building, and a $5,000 City Façade Restoration and Improvement Grant for the Parking Garage/Retail property, all of which is contingent upon adherence to staff recommendations and terms outlined in Attachment I. The motion was seconded by Phillip Mobley and passed by unanimous vote.

Meeting adjourned at 4:44 p.m.

ATTACHMENT I

Texarkana Renewal Properties EPA & City RLF Application

Staff Recommendations

The developer is proposing a multiple phase approach for the redevelopment of this property that includes removal of the exterior façade and environmental cleanup as phase one. The phase one work will reveal the original brick façade to qualify for historic tax credits. Phase two will include actual construction work for the redevelopment of the property. Due to the complexity and multiple phasing of the development and financing plan, this loan is considered high risk. However, this development is important to the City's continued support of downtown revitalization efforts and the development is located in a federally qualified Opportunity Zone. Furthermore, the developer has a positive track record with other downtown properties. As a result, staff recommends approval with the following terms and conditions:

1. EPA Brownfields Cleanup loans up to $400,000 for both the formerly Texarkana National Bank building and Parking Garage with a 12-year term. No interest for one year with interest only in years 2 and 3 with principle and interest due years 4-12. Interest rate will be set at the 10-year treasury rate plus 1%.
2. City Façade program loans for $50,000 for the formerly Texarkana National Bank building and $50,000 for the Parking Garage each with a 10-year term. No interest for one year with interest only in years 2 and 3 with principle and interest due years 4-10. Interest rate will be set at the 10-year treasury rate plus 1%.
3. City Façade Restoration and Improvement Grants of $5,000 each for the formerly Texarkana National Bank building and Parking Garage provided the terms, conditions and match requirements of the program are met.
4. Developer will follow all applicable City Building Codes along with all EPA Brownfield Program terms and conditions. Developer will ensure work is protective of human health & the environment including but not limited to adherence to approved EPA cleanup plans, approved EPA closure reports and Davis-Bacon requirements.
5. For the EPA loan, the lender may withhold up to twenty percent (20%) of each payment requested as a retainage until any **EPA Agency or Lender required closure reports are received and approved by the Agency**.
6. Collaterally assign to the City real property located at 5305-5309 N. State Line Ave with a 1st lien position.
7. Developer provide additional letters of financial commitment and an updated proforma after Phase I work is completed and prior to Phase II beginning.