



CITY OF TEXARKANA
CITY COUNCIL
AGENDA • SEPTEMBER 24, 2018

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Betty Williams

Ward 5

Bill Harp

Ward 2

Mary Hart

Ward 4

Christie Alcorn

Ward 6

Josh Davis



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

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

- I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM**
- II. INVOCATION AND PLEDGE BY COUNCIL MEMBER JEAN MATLOCK**
- III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST**

Upcoming City Council Meetings:

Monday, October 8, 2018 at 6:00 p.m.
Monday, October 22, 2018 at 6:00 p.m.
Tuesday, November 13, 2018 at 6:00 p.m.
Monday, November 26, 2018 at 6:00 p.m.

Parks & Recreation Events:

September 29 th	Alzheimer's Walk	Spring Lake Park
September 29 th	Live Fit Kickball Tournament	Wallace Park
October 4 th	Movies in the Park - "Peter Rabbit" **	Spring Lake Park
October 6 th	Texarkana Board of Realtors 5 K Run	Spring Lake Park

**** Movies in the Park will Begin at dusk ****

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

Appointments to Boards & Commissions

- IV. ITEMS FOR CONSIDERATION**

Consent Items

1. Consider approval of the minutes of the Special Meeting of the City Council held on September 5, 2018 at 12:15 PM.

2. Consider approval of the minutes of the Regular Meeting of the City Council held on September 10, 2018 at 6:00 PM.
3. Resolution No. 2018-108 authorizing the City Manager to enter into an annual contract for one year with four additional one-year renewal options for Seal Coat, One and Two Inch Overlay Paving Services with Gibson Asphalt Construction.

Public Hearing:

Council Vote: September 24, 2018

4. Resolution No. 2018-109 authorizing the City Manager to enter into an annual contract for one year with four additional one-year renewal options for auto body repair and painting services with Twin City Collision.

Public Hearing:

Council Vote: September 24, 2018

Open Forum: Comments from the public (Limit 5 minutes each)

Per Council rules adopted April 9, 2018, agenda items scheduled for a public hearing or which have already had a public hearing are not to be addressed at the "Open Forum".

Action Items

5. Resolution No. 2018-112 authorizing the City Manager to enter into a contract with Tatum Excavating Company, Inc. in the amount of \$86,350 for emergency drainage repair to the outlet structure for the lake at Skyline Boulevard.

Public Hearing:

Council Vote: September 24, 2018

V. FIRST BRIEFINGS

1. Resolution No. 2018-110 approving a decrease in rates related to the April 2018 application by SWEPCO for authority to decrease rates, directing SWEPCO to provide a refund, and directing SWEPCO to reimburse the city's rate case expenses.

Public Hearing:

Council Vote: September 24, 2018

2. Ordinance No. 2018-111 approving and adopting an amendment to the Purchasing Manual regarding donations of real property and personal property.

Public Hearing:

Council Vote: September 24, 2018

VI. PUBLIC HEARINGS

1. Resolution No. 2018-106 authorizing the City Manager to execute an amendment which provides for the extension of the Perot Theatre Management Agreement.

Public Hearing: September 24, 2018

Council Vote: September 24, 2018

2. Ordinance No. 2018-107 amending the Code of Ordinances, Chapter 36, "Public Amusements and Special Events", Section 36-1 "Definitions", by amending Section 36-1, "Definitions", deleting the word "parades" from the definition of "special events".

Public Hearing: September 24, 2018

Council Vote: September 24, 2018

VII. ITEMS FOR DISCUSSION

Staff Updates

VIII. ADMINISTRATIVE COMMENTS

1. City Council
2. City Staff

IX. ADJOURNMENT



Jennifer Evans
City Secretary

This open meeting of a governmental entity is subject to the Texas Open Meetings Act (Chapter 551, Government Code). The “Council Chambers” is the room or property where the City Council 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 • SEPTEMBER 5, 2018

Council Chambers

Special Meeting

12:15 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Name	Title	Status	Arrived
Bruggeman	Mayor	Present	
Matlock	Ward 1	Absent	
Cart	Ward 2	Present	
Williams	Ward 3	Present	
Alcorn	Ward 4	Absent	
p	Ward 5	Present	
vis	Ward 6	Absent	

City Staff: City Manager Shirley Jaster, Jennifer Evans, Kyle Dooley, Kristin Peeples, Karey Parker, and Lisa Thompson.

Legal Counsel: None.

II. MAYOR'S OPENING REMARKS

Mayor Bruggeman welcomed everyone to the special meeting for the second public hearing on fixing the tax rate for fiscal year 2019.

III. PUBLIC HEARING ITEM

- Ordinance No. 2018-085 fixing the tax rate and levy in and for the City of Texarkana, Texas, for the fiscal year ending September 30, 2019 upon all taxable property in the City of Texarkana, Texas.

Public Hearing: August 27, 2018
Council Vote: September 10, 2018

There were no public comments made at this hearing.

Minutes Acceptance: Minutes of Sep 5, 2018 12:15 PM (Consent Items)

RESULT:	MOVED FORWARD
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Next: 9/10/2018 6:00 PM

IV. MAYOR'S CLOSING REMARKS

The Mayor stated that the tax rate will remain the same as the current fiscal year. Staff is not proposing a tax increase. He thanked staff and the Budget Advisory Committee for their hard work on fiscal year budget 2019.

V. ADJOURNMENT

1.

A motion was made to adjourn the meeting.
12:19 PM

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

Minutes Acceptance: Minutes of Sep 5, 2018 12:15 PM (Consent Items)



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • SEPTEMBER 10, 2018

Council Chambers**Regular Meeting****6:00 PM**

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Member Name	Title	Status	Arrived
Aggeman	Mayor	Present	
Matlock	Ward 1	Present	
art	Ward 2	Present	
Williams	Ward 3	Present	
Alcorn	Ward 4	Present	
p	Ward 5	Present	
vis	Ward 6	Present	

City Staff: City Manager Shirley Jaster, Jennifer Evans, Kyle Dooley, Kristin Peeples, Eric Schlotter, Karey Parker, David Orr, Lisa Thompson, Robby Robertson, Kevin Davenport, Ryan Durham, Garrett Baker, Micah Birchfield, Bill Parker, Brandon Uselton, Wesley Belk, John Bunting, J.D. Phillips, Jennifer Strayhorn, and Jerry Sparks.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE BY COUNCIL MEMBER BETTY WILLIAMS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, September 24, 2018 at 6:00 p.m.

Monday, October 8, 2018 at 6:00 p.m.

Monday, October 22, 2018 at 6:00 p.m.

Parks & Recreation Events:

September 15 th	Fall Baseball League Begins	Spring Lake Park
September 15 th	Fall Soccer League Begins	Wallace Park
September 22 nd	Chiari & Syringomyelia Foundation Walk	Spring Lake Park
September 22 nd	Texas A&M-Texarkana Softball Showcase	Spring Lake & Wallace Parks
September 29 th	Alzheimer's Walk	Spring Lake Park

Minutes Acceptance: Minutes of Sep 10, 2018 6:00 PM (Consent Items)

September 29th Kickball Tournament

Wallace Park

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

The Four States Fair Parade will be held in downtown Texarkana on Saturday, September 14th. The parade will begin at the corner of Hazel and Broad Streets at 10:00 a.m.

Proclamation Presentation

IT Professionals Day - September 18, 2018

Mayor Bruggeman read the proclamation to IT staff in appreciation for the support they provide staff. Texarkana Water Utilities IT Manager Kevin Davenport thanked the City Council for recognizing the hard work his staff does everyday and proudly accepted the proclamation.

RESULT:	CLOSE ACTION
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Appointments to Boards & Commissions

There were no appointments made to any board or commission.

IV. ITEMS FOR CONSIDERATION

Consent Items

(6:12 p.m.)

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

1. Consider approval of the minutes of the Called Special Meeting of the City Council held on August 24, 2018 at 10:00 AM.
2. Consider approval of the minutes of the Budget Workshop Meeting of the City Council held on August 27, 2018 at 5:15 PM.
3. Consider approval of the minutes of the Regular Meeting of the City Council held on August 27, 2018 at 6:00 PM.

4. Ordinance No. 2018-104 approving the cancellation of the November 6, 2018 general election for a Mayor, a Council Member for Ward One (1), a Council Member for Ward Four (4), and a Council Member for Ward Six (6) as all candidates are unopposed.

Public Hearing:

Council Vote: September 10, 2018

5. Resolution No. 2018-105 authorizing the City Manager to enter into a contract for the Wagner Creek at Highway 82 Sewer Trunk Main Replacement in an amount not to exceed \$264,925.86.

Public Hearing:

Council Vote: September 10, 2018

Open Forum: Comments from the public (Limit 5 minutes each)

There were no public comments made at Open Forum.

Action Items

6. Ordinance No. 2018-076 amending the budget estimate of the revenues and expenditures for the fiscal year ending September 30, 2018 and adopting the budget and appropriating resources for the fiscal year beginning October 1, 2018 and ending September 30, 2019.

Public Hearing: August 13, 2018

Council Vote: September 10, 2018

The Mayor asked the City Secretary to proceed with a roll call vote.

(6:15 p.m.)

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

7. Ordinance No. 2018-085 fixing the tax rate and levy in and for the City of Texarkana, Texas, for the fiscal year ending September 30, 2019 upon all taxable property in the City of Texarkana, Texas.

Public Hearing: August 27, 2018

Council Vote: September 10, 2018

Motion language was as follows: "...that the property tax rate be increased by the adoption of a tax rate of 0.7000, which is effectively a 1.18% increase in the tax rate".

Kristin Peebles clarified that there is no proposed increase in the tax rate. The tax rate for fiscal year 2019 will remain the same as fiscal year 2018. Specific language is required because of the increased property valuation.

The Mayor asked the City Secretary to proceed with a roll call vote.
(6:18 p.m.)

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

8. Resolution No. 2018-086 ratifying the recently adopted budget that contains a property tax rate that raises more total property taxes than the previous year.

Public Hearing: August 27, 2018
Council Vote: September 10, 2018

The Mayor asked the City Secretary to proceed with a roll call vote.
(6:19 p.m.)

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

V. FIRST BRIEFINGS

1. Resolution No. 2018-106 authorizing the City Manager to execute an amendment which provides for the extension of the Perot Theatre Management Agreement.

Public Hearing: September 24, 2018
Council Vote: September 24, 2018

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 9/24/2018 6:00 PM
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2. Ordinance No. 2018-107 amending the Code of Ordinances, Chapter 36, "Public Amusements and Special Events", Section 36-1 "Definitions", by amending Section 36-1, "Definitions", deleting the word "parades" from the definition of "special events".

Public Hearing: September 24, 2018
 Council Vote: September 24, 2018

City Manager Jaster briefed this agenda item.

RESULT: MOVED FORWARD

Next: 9/24/2018 6:00 PM

VI. PUBLIC HEARINGS - NONE

VII. ITEMS FOR DISCUSSION

Staff Updates - None

VIII. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Davis said a memorial celebration in honor and remembrance of September 11, 2001 will be held on September 11th at 7:30 a.m. at the Texarkana Regional Airport terminal building.

2. City Staff

Staff had no administrative comments for council.

IX. CLOSED SESSION

The City Council convened in closed session pursuant to section 551.071 of the Texas Government Code for a private consultation with the City Attorney regarding City Charter Article VI and annexation ordinances.

X. RECONVENED INTO OPEN SESSION

On behalf of the City Council, City Attorney Lewis made summary comments in regards to a prepared statement that council would provide to the media and Texarkana citizens.

In part, the statement reads: *The City Council of the City of Texarkana, Texas met in closed session during their regularly scheduled council meeting on September 10, 2018 to consult with the City Attorney regarding City Charter Article VI and annexation ordinances.*

Based on case law dating back 40 years, no citizen petition or referendum under a home-rule charter can be used to repeal annexation ordinances. Texas law prohibits use of home-rule city charter referendum procedures to repeal annexation ordinances. Texas law does not authorize the City Council to act on the referendum petitions, to repeal the annexation ordinances, or to submit the ordinances to a city-wide vote.

The City Council has carefully deliberated on the issue of annexation of seven separate areas of land, allowing for public hearings and comment, and taking the opinions of those in the affected areas into consideration.

The City Attorney added that, since the city charter does not apply, City Secretary Jennifer Evans has no duty, under the charter, to do anything with the referendum petitions.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
6:55 p.m.

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

Minutes Acceptance: Minutes of Sep 10, 2018 6:00 PM (Consent Items)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 9/21/2018 10:41 AM

Lead Department: Purchasing and Contracting **Action Officer:** Sharon Moore, Purchasing Manager
Resolution No. 2018-108 authorizing the City Manager to enter into an annual contract for one year with four additional one-year renewal options for Seal Coat, One and Two Inch Overlay Paving Services with Gibson Asphalt Construction.

Subject: Construction.

Briefing: 9/24/2018 **Public Hearing:** **Council Vote:** 9/24/2018

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

"NOT APPLICABLE"

Executive Summary and Background Information:

Date Invitation for Bids (IFB) Mailed: emailed August 22, 2018 and placed on the City Website

Dates published in Texarkana Gazette: August 26, 2018 and September 2, 2018

Bids Received from:

Gibson Asphalt Construction Inc.

Bid opening Date: September 6, 2018

Lowest Responsive Bidder: Gibson Asphalt Construction, Inc. Only Bidder (See ATTH 01)

Contractor's past performance with the city: excellent

Budget: Public Works Street Maintenance and Major Maintenance Fund 2019 accounts have adequate uncommitted funds

Policy Exceptions: None

Scope of Work: Annual one-year contract for seal coat, 1" and 2" overlay paving services with four each one year renewal options

Potential Options:

- Approve authorizing City Manager to enter into contract with Gibson Asphalt Construction, Inc.
- Do not approve authorizing City Manager to enter into contract with Gibson Asphalt Construction, Inc.

Fiscal Implications:

Funds in the Major Maintenance Fund 2019 Budget and the 2019 Public Works Street Maintenance Budget

Staff Recommendation:

Staff recommends to approve

Advisory Board/Committee Review:

City of Texarkana, Texas

"none"

Board/Committee Recommendation:

"NOT APPLICABLE"

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

- a. 2018-108 RES Seal Coat 1 and 2 inch Overlay contract (DOC)
- b. 2018-108 EXH 'A' Bid Tab (PDF)
- c. 2018-108 Goals & Perspectives (DOCX)

Staff Coordination

Purchasing and Contracting	Sharon Moore	Department Head Review	
Completed	09/11/2018 11:11 AM		
Finance Department	Kristin Peebles	Finance Review	Completed 09/13/2018
9:45 AM			
Public Works Department	Dusty Henslee	Review	Completed
09/13/2018 11:24 AM			
Deputy City Manager - Kyle Dooley	Kyle Dooley	Deputy City Manager	
Review	Completed	09/17/2018 8:39 AM	
Public Information Officer	Lisa Thompson	PIO Review	Completed
09/17/2018 8:46 AM			
City Manager	Kyle Dooley	City Manager Review	Completed 09/20/2018
10:16 AM			
City Council	Vicky Coopwood	Meeting	Pending 09/24/2018
6:00 PM			

Meeting History

RESOLUTION NO. 2018 - 108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE (1) YEAR CONTRACT WITH FOUR (4) ADDITIONAL ONE (1) YEAR RENEWAL OPTIONS WITH GIBSON ASPHALT CONSTRUCTION OF WAKE VILLAGE, TEXAS, FOR SEAL COAT, ONE AND TWO INCH OVERLAY PAVING SERVICES AS NEEDED BY PUBLIC WORKS AND THE STREET DEPARTMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, issued invitations for bid on an annual seal coat, one and two inch overlay paving services contract; and

WHEREAS, in response to the bid, one bid was received by Gibson Asphalt Construction of Wake Village, Texas, and is summarized in the Bid Tab Sheet on the attached **Exhibit "A"**; and

WHEREAS, funds are available in the Major Maintenance Fund budget for fiscal year 2019.

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

SECTION 1: That the responsible bid to supply seal coat, one and two inch overlay paving services for the street maintenance department of the City of Texarkana, Texas, is hereby declared to be Gibson Asphalt Construction of Wake Village, Texas, and therefore its bid is accepted.

SECTION 2: That this Resolution shall be in full force and effect from October 1, 2018 and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **24th** day of **September, 2018**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2018-108 RES Seal Coat 1 and 2 inch Overlay contract (1933 : 2018-108 RES seal coat and overlay paving services)

**Bid Tabulation
for
18-1901-12
Seal Coat, 1" and 2" Overlay Services Contract**

			Gibson Asphalt Wake Village, Texas	
Item #	Description		500 SY-1000 SY	Over 1000 SY
1	1" Overlay Paving Services	SY	\$10.60	
2	1" Overlay Paving Services			\$7.50
3	2" Overlay Paving Services	SY	14.5	
4	2" Overlay Paving Services			11.47
5	Seal Coat Services	SY	6.99	
6	Seal Coat Services	SY		4.36

Attachment: 2018-108 EXH 'A' Bid Tab (1933 : 2018-108 RES seal coat and overlay paving services)

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:

Attachment: 2018-108 Goals & Perspectives (1933 : 2018-108 RES seal coat and overlay paving services)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 9/21/2018 10:33 AM

Lead Department: Purchasing and Contracting **Action Officer:** Sharon Moore, Purchasing Manager
Subject: Resolution No. 2018-109 authorizing the City Manager to enter into an annual contract for one year with four additional one-year renewal options for auto body repair and painting services with Twin City Collision.

Briefing: 9/24/2018 **Public Hearing:** **Council Vote:** 9/24/2018

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Date Invitation for Bids (IFB) Mailed: August 22, 2018 and placed on the City Website

Dates published in Texarkana Gazette: August 26, 2018 and September 2, 2018

Bids Received from:

Twin City Collision

Texarkana Auto Body Works

Frank's Paint and Body Shop

Bid opening Date: September 6, 2018

Lowest Responsive Bidder: Twin City Collision (See ATTH 01)

Contractor's past performance with the city: The contractor will be new to the city

Budget: Public Works Fleet Maintenance account has adequate uncommitted funds

Policy Exceptions: None

Scope of Work: Annual one-year contract for auto body and painting services with four each one year renewal options

Potential Options:

- Approve authorizing City Manager to enter into contract with Twin City Collision
- Do not approve authorizing City Manager to enter into contract with Twin City Collision

Fiscal Implications:

Funds available in the Fleet Maintenance Fund

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

NONE

City of Texarkana, Texas

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2018-109 RES auto body and painting services (DOC)
- b. 2018-109 EXH 'A' Bid Tab (PDF)
- c. 2018-109 Goals & Perspectives (DOCX)

Staff Coordination

Purchasing and Contracting	Sharon Moore	Department Head Review	
Completed	09/11/2018 11:11 AM		
Finance Department	Kristin Peeples	Finance Review	Completed 09/13/2018 9:48 AM
Public Works Department	Dusty Henslee	Review	Completed 09/13/2018 11:24 AM
Deputy City Manager - Kyle Dooley	Kyle Dooley	Deputy City Manager	
Review	Completed	09/17/2018 8:41 AM	
Public Information Officer	Lisa Thompson	PIO Review	Completed 09/17/2018 8:47 AM
City Manager	Kyle Dooley	City Manager Review	Completed 09/20/2018 10:18 AM
City Council	Vicky Coopwood	Meeting	Pending 09/24/2018 6:00 PM

Meeting History

RESOLUTION NO. 2018 - 109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE (1) YEAR CONTRACT WITH FOUR (4) ADDITIONAL ONE (1) YEAR RENEWAL OPTIONS WITH TWIN CITY COLLISION OF TEXARKANA, TEXAS, FOR AUTO BODY REPAIR AND PAINTING SERVICES AS NEEDED BY THE FLEET SERVICES DEPARTMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, issued invitations for bid on an annual auto body repair and painting services contract; and

WHEREAS, in response to the bid, three (3) bids were received and are summarized in the Bid Tab Sheet on the attached **Exhibit “A”**; and

WHEREAS, the overall lowest and responsible bid was submitted by Twin City Collision of Texarkana, Texas; and

WHEREAS, funds are available in the Fleet Maintenance Fund budget for fiscal year 2019.

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

SECTION 1: That the responsible bid to supply auto body repair and painting services for the fleet maintenance department of the City of Texarkana, Texas, is hereby declared to be Twin City Collision of Texarkana, Texas, and therefore its bid is accepted.

SECTION 2: That this Resolution shall be in full force and effect from October 1, 2018 and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **24th** day of **September, 2018**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Bid Tabulation for Auto Body Repair and Painting Services

Item #	Description	Qty.	U/M	Twin City Collision Texarkana, Texas		Texarkana Auto Body Works Texarkana, Texas		Franks Paint and Body Texarkana, Texas	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Passenger Vehicles								
	Parts shall be provided at crash guide list less __%	6000	Dollars	0%	\$6,000.00	0%	\$6,000.00	0%	\$6,000.00
	Body Repair Labor shall be provided at \$____ per hour	300	Hours	\$55.00	\$16,500.00	\$55.00	\$16,500.00	\$60.00	\$18,000.00
	Paint Labor shall be provided at \$____ per hour	150	Hours	\$55.00	\$8,250.00	\$55.00	\$8,250.00	\$60.00	\$9,000.00
	Paint Material Hourly Rate shall be provided at \$____ per hour	60	Hours	\$40.00	\$2,400.00	\$45.00	\$2,700.00	\$42.00	\$2,520.00
	Mechanical Repair Labor shall be provided at \$____ per hour	30	Hours	\$70.00	\$2,100.00	\$75.00	\$2,250.00	\$70.00	\$2,100.00
	Frame Repair Labor shall be provided at \$____ per hour	60	Hours	\$70.00	\$4,200.00	\$75.00	\$4,500.00	\$70.00	\$4,200.00
	TOTAL				\$39,450.00		\$40,200.00		\$41,820.00
2	Trucks								
	Parts shall be provided at crash guide list less __%	2000	Dollars	0%	\$2,000.00	0%	\$2,000.00	0%	\$2,000.00
	Body Repair Labor shall be provided at \$____ per hour	100	Hours	\$55.00	\$5,500.00	\$55.00	\$5,500.00	\$70.00	\$2,000.00
	Paint Labor shall be provided at \$____ per hour	50	Hours	\$55.00	\$2,750.00	\$55.00	\$2,750.00	\$60.00	\$3,300.00
	Paint Material Hourly Rate shall be provided at \$____ per hour	20	Hours	\$40.00	\$800.00	\$45.00	\$900.00	\$42.00	\$1,890.00
	Mechanical Repair Labor shall be provided at \$____ per hour	10	Hours	\$70.00	\$700.00	\$75.00	\$750.00	\$85.00	\$6,375.00
	Frame Repair Labor shall be provided at \$____ per hour	20	Hours	\$70.00	\$1,400.00	\$75.00	\$1,500.00	\$85.00	\$6,375.00
	TOTAL				\$13,150.00		\$13,400.00		\$21,940.00

Attachment: 2018-109 EXH 'A' Bid Tab (1934 : 2018-109 RES auto body repair contract with Twin City

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

Briefing Sheet

Version:
Update Date: 9/21/2018 11:06 AM

Lead Department: Public Works Department **Action Officer:** Dusty Henslee,
Resolution No. 2018-112 authorizing the City Manager to enter into a contract
Subject: with Tatum Excavating Company, Inc. in the amount of \$86,350 for emergency
drainage repair to the outlet structure for the lake at Skyline Boulevard.

Briefing: 9/24/2018 **Public Hearing:** **Council Vote:** 9/24/2018

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Streets became aware of the storm drain pipe under Skyline Blvd was leaking water up thru some joints. It was a concern because we had not had much rain in quite some time. They sealed the leak and then noticed a few days later that water was still leaking up thru some joints. We also noticed that the water level to the lake appeared to be a little lower than normal. I called Ross Sarine with Tatum Excavating Company to see if they would meet us onsite to help determine what the issue was. This company is very experienced in drainage and lake repair work. They performed the recent dredging work for Spring Lake Park Lake Project. After looking this over and talking with them, we feel like the water is leaking around the outlet structure and then it is finding its relief point thru the joints in the storm pipe. I asked them to come up with a plan that they felt would be the most efficient and economical way to fix this issue. They came up with a plan to install an earthen coffer dam with a clay plug around the existing outlet structure. This should help seal this and prevent the water was leaking and causing any further damage to our infrastructure. The estimated cost for repair is \$86,350.

Our main concern with this situation is that there is a possibility that if we don't fix this issue, our storm drain system under Skyline could fail. If that happened, then entire lake would drain and it that process it could wash out our infrastructure (street and drainage system) and could damage private property downstream as well. We feel like it is necessary to proceed with this repair immediately so that we protect the surrounding properties and prevent any damage that could occur if our system failed.

Potential Options:

- Approve
- Not Approve

Fiscal Implications:

Funds from FY18 Street Maintenance General Fund will be used to cover this expense

City of Texarkana, Texas

Staff Recommendation:

Staff Recommend Approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

(Insert Date Here):

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2018-112 RES Emergency Drainage Repair (DOC)
- b. 2018-12 EXH 'A' - Purchase Order for Repair (PDF)
- c. 2018-112 Goals & Perspectives (DOCX)

Staff Coordination

Public Works Department	Dusty Henslee	Department Head Review
Completed	09/14/2018 1:16 PM	
Purchasing and Contracting	Sharon Moore	Purchasing Review
Completed	09/19/2018 9:55 AM	
Finance Department	Vicky Coopwood	Finance Review
10:26 AM		Skipped 09/19/2018
Deputy City Manager - Kyle Dooley	Kyle Dooley	Deputy City Manager
Review	Completed	09/19/2018 11:00 AM
Public Information Officer	Lisa Thompson	PIO Review
09/19/2018 11:09 AM		Completed
City Manager	Kyle Dooley	City Manager Review
3:42 PM		Completed 09/19/2018
City Council	Vicky Coopwood	Meeting
6:00 PM		Pending 09/24/2018

Meeting History

RESOLUTION NO. 2018-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TATUM EXCAVATING COMPANY, INC., IN THE AMOUNT OF \$86,350 FOR EMERGENCY DRAINAGE REPAIR TO THE OUTLET STRUCTURE FOR THE LAKE AT SKYLINE BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City staff became aware of an emergent drainage issue with the outlet structure for the lake at Skyline Boulevard, giving rise to the immediate need for an emergency repair to prevent further damage to the drainage system and to protect properties upstream and downstream of the lake; and

WHEREAS, City staff initiated an expedited consultation for the professional expertise of Tatum Excavating Company, Inc., to develop a plan of action which includes construction of a new coffer dam with a clay plug around the existing outlet structure and the company provided a quote for the work in the amount of **\$86,350**, attached as **Exhibit "A"**; and

WHEREAS, appropriated funds are available in the Fiscal Year 2018 Street Maintenance General Fund for this expense; and

WHEREAS, City staff recommends Council approval authorizing the City Manager to enter into a contract with Tatum Excavating Company, Inc., in the amount of **\$86,350** for emergency drainage repair to the outlet structure for the lake at Skyline Boulevard and ratifying staff actions to contain the emergent drainage issue.

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

SECTION 1: The City Manager be and is hereby authorized to enter into a contract with Tatum Excavating Company, Inc., in the amount of **\$86,350** for emergency drainage repair to the outlet structure for the lake at Skyline Boulevard. City staff actions to contain the emergent drainage issue to prevent further damage to the drainage system and to protect properties upstream and downstream of the lake are hereby ratified.

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 **24th** day of **September, 2018**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



PURCHASE ORDER

No. 0000005318

AUTHORIZED SIGNATURE

OK per S. Moore

VENDOR:

Tec Inc
2416 S. Lake Drive

Texarkana, TX 75501

SHIP TO:

City of Texarkana Texas
City of Texarkana

Texarkana, TX 75501

BILL TO:

City of Texarkana Texas
220 Texas Boulevard
P.O. Box 1967
Texarkana, TX 75501

VENDOR NO.		VENDOR PHONE NUMBER		TERMS	DATE	REQUIRED DELIVERY DATE	
689		(903) 792-3971		0	09/14/2018		
SHIPPING INSTRUCTIONS							
No Bid Justification-Emergency-Public Safety							
ITEM	QTY	U/M	DESCRIPTION/TASK	ACCOUNT		UNIT PRICE	AMOUNT
I	1.00	EA	Professional Services for Emergency Repair for the outlet structure at the lake at Skyline.	101-1904-53306		86,350.000	86,350.00

SUBTOTAL: 86,350.00

TAX: 0.00

SHIPPING: 0.00

TOTAL: 86,350.00

TAXABLE: No

CONFIRMING:

IMPORTANT: OUR ORDER NUMBER MUST APPEAR ON EVERY INVOICE AND PACKAGE

No Bid Justification Document

In accordance with the City of Texarkana, Texas Purchasing Procedures and the State of Texas Local Government Code 252, procurements exceeding \$3,000 should be competed between three or more eligible suppliers. Separate, sequential or component purchase request or on a credit card to avoid this threshold is prohibited and a misdemeanor. Consequently, every contracting action for which competition does not occur must have a "No Bid Justification Document" attached and approved by the Purchasing Manager or in her absence, the Purchasing Specialist. All that apply are listed below. Please explain reasons checked that are applicable to your purchase.

- ☐ 1. Need to purchase from original manufacturer or provider, no other distributors.
- ☐ 2. Manufacturer will only allow you to buy from their Texas based distributor.
- ☐ 3. Request is for the only item or service known to meet the specialized needs or function
- ☐ 4. Captive Replacement Parts or components for equipment:
Parts are not interchangeable with parts from another manufacturer. EX: Ford parts
- ☐ 5. Parts/Equipment required to permit standardization with existing equipment.
- ☒ 6. Emergency purchase as a result of a public calamity, necessary to preserve/protect the
Public health or safety of citizens or due to unforeseen damage.
- ☐ 7. Co-operative Purchasing Agreement or Interlocal Agreement (name and contract #)

This is to repair the outlet structure for the lake between Skyline & Wynett. We noticed the lake had been lower than normal & then saw water seeping through the RCP pipe joints below the lake. If we don't make this repair, then the outlet structure could totally fail & lake could possibly drain completely.

Requesting Buyer: [Signature]

Purchasing Approval: [Signature]

Department: 1904

Date: 9-13-18

Date: 9-14-18



www.tatumexcavating.com

PROPOSAL

Tatum Excavating Company, Inc.
2416 South Lake Drive
Texarkana, Texas 75501
(903) 792-3971 (P) – (903) 792-4593 (F)

Date: 09/13/2018

City of Texarkana, TX

Attn: Mr. Dusty Henslee

Phone: (903) 793-3953

Cell: (903) 908-1808

E-Mail: dustin.henslee@txkusa.org

Job Name: Skyline Lake Leak Repair

Job Location: Texarkana, TX

We propose to furnish equipment, labor and material to accomplish the following:

Skyline Lake Leak Repair

- Import **3,000 CY (Truck Measure)** of **select fill** material to build earth coffer dam embankment around the existing concrete inlet structure
- Excavate interior coffer dam material to install a 5'-wide plug against the existing concrete inlet bowl structure. The depth of excavation is to be such that it extends below the concrete structure and ties into native clay material.
- Backfill plug excavation with heavy clay material to create water impermeable plug *(+/-5' Wide x +/-13' Deep x +/-40' Long)*
- Install reinforced concrete low water crossing (4"), tying into the existing inlet bowl structure and extending across the earth embankment and below the proposed water level.
- Dress up, topsoil and seed disturbed areas.

TOTAL\$86,350.00

Notes:

- Dirt quantity is a best estimate based on site investigation. Should additional material be required to properly construct the coffer dam embankment, additional select fill will be charged at **\$17.95 Per CY (Truck Measure)**, which includes material, hauling and placement costs.
- The proposed repair has been developed thoroughly and collectively by the **TEC, Inc.** team, based on experiences with similar projects over 30+ years. Lake leak repairs can be very tricky and difficult to identify and repair. No guarantees can be made as to the suitability or effectiveness of the proposed repair method.
- See attachment sketch for additional details.

Exclusions:

- Engineering
- Surveys / topo
- Repairs to any existing drainage infrastructure or streets
- Relocation, abandonment or removal of existing utilities *(Electrical, water lines, sewer lines, etc.)*
- Rim elevation adjustment to existing manholes, water valves, etc.
- Utility adjustments or off-sets
- Storm water pollution prevention plan. *(creation and maintenance)*
- Utility disconnects, if required *(water, sewer, gas, electric, etc.)*
- Payment and performance bond *(additional cost provided upon request)*



www.tatumexcavating.com

PROPOSAL

Tatum Excavating Company, Inc.
 2416 South Lake Drive
 Texarkana, Texas 75501
 (903) 792-3971 (P) – (903) 792-4593 (F)

Payment to be made as follows:

Due upon approved monthly pay estimates.

All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner, according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents, or delays beyond our control. Owner is to carry fire, tornado, and other necessary insurance. Our workers are fully covered by workmen's compensation insurance.

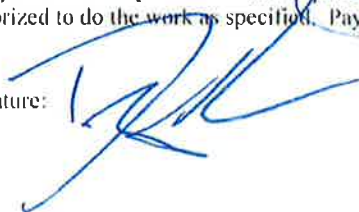
Note: We reserve the right to withdraw this proposal if not accepted within 30 calendar days.

TEC, Inc. Authorized Signature:

 09/13/2018

Acceptance of Proposal: The above process, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outline above.

Signature:



Date of Acceptance:

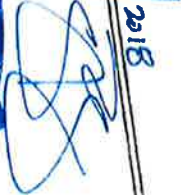
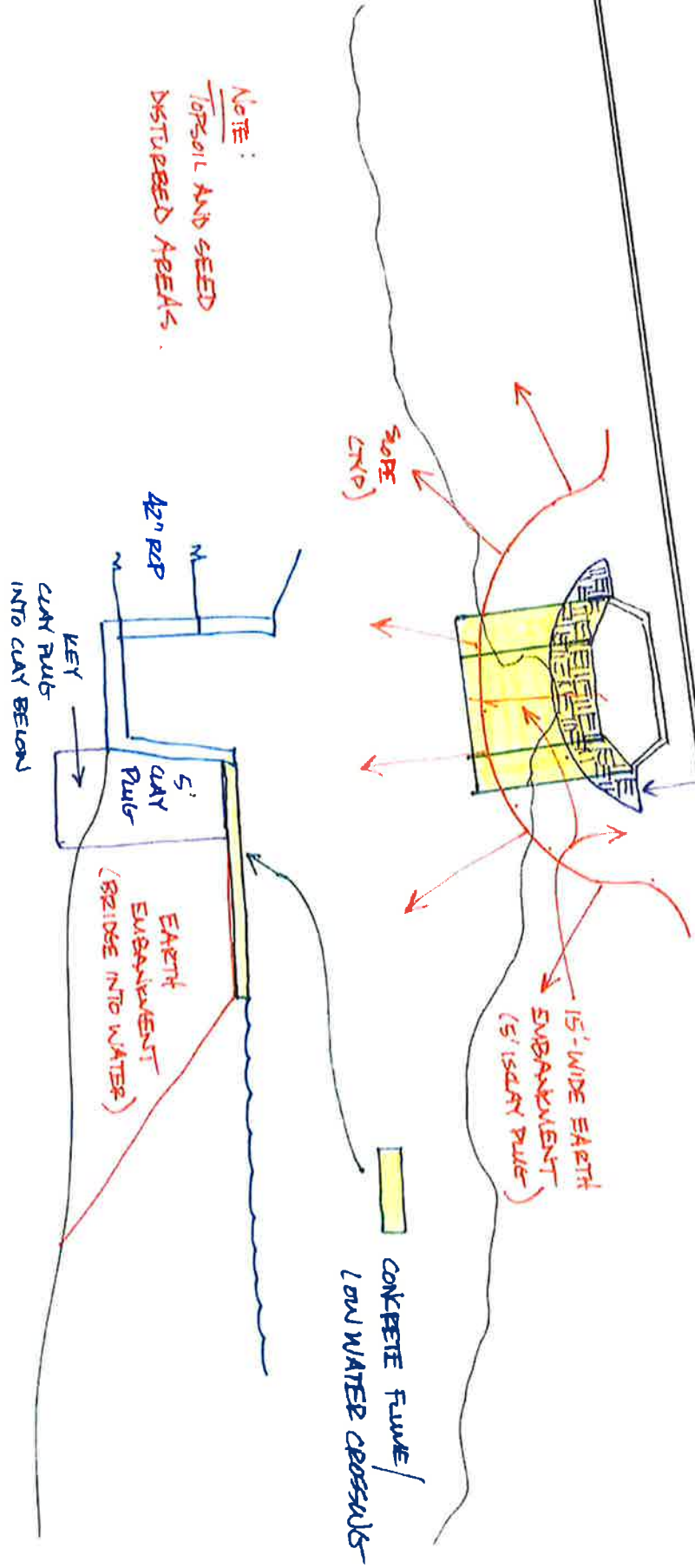
9-14-18

SKYLINE LAKE
LEAK REPAIR CONCERT
TEXARKANA, TX

5'-WIDE CLAY PILE

TEC INC.
TATUM DRAINAGE COMPANY
TEXARKANA, TEXAS
2416 S. LAKE DRIVE
TEXARKANA, TX 75501

09/13/2018

NOTE:
TOPSOIL AND SEED
DISTURBED AREAS

TEX-Henslee, Dustin

From: TEX-Moore, Sharon
Sent: Thursday, September 13, 2018 4:52 PM
To: TEX-Henslee, Dustin; TEX-Dooley, Kyle
Subject: Skyline lake

We have Jeff's approval to move forward. I informed Amanda to sign P.O. when it comes through. Hope you understood where I was coming from but now we have had a lesson in emergency purchases. Although we are calling it a professional service not to bid/emergency to get started.

Sent from my iPhone

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 9/21/2018 9:48 AM

Lead Department: City Manager **Action Officer:** Shirley Jaster, Interim City Manager
Resolution No. 2018-110 approving a decrease in rates related to the April 2018 application by SWEPCO for authority to decrease rates, directing SWEPCO to provide a refund, and directing SWEPCO to reimburse the city's rate case expenses.

Subject: expenses.

Briefing: 9/24/2018 **Public Hearing:** **Council Vote:** 9/24/2018

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

This is a continuation of issues addressed by the City Council on April 23, 2018, when adopting Resolution No. 2018-050.

Congress enacted the Tax Cuts and Jobs Act of 2017 ("TCJA"), which resulted in a major change in federal income-tax laws, including a reduction in the corporate, federal income-tax rate from 35% to 21%. The Public Utility Commission of Texas ("PUCT") in SWEPCO's recently completed rate case – Docket No. 46449 – ordered SWEPCO to reduce its rates to pass through to ratepayers the reduction in SWEPCO's federal income-tax expense. SWEPCO's cost of service in PUCT Docket No. 46449 was set assuming a federal income tax expense based on a tax rate of 35% and under the TCJA the new rate is 21%; consequently, SWEPCO's cost of business has decreased because its federal income tax expense is lower and this decreased cost of business should be reflected in lower customer bills.

To comply with the PUCT's order in Docket No. 46449, SWEPCO filed a Statement of Intent with the City on or about April 5, 2018 to decrease its base revenues and implement a refund over-collected revenues. SWEPCO's request would result in a decrease of about \$18 million dollars in base revenues, or about a 4.9% decrease in non-fuel revenues. SWEPCO requested authority to implement its proposed decrease in rates and refund on or about May 12, 2018, and also proposed to implement the rate decrease on an interim basis on May 14, 2018. Additionally, SWEPCO proposed to refund to customers the amount that it has over-collected though rates under the 35% rate from January 1, 2018, the date when the TCJA became effective, through the effective date of SWEPCO's proposed rate decrease.

In Resolution No. 2018-050, the City Council extended SWEPCO's proposed effective date by 90 days to August 8, 2018, and SWEPCO agreed to a further extension of the suspension period to September 30, 2018. In the same resolution, the City Council approved the implementation of SWEPCO's rate decrease on an *interim* basis with an effective date of May

City of Texarkana, Texas

14, 2018, or such other effective date as ordered by the Public Utility Commission of Texas, such interim rates to be charged during the suspension period and are subject to refund or surcharge as necessary to be consistent with the final approved rates.

At the PUCT, the participants in the proceedings, including the coalition of cities known as Cities Advocating Reasonable Deregulation ("CARD"), of whom the City is a member, reached agreement on the final rates to implement SWEPCO's proposed decrease in rates. At this juncture, the City must take final action to approve the rate decrease.

The proposed resolution contains two exhibits. Exhibit "A" shows the specific rates from which the reduction in revenue to each customer class is derived. Exhibit "B" shows the decrease in revenue on a customer-class basis.

An average Residential customer using 1,200 kWh per month, would see a reduction in their bill of about \$3.66 per month.

	Current Bill	Proposed Bill	Reduction	Percent Reduction
Winter	\$70.09	\$66.43	\$3.66	5.22%
Summer	\$99.65	\$94.72	\$4.94	4.95%

At the PUCT, parties other than CARD, and in particular, the large industrial classes, raised issues regarding the allocation of the decrease among the customer classes. While this dispute did not affect allocation of the decrease to residential and small commercial customers, or materially affect the municipal rate classes, it did delay the PUCT's implementation of the rate decrease.

Potential Options:

The recommendation of the CARD Special Counsel is for the City Council to:

- **APPROVE** the rates shown in **Exhibit "A"** to the proposed resolution;
- **APPROVE** the decrease in revenue per customer class shown in **Exhibit "B"** to the proposed resolution;
- **DIRECT** SWEPCO to issue a refund to all customers for the difference between rates SWEPCO charged from January 1, 2018, to the date prior to the effective date of rates approved by the proposed resolution; and
- **DIRECT** SWEPCO to reimburse the City's rate case expenses incurred as part of CARD on or before October 24, 2018, which is 30 days from the effective date of the proposed resolution.

The recommendation includes an advisory that the City Council should take action as soon as practicable, and preferably before September 30, 2018.

Fiscal Implications:

City of Texarkana, Texas

Cities, by statute, are entitled to recover their reasonable rate-case expenses from the utility. Legal counsel and consultants approved by the City will submit monthly invoices to a CARD-designated city (historically, Longview) to serve as the “coordinating” city who will then forward invoices to SWEPCO for reimbursement. CARD legal counsel has represented to the City that no individual city’s budget is negatively affected. The accompanying resolution directs SWEPCO to reimburse CARD’s rate case expenses on a monthly basis based on presentation of invoices from the cities.

Staff Recommendation:

Staff recommends approval of the CARD recommendations and adoption of the resolution.

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

- a. 2018-110 RES SWEPCO rates refund (JCL) (DOCX)
- b. 2018-110 EXH 'A' -Settlement Rates (PDF)
- c. 2018-110 EXH 'B' -Settlement Revenue (PDF)
- d. 2018-050 RES SWEPCO Rates signed (PDF)
- e. 2018-110 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	Shirley Jaster	Department Head Review	Completed
	09/12/2018 3:11 PM		
Deputy City Manager -	Kyle Dooley	Kyle Dooley	Deputy City Manager
Review	Completed	09/13/2018 8:00 AM	
Public Information Officer		Lisa Thompson	PIO Review Completed
	09/13/2018 8:32 AM		
City Manager	Kyle Dooley	City Manager Review Completed	09/19/2018
3:11 PM			
City Council	Vicky Coopwood	Meeting	Pending 09/24/2018
6:00 PM			

Meeting History

RESOLUTION NO. 2018-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING A DECREASE IN RATES RELATED TO THE APPLICATION OF SOUTHWESTERN ELECTRIC POWER COMPANY (“SWEPCO”) FOR AUTHORITY TO DECREASE RATES SUBMITTED ON OR ABOUT APRIL 5, 2018; DIRECTING SWEPCO TO PROVIDE A REFUND; DIRECTING SWEPCO TO REIMBURSE THE CITY’S RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the United States Congress enacted the Tax Cuts and Jobs Act of 2017 (“TCJA”), which resulted in a major change in federal income-tax laws, including a reduction in the corporate, federal income-tax rate from 35% to 21%; and

WHEREAS, the Public Utility Commission of Texas (“PUCT”) in Southwestern Electric Power Company’s (“SWEPCO” or the “Company”) recently completed rate case – Docket No. 46449 – ordered SWEPCO to reduce its rates to pass through to ratepayers the reduction in SWEPCO’s federal income-tax expense; and

WHEREAS, SWEPCO’S cost of service in PUCT Docket No. 46449 was set assuming a federal income tax expense based on a tax rate of 35% and under the TCJA the new rate is 21%; and

WHEREAS, to comply with the PUCT’s order in Docket No. 46449, SWEPCO filed a Statement of Intent with the City on or about April 5, 2018 to decrease its base revenues and implement a refund over-collected revenues; and

WHEREAS, pursuant to § 33.001 of the Public Utility Regulatory Act, the City has exclusive, original jurisdiction over the electric rates, operations and services provided within city limits by SWEPCO; and

WHEREAS, SWEPCO requested authority to implement its proposed decrease in rates and refund on or about May 12, 2018, and also proposed to implement the rate decrease on an interim basis on May 14, 2018; and

WHEREAS, the City Council, in Resolution No. 2018-050, previously extended SWEPCO’s proposed effective date by 90 days to August 8, 2018, and SWEPCO agreed to a further extension of the suspension period to September 30, 2018; and

WHEREAS, the City Council, in Resolution No. 2018-050, previously approved the implementation of SWEPCO’s rate decrease on an interim basis with an effective date of May 14, 2018, or such other effective date as ordered by the Public Utility Commission of Texas, such interim rates to be charged during the suspension period and are subject to refund or surcharge as necessary to be consistent with the final approved rates; and

WHEREAS, the Public Utility Commission of Texas approved implementation of SWEPCO’s proposed rate decrease on an interim basis but only for the residential rate class to begin no later than the first billing cycle of July 2018; and

Attachment: 2018-110 RES SWEPCO rates refund (JCL) (1936 : 2018-110 RES Rate decrease and refund SWEPCO)

WHEREAS, the participants in the proceedings at the PUCT, including the coalition of cities known as Cities Advocating Reasonable Deregulation (“CARD”), of whom the City is a member, have reached agreement on the final rates to implement SWEPCO’s proposed decrease in rates.

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

SECTION 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

SECTION 2. The City Council hereby:

- A. APPROVES** the rates shown in **Exhibit “A”** to this Resolution;
- B. APPROVES** the decrease in revenue per customer class shown in **Exhibit “B”** to this Resolution;
- C. DIRECTS** SWEPCO to issue a refund to all customers for the difference between rates SWEPCO charged from January 1, 2018, to the date prior to the effective date of rates approved by this Resolution; and
- D. DIRECTS** SWEPCO to reimburse the City’s rate case expenses incurred as part of CARD on or before October 24, 2018, which is 30 days from the effective date of this Resolution.

SECTION 3. The effective date for the rates approved by this Resolution shall be September 30, 2018, or such other effective date the PUCT finally approves.

SECTION 4. A copy of this resolution shall be sent to SWEPCO’s local representative and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 816 Congress Ave., Suite 950, Austin, Texas 78701.

SECTION 5. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 6. This resolution shall become effective from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session this the **24th day of September, 2018.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT A RES. 2018-110

SWEPCO Base Rate Adjustment due to 21% FIT change
PUC Docket No. 48233 - Settlement

RATE SHEET	RATE CLASS	TYPE OF RATE	Docket 46449 Commission Approved	Docket 48233 Rates w/ 21% FIT		
			Commission Rates w/35% FIT	Docket 48233 Settlement Rates w/21% FIT	Percentage Change from Docket 46449 Base Rates	
VII. C.	IV-1 Residential	Customer Charge	\$ 8.00	\$ 8.00	0%	per customer
		Net Metering Admin Fee	\$ 8.00	\$ 8.00	0.00%	per customer
		kWh Charge - On-Peak	\$ 0.076379	\$ 0.072266	-5.38%	per kWh
		kWh Charge - Off-Peak to 600kWhs	\$ 0.056639	\$ 0.053589	-5.38%	per kWh
		kWh Charge - Off-Peak > 600kWhs	\$ 0.046839	\$ 0.043789	-6.51%	per kWh
	IV-2 General Service	Customer Charge	\$ 11.59	\$ 11.59	0.00%	per customer
		kW Charge- Billing Demand > 10kW	\$ 5.18	\$ 4.87	-5.98%	per kW
		kWh Charge	\$ 0.065230	\$ 0.061302	-6.02%	per kWh
	IV-3 Lighting & Power	Minimum Demand Charge up to 10 kW	\$ 98.00	\$ 93.80	-4.29%	min per customer
		Secondary kW Charge	\$ 9.80	\$ 9.38	-4.29%	per kW
		Secondary kWh Charge	\$ 0.016890	\$ 0.016155	-4.35%	per kWh
		Minimum Demand Charge up to 10 kW	\$ 95.60	\$ 91.60	-4.18%	min per customer
		Primary kW Charge	\$ 9.56	\$ 9.16	-4.18%	per kW
		Primary kWh Charge	\$ 0.015561	\$ 0.014904	-4.22%	per kWh
		Minimum Demand Charge up to 10 kW	\$ 95.60	\$ 91.60	-4.18%	min per customer
		Transmission kW Charge	\$ 9.56	\$ 9.16	-4.18%	per kW
		Transmission kWh Charge	\$ 0.015561	\$ 0.014904	-4.22%	per kWh
VII. C.	IV-4 Large Lighting & Power	Primary Kilowatt Charge - first 10MW	\$ 108,100.00	\$ 100,200.00	-7.31%	min per customer
		Primary kW Charge- BD > 10MW	\$ 10.81	\$ 10.02	-7.31%	per kW
		Primary kWh Charge	\$ 0.010908	\$ 0.010382	-4.82%	per kWh
		Transmission Kilowatt Charge-first 10MW	\$ 71,100.00	\$ 68,700.00	-3.38%	min per customer
		Transmission kW Charge- BD > 10MW	\$ 7.11	\$ 6.87	-3.38%	per kW
		Transmission kWh Charge	\$ 0.010908	\$ 0.010382	-4.82%	per kWh
	IV-5 Electric Furnace	Customer Charge	\$ 97.84	\$ 89.33	-8.70%	per customer
		kW Charge	\$ 5.50	\$ 5.02	-8.73%	per kW
		kW Add'l. Charge - Peak TOD (May-Oct)	\$ 15.79	\$ 14.42	-8.68%	per peak kW
		kWh Charge	\$ 0.004647	\$ 0.004243	-8.69%	per kWh
	Various	kVAR charge	\$ 0.54	\$ 0.51	-4.90%	per kVAR
		Capacity Charge for Highly Fluctuating Load	\$ 1.69	\$ 1.60	-4.90%	per kVAR
VII. C.	IV-6 Metal Melting-Secondary	Kilowatt Charge- first 500kW	\$ 2,510.00	\$ 2,315.00	-7.77%	min per customer
		kW Charge- BD > 500kW	\$ 5.02	\$ 4.63	-7.77%	per kW
		kWh Charge	\$ 0.016326	\$ 0.015014	-8.04%	per kWh
	Metal Melting-Primary	Kilowatt Charge- first 500kW	\$ 2,485.00	\$ 2,270.00	-8.65%	min per customer
		kW Charge- BD > 500kW	\$ 4.97	\$ 4.54	-8.65%	per kW
		kWh Charge	\$ 0.016036	\$ 0.014613	-8.87%	per kWh
	IV-7 Metal Melting-69kV	Kilowatt Charge- first 500kW	\$ 1,800.00	\$ 1,710.00	-5.00%	min per customer
		kW Charge- BD > 500kW	\$ 3.60	\$ 3.42	-5.00%	per kVA
		Minimum Bill Rate Off Peak	\$ 1.80	\$ 1.71	-5.00%	per kVA
		Minimum Bill Rate On Peak	\$ 2.70	\$ 2.57	-5.00%	per kVA
		Annual Guarantee Rate	\$ 57.13	\$ 54.27	-4.99%	per kVA
VII. C.	IV-8 Off Peak Rider	kWh Charge	\$ 0.010745	\$ 0.010211	-4.97%	per kWh
		Customer Charge	\$ 81.14	\$ 81.14	0.00%	per customer
	IV-11 US Steel Special Contract	kW Charge	\$ 7.42	\$ 7.08	-4.58%	per kW
		kWh Charge	\$ 0.007618	\$ 0.007268	-4.59%	per kWh
	IV-13 Oilfield Service	Primary kW Charge	\$ 8.69	\$ 7.93	-8.75%	per kW
		Primary kWh Charge	\$ 0.012681	\$ 0.011551	-8.91%	per kWh
		Secondary kW Charge	\$ 9.05	\$ 8.29	-8.40%	per kW
		Secondary kWh Charge	\$ 0.013216	\$ 0.012086	-8.55%	per kWh
	IV-14 Cotton Gin Service	Customer Charge	\$ 29.21	\$ 29.21	0.00%	per customer
		kWh Charge - Summer (June-Sept)	\$ 0.106558	\$ 0.097105	-8.87%	per kWh
		kWh Charge - Winter (Oct-May)	\$ 0.055055	\$ 0.050171	-8.87%	per kWh
VII. C.	IV-19 Municipal Pumping	kWh Charge	\$ 0.038933	\$ 0.036899	-5.22%	per kWh
		Minimum Charge for Minimum Bill	\$ 4.60	\$ 4.36	-5.22%	Minimum Charge
		kW Charge - Minimum Bill	\$ 2.30	\$ 2.18	-5.22%	per kW
	IV-20 Municipal Service	kWh Charge	\$ 0.062114	\$ 0.058369	-6.03%	per kWh
		Minimum Charge for Minimum Bill	\$ 4.54	\$ 4.28	-5.73%	Minimum Charge
		kW Charge - Minimum Bill	\$ 2.27	\$ 2.14	-5.73%	per kW
	IV-21/22 Recreational Lighting and Customer-Supplied Lighting	Customer Charge	\$ 7.35	\$ 7.35	0.00%	per customer
		kWh Charge	\$ 0.042410	\$ 0.040229	-5.14%	per kWh
	IV-57 Cotton Gin LP	kW Charge	\$ 10.31	\$ 9.40	-8.83%	per kW
		Minimum Demand Charge	\$ 103.14	\$ 94.00	-8.86%	min per customer
		kWh Charge	\$ 0.018037	\$ 0.016446	-8.82%	per kWh

Attachment: 2018-110 EXH 'A' -Settlement Rates (1936 : 2018-110 RES Rate decrease and refund SWEPCO)

IV-23 IV-24 IV-25 IV-31	MUNICIPAL STREET LIGHTING*						
	<u>Rate Code 521</u>						
	175W Mercury Vapor	Wood/Overhead	\$ 9.12	\$ 8.71	-4.50%	per fixture	
	400W Mercury Vapor	Wood/Overhead	\$ 15.52	\$ 14.82	-4.51%		
	400W Mercury Vapor	Non-Wood/Overhead	\$ 17.23	\$ 16.44	-4.59%		
	400W Mercury Vapor	Base-Mounted/Overhead	\$ 19.11	\$ 18.24	-4.55%		
	400W Mercury Vapor	Base-Mounted/Underground	\$ 21.41	\$ 20.44	-4.53%		
	70W High Pressure Sodium	Wood/Overhead	\$ 11.01	\$ 10.51	-4.54%		
	70W High Pressure Sodium	Non-Wood/Overhead	\$ 12.71	\$ 12.13	-4.56%		
	150W High Pressure Sodium	Wood/Overhead	\$ 20.13	\$ 19.21	-4.57%		
	150W High Pressure Sodium	Non-Wood/Overhead	\$ 21.83	\$ 20.84	-4.54%		
	250W High Pressure Sodium	Wood/Overhead	\$ 23.37	\$ 22.31	-4.54%		
	250W High Pressure Sodium	Non-Wood/Overhead	\$ 25.08	\$ 23.94	-4.55%		
	250W High Pressure Sodium	Base-Mounted/Overhead	\$ 26.94	\$ 25.72	-4.53%		
	<u>Rate Code 529-(CLOSED)</u>						
	75W Mercury Vapor		\$ 4.38	\$ 4.18	-4.57%	per fixture	
	400W Mercury Vapor		\$ 9.84	\$ 9.39	-4.57%		
	<u>Rate Code 528 (OPEN)</u>						
	100W Mercury Vapor		\$ 2.11	\$ 2.01	-4.74%	per fixture	
	175W Mercury Vapor		\$ 2.89	\$ 2.75	-4.84%		
	250W Mercury Vapor		\$ 3.98	\$ 3.80	-4.52%		
	400W Mercury Vapor		\$ 5.86	\$ 5.60	-4.44%		
	400W Metal Halide		\$ 6.76	\$ 6.45	-4.59%		
	1000W Metal Halide		\$ 15.72	\$ 15.00	-4.58%		
	100W High Pressure Sodium		\$ 2.89	\$ 2.75	-4.84%		
	150W High Pressure Sodium		\$ 3.21	\$ 3.07	-4.36%		
	250W High Pressure Sodium		\$ 4.75	\$ 4.54	-4.42%		
	400W High Pressure Sodium		\$ 6.76	\$ 6.45	-4.59%		
	1000W High Pressure Sodium		\$ 15.61	\$ 14.90	-4.55%		
	<u>Rate Code 538 (CLOSED)</u>						
	6,000L Incandescent		\$ 9.12	\$ 8.71	-4.50%	per fixture	
	16000L Mercury Vapor Wood		\$ 9.48	\$ 9.05	-4.54%		
IV-26 IV-27	PUBLIC STREET & HIGHWAY LIGHTING						
	<u>Rate Codes 534, 539, 739</u>						
	100W Mercury Vapor		\$ 1.52	\$ 1.38	-9.21%	per fixture	
	175W Mercury Vapor		\$ 2.33	\$ 2.12	-9.01%		
	400W Mercury Vapor		\$ 5.50	\$ 5.01	-8.91%		
	1000W Mercury Vapor		\$ 12.87	\$ 11.73	-8.86%		
	100W High Pressure Sodium		\$ 1.75	\$ 1.60	-8.57%		
	150W High Pressure Sodium		\$ 2.11	\$ 1.92	-9.00%		
	250W High Pressure Sodium		\$ 3.75	\$ 3.41	-9.07%		
	400W High Pressure Sodium		\$ 5.85	\$ 5.34	-8.72%		
	<u>Rate Code 535 (OPEN)</u>						
	400W Metal Halide		\$ 8.93	\$ 8.14	-8.85%	per fixture	
	1000W Metal Halide		\$ 20.76	\$ 18.92	-8.86%		
	250W High Pressure Sodium		\$ 6.29	\$ 5.73	-8.90%		
	400W High Pressure Sodium		\$ 8.93	\$ 8.14	-8.85%		
	Facilities Charge						
IV-28 IV-29 IV-30 IV-32 IV-33	PRIVATE, OUTDOOR & AREA LIGHTING						
	Private 2500L	Incandescent	\$ 4.93	\$ 4.54	-7.91%	per fixture	
	Private 2500	Incandescent	\$ 4.94	\$ 4.54	-8.10%		
	Private 7700	Mercury Vapor	\$ 6.57	\$ 6.05	-7.91%		
	Private 7700	Mercury Vapor	\$ 6.57	\$ 6.05	-7.91%		
	Area 100W	Mercury Vapor	\$ 5.88	\$ 5.42	-7.82%	per fixture	
	Area 175W	Mercury Vapor	\$ 6.57	\$ 6.05	-7.91%		
	Area 250W	Mercury Vapor	\$ 7.43	\$ 6.84	-7.94%		
	Area 400W	Mercury Vapor	\$ 8.87	\$ 8.17	-7.89%		
	Area 1000W	Mercury Vapor	\$ 14.58	\$ 13.43	-7.89%		
	Area 400W	Metal Halide	\$ 5.20	\$ 4.79	-7.88%		
	Area 1000W	Metal Halide	\$ 12.10	\$ 11.14	-7.93%		
	Area 100W	High Pressure Sodium	\$ 2.23	\$ 2.05	-8.07%		
	Area 250W	High Pressure Sodium	\$ 3.67	\$ 3.38	-7.90%		
	Area 400W	High Pressure Sodium	\$ 5.20	\$ 4.79	-7.88%		
	Area 1000W	High Pressure Sodium	\$ 12.02	\$ 11.07	-7.90%		
	Outdoor 175W	Mercury Vapor	\$ 8.84	\$ 8.14	-7.92%	per fixture	
	Outdoor 400W	Mercury Vapor	\$ 12.35	\$ 11.37	-7.94%		
	Outdoor 70W	High Pressure Sodium	\$ 9.34	\$ 8.60	-7.92%		
	Outdoor 150W	High Pressure Sodium	\$ 13.03	\$ 12.00	-7.90%		
	Floodlighting 250W	Metal Halide	\$ 10.05	\$ 9.26	-7.86%	per fixture	
	Floodlighting 400W	Metal Halide	\$ 11.43	\$ 10.53	-7.87%		
	Floodlighting 1000W	Metal Halide	\$ 20.60	\$ 18.97	-7.91%		
	Floodlighting 150W	High Pressure Sodium	\$ 8.67	\$ 7.98	-7.96%		
	Floodlighting 250W	High Pressure Sodium	\$ 9.94	\$ 9.16	-7.85%		
	Floodlighting 400W	High Pressure Sodium	\$ 11.26	\$ 10.37	-7.90%		
	Floodlighting 1000W	High Pressure Sodium	\$ 20.43	\$ 18.82	-7.88%		
IV-54	Special or Additional Facilities	Facilities Rental	1.71%	1.62%	-4.93%		
		Facilities Maintenance	0.84%	0.84%	0.00%		

Additional Rates for Lights with No Customers	Modifier				
Sheet 30 - 70 Watt HPS	115	\$	1.12	\$	1.03
Sheet 31 - rate code 521 SL:					-8.10%
High Pressure Sodium:					
70 Watt					
Base-Mounted Pole - (OH)		\$	14.58	\$	13.92
Embedded Non-Wood Pole (UG)		\$	15.01	\$	14.34
Base-Mounted Pole - (UG)		\$	16.88	\$	16.12
150 Watt					
Base-Mounted Pole - (OH)		\$	23.71	\$	22.65
Embedded Non-Wood Pole (UG)	53	\$	24.13	\$	23.05
Base-Mounted Pole - (UG)	54	\$	26.01	\$	24.84
250 Watt					
Embedded Non-Wood Pole (UG)	48	\$	27.37	\$	26.14
Base-Mounted Pole - (UG)	49	\$	29.24	\$	27.93
300 Watt (2-150 Watt)					
Wood Pole (OH)	21	\$	34.12	\$	32.58
Embedded Non-Wood Pole (OH)	22	\$	35.82	\$	34.21
Base-Mounted Pole - (OH)	23	\$	37.69	\$	36.00
Embedded Non-Wood Pole (UG)	24	\$	38.12	\$	36.41
Base-Mounted Pole - (UG)	29	\$	39.99	\$	38.20
500 Watt (2-250 Watt)					
Wood Pole (OH)	55	\$	38.38	\$	36.65
Embedded Non-Wood Pole (OH)	56	\$	40.08	\$	38.28
Base-Mounted Pole - (OH)	57	\$	41.95	\$	40.07
Embedded Non-Wood Pole (UG)	58	\$	42.39	\$	40.48
Base-Mounted Pole - (UG)	59	\$	44.25	\$	42.26
Low-Pressure Sodium:					
35 Watt					
Wood Pole (OH)	30	\$	11.17	\$	10.67
55 Watt					
Wood Pole (OH)	65	\$	11.17	\$	10.67
Embedded Non-Wood Pole (OH)	66	\$	12.87	\$	12.29
Base-Mounted Pole - (OH)	67	\$	14.76	\$	14.09
90 Watt					
Wood Pole (OH)	35	\$	21.32	\$	20.36
Embedded Non-Wood Pole (OH)	36	\$	23.02	\$	21.99
Base-Mounted Pole - (OH)	37	\$	24.91	\$	23.79
Embedded Non-Wood Pole (UG)	38	\$	25.33	\$	24.19
Base-Mounted Pole - (UG)	39	\$	27.21	\$	25.99
180 Watt					
Wood Pole (OH)	60	\$	36.24	\$	34.61
Embedded Non-Wood Pole (OH)	61	\$	37.95	\$	36.24
Base-Mounted Pole - (OH)	62	\$	39.83	\$	38.04
Embedded Non-Wood Pole (UG)	63	\$	40.25	\$	38.44
Base-Mounted Pole - (UG)	64	\$	42.13	\$	40.24
Incandescent 500 Watt Existing Pole (OH)	07	\$	15.25	\$	14.56
Sheet 24 - rate 529 SL 100W MV		\$	4.83	\$	4.61
Sheet 25 - rate 528 SL:					
70 Watt HPS	295	\$	2.21	\$	2.11
150 Watt Metal Halide		\$	5.20	\$	4.96
Sheet 27:					
70 Watt HPS		\$	2.92	\$	2.66
100 Watt HPS	55	\$	3.82	\$	3.48
150 Watt HPS	56	\$	4.26	\$	3.87
1000 Watt HPS	59	\$	20.62	\$	18.75
150 Watt MH		\$	6.86	\$	6.26
Sheet 26:					
400 Watt MH	256	\$	5.50	\$	5.00
1000 Watt MH	257	\$	13.21	\$	12.01
70 Watt HPS	258	\$	1.18	\$	1.08
1000 Watt HPS	263	\$	13.70	\$	12.46

Attachment: 2018-110 EXH 'A' - Settlement Rates (1936 : 2018-110 RES Rate decrease and refund SWEPCO)

CHANGE IN REVENUE PER CLASS OF CUSTOMER

Customer Class	Base Revenues from Docket No. 46449	Base Revenues to Implement Tax Cut	Base Rate Reduction in Revenue	Percent Reduction
Residential	\$153,225,951	\$145,479,091	(7,746,860)	-5.06%
General Service with Demand	\$17,724,245	\$16,710,475	(1,013,770)	-5.72%
General Service without Demand	\$6,317,491	\$6,051,654	(265,837)	-4.21%
General Service Primary	\$15,570	\$14,622	(948)	-6.09%
Lighting & Power Secondary	\$109,618,716	\$104,945,003	(4,673,713)	-4.26%
Lighting & Power Primary	\$21,087,193	\$20,135,102	(952,091)	-4.52%
Lighting & Power Transmission	\$1,200,031	\$1,134,836	(65,195)	-5.43%
Oilfield	\$12,365,557	\$11,275,246	(1,090,311)	-8.82%
Cotton Gin	\$360,723	\$328,917	(31,806)	-8.82%
Metal Melting-Primary	\$1,755,436	\$1,600,653	(154,782)	-8.82%
Metal Melting-Secondary	\$271,122	\$249,743	(21,379)	-7.89%
Metal Melting-Transmission	\$1,061,104	\$1,009,110	(51,994)	-4.90%
Large Lighting & Power Transmission	\$25,193,711	\$24,185,962	(1,007,748)	-4.00%
Large Lighting & Power Primary	\$7,917,248	\$7,404,693	(512,555)	-6.47%
Municipal Pumping	\$2,474,779	\$2,345,523	(129,256)	-5.22%
Municipal Service	\$1,715,425	\$1,612,263	(103,162)	-6.01%
Municipal Lighting	\$2,344,990	\$2,278,620	(66,370)	-2.83%
Public Street & Highway Lighting	\$58,167	\$53,038	(5,129)	-8.82%
Private, Outdoor, Area Lighting	\$4,285,778	\$4,094,288	(191,490)	-4.47%
Customer-Owned Lighting	\$240,789	\$229,430	(11,359)	-4.72%
Total Texas Retail	\$369,234,023	\$351,138,269	-\$18,095,754	-4.90%

Attachment: 2018-110 EXH 'B' -Settlement Revenue (1936 : 2018-110 RES Rate decrease and refund SWEPCO)

RESOLUTION NO. 2018-050

A RESOLUTION OF THE CITY OF TEXARKANA, TEXAS, SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE RATE DECREASE FILING OF SOUTHWESTERN ELECTRIC POWER COMPANY MADE ON OR ABOUT APRIL 5, 2018; APPROVING INTERIM RATES SUBJECT TO REFUND; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING PARTICIPATION IN THE COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING INTERVENTION AND PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the United States Congress recently enacted the Tax Cut and Jobs Act of 2017 (“TCJA”), which resulted in a major change in federal income-tax laws, including a reduction in the corporate federal income-tax rate from 35% to 21%; and

WHEREAS, the Public Utility Commission of Texas (“PUCT”) in Southwestern Electric Power Company’s (“SWEPCO” or the “Company”) recently completed rate case – Docket No. 46449 – ordered SWEPCO to reduce its rates to pass through to ratepayers the reduction in SWEPCO’s federal income-tax expense; and

WHEREAS, to comply with the PUCT’s order in Docket No. 46449, SWEPCO filed a Statement of Intent with the City on or about April 5, 2018 to decrease its base revenues; and

WHEREAS, SWEPCO’s cost of service is set assuming a federal income tax expense based on a tax rate of 35% and under the TCJA the new tax rate is 21%; and

WHEREAS, pursuant to §33.001 of the Public Utility Regulatory Act, the City has exclusive, original jurisdiction over the electric rates, operations, and services provided within city limits by SWEPCO; and

WHEREAS, SWEPCO proposes an effective date of May 10, 2018, for its rates, but also proposes to implement its proposed decrease in rates on an interim basis as of May 14, 2018; and

WHEREAS, SWEPCO asserts that its proposed decrease in rates would result in a decrease to its base revenues of approximately \$18 million, which equates to a decrease of approximately 4.9% in base revenue; and

WHEREAS, an evaluation of SWEPCO's proposal presents a complex series of issues regarding the implementation of the federal Tax Cut and Jobs Act of 2017; and

WHEREAS, the City will need an opportunity to exercise its due diligence to complete its review of SWEPCO's filing to enable the City to adopt a final decision as a local regulatory authority with regard to SWEPCO's requested rate decrease; and

WHEREAS, the City will require the assistance of specialized legal counsel and rate experts to review the merits of SWEPCO's application to decrease rates, consistent with past actions of the City Council in Resolution Nos. 2017-006 and 2017-044; and

WHEREAS, to the extent SWEPCO seeks review at the Public Utility Commission of Texas of the City's final decision regarding SWEPCO's statement of intent to change rates, the decision of the Public Utility Commission of Texas could have an impact on the rates paid by the City and its citizens who are customers of SWEPCO and in order for the City's participation to be meaningful it is important that the City promptly intervene in such proceeding at the Public Utility Commission of Texas.

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

SECTION 1. The findings set out in the preceding recitals are in all things approved and incorporated herein as if fully set forth.

SECTION 2. SWEPCO's proposed effective date for its proposed decrease in rates is hereby **SUSPENDED** for ninety days beyond SWEPCO's proposed effective date or as may be amended by agreement or otherwise.

SECTION 3. SWEPCO's request for interim approval of its rate decrease is **APPROVED** with an effective date of May 14, 2018, or such other effective date that coincides with the effective date for interim rates ordered by the Public Utility Commission of Texas, such interim rates to be charged during the suspension period established in Section 2 and are subject to refund or surcharge as necessary to be consistent with the final approved rates.

SECTION 4. The statutory suspension period may be further extended or its Statement of Intent dismissed if SWEPCO does not provide adequate data from which the City may make a reasonable determination of the propriety of the Company's proposal, or if SWEPCO does not provide timely, meaningful, and proper public notice of its request to decrease rates and revenue, or if its Statement of Intent is otherwise materially deficient.

SECTION 5. The City authorizes intervention in proceedings related to SWEPCO's Statement of Intent before the Public Utility Commission of Texas and related proceedings in courts of law and participation in the coalition of cities known as Cities Advocating Reasonable Deregulation ("CARD").

SECTION 6. The City hereby orders SWEPCO to reimburse the City's rate case expenses as provided in the Public Utility Regulatory Act and that SWEPCO shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or to related proceedings involving SWEPCO before the City, the Public Utility Commission of Texas, or any court of law.

SECTION 7. Subject to the City's right to terminate employment at any time, the City Council retains and authorizes the law firm of Herrera Law & Associates, PLLC, to act as Special Counsel with regard to rate proceedings involving SWEPCO before the City, the Public Utility Commission of Texas, or any court of law, and to retain such experts as may be reasonably necessary for review of SWEPCO's rate application subject to approval by the City.

SECTION 8. The City, through its participation in CARD, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to SWEPCO for reimbursement.

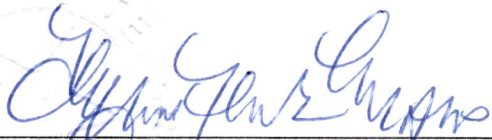
SECTION 9. A copy of this resolution shall be sent to SWEPCO's local representative and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 816 Congress Ave., Suite 950, Austin, Texas 78701.

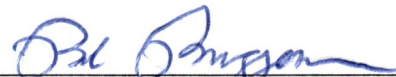
SECTION 10. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 11. This resolution shall become effective from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session this the **23rd** day of April, 2018.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:22 p.m.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: A

Update Date: 9/21/2018 9:54 AM

Briefing Sheet

Lead Department: Purchasing and Contracting **Action Officer:** Sharon Moore, Purchasing Manager
Subject: Ordinance No. 2018-111 approving and adopting an amendment to the Purchasing Manual regarding donations of real property and personal property.
Briefing: 9/24/2018 **Public Hearing:** **Council Vote:** 9/24/2018

Item ScheduleSchedule 3: No briefing required (one week)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

Adding a chapter to address the donation of real and personal property, giving the City Manager the authority to approve or deny the donation.

Potential Options:

- Approve addition to the Purchasing Manual giving authority to the City Manager to accept or deny donations of real or personal property.
- Do not approve addition to the Purchasing Manual giving authority to the City Manager to accept or deny donations of real or personal property.

Fiscal Implications:

None

Staff Recommendation:

Staff Recommends

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- 2018-111 ORD adopting amendment to the Purchasing Manual (JCL REV) (DOCX)

City of Texarkana, Texas

- b. 2018-111 EXH A Purchasing Manual revised October 1 2018 (DOCX)
- c. 2018-111 Goals & Perspectives (DOCX)

Staff Coordination

Purchasing and Contracting	Sharon Moore	Department Head Review		
Completed	09/12/2018 12:25 PM			
Finance Department	Kristin Peebles	Finance Review	Completed	09/13/2018
9:49 AM				
City Attorney	Vicky Coopwood	Review	Skipped	09/17/2018
11:53 AM				
Deputy City Manager - Kyle Dooley	Kyle Dooley	Deputy City Manager		
Review	Completed	09/17/2018 12:50 PM		
Public Information Officer	Lisa Thompson	PIO Review	Completed	
	09/17/2018 1:22 PM			
City Manager	Kyle Dooley	City Manager Review	Completed	09/20/2018
10:21 AM				
City Council	Vicky Coopwood	Meeting	Pending	09/24/2018
6:00 PM				

Meeting History

ORDINANCE NO. 2018 - 111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING AND ADOPTING AN AMENDMENT TO THE PURCHASING MANUAL; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's Purchasing Manual, adopted and amended by the City Council from time to time, details the purchasing authority of the Purchasing and Contracts Department and city employees as authorized by the City Council; and

WHEREAS, City staff recommends amending the Purchasing Manual to add a specific chapter regarding donations of real property and personal property, as follows:

XXVI. DONATIONS TO CITY

Real Property

The City Council shall have exclusive authority to approve a donation of real property for City use.

The City Manager or designee shall have limited authority to reject donations of real property burdened by any lien or obligation, subject to existing or anticipated Code Enforcement action, or which would impose a fiscal burden on the City.

Personal Property

The City Manager or designee shall have authority to accept donations of personal property for City use, provided that the property must be certified by the City Manager or designee as being useful to the City and that any necessary maintenance shall be within budgeted parameters.

When donated personal property would otherwise be insured by the City if purchased, the City Manager or designee shall provide the necessary property information to the Purchasing Manager who shall then be responsible for including the property in the City's insurance schedules.

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

SECTION 1: The City's Purchasing Manual, as amended and set forth in the attached **Exhibit "A"**, is hereby approved and adopted in its entirety and made a part hereof by reference.

SECTION 2: In the event a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 3: This Ordinance shall be in full force and effect, after its passage and approval, beginning October 1, 2018.

PASSED AND APPROVED in Regular Council Session on this the **24th day of September, 2018.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

CITY OF TEXARKANA, TEXAS



PURCHASING MANUAL

Revised October 1, 2018

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I. CODE OF ETHICS

Public employment is a public trust. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they shall conduct themselves in such a manner as to foster public confidence in the integrity of the City of Texarkana, Texas procurement organization. Any attempt to realize personal gain through conduct inconsistent with the proper discharge of an employee's duties is a breach of the public trust. Employees who breach an ethical standard of conduct will be subject to disciplinary action and may be subject to criminal prosecution for fraud.

II. PURCHASING AUTHORITY

- The Purchasing Manager shall have signature authority for all purchase orders over \$3,000. All transactions for goods and services, exceeding \$3,000 shall be processed through the Purchasing and Contracts Department.
- **The City Manager shall sign all contracts.**
- Delegated purchasing authority is a privilege granted to specific employees recommended by the Department Head and approved by the Purchasing Manager. Each designated employee must have a signed authorization on file with the Purchasing and Contracts Department. **Department Heads** shall be responsible for supervision, auditing and oversight of **all purchases** made by their employees. Delegated purchasing authority may be revoked by the Purchasing Manager at any time.

III. MONETARY PURCHASING LIMITS

Purchases of \$00.01 to \$50.00

Use petty cash or the purchasing card. Petty cash is managed by the Finance Department. Contact the Finance Department if you have any questions. See Section XVI – “Petty Cash” in this manual for procedural guidelines.

Purchases of \$50.01 to \$3,000

Use your departments purchasing card. If the vendor does not accept the purchasing card, a purchase order is required. Individual department directors may exercise discretion regarding the purchase of goods or services within this range. Competitive quotations or formal bidding is not required, but is recommended whenever justifiable cost savings can be achieved. The decision to obtain competitive quotes is the responsibility of the appropriate department head.

Purchases of \$3,000.01 to \$50,000.00

Contact Purchasing with your need and budget for the purchase of goods or services. Provide your recommended sources to contact. Purchasing shall attempt to obtain three (3) written

quotes or bids. The Purchasing Department must attempt to contact two qualified Historically Underutilized Businesses (HUB's) located in Bowie County for all purchases over \$3,000.

Purchases greater than \$50,000.00

Contact Purchasing with your need and budget for the purchase of goods or services. PURCHASING shall follow a formal bid procedure as required by state law and city charter.

IV. PURCHASE ORDER EXEMPTIONS

Certain payments are allowed without a purchase order. The Finance Director or his/her designee must approve all exemption requests. The following payments are allowed without a purchase order:

Travel, training or registration	Banking Services
Utility Services	Pensions Payments
Payroll related liabilities	Reimbursement and refunds
P-Card Purchases	

V. NEW VENDOR SET UP IN FINANCIAL SOFTWARE

Prior to the issuance of a purchase order, vendor data must be entered into the financial software and a unique vendor number assigned for all new vendors. A completed W-9 must be furnished to the Purchasing Manager by the department prior to the issuance of the purchase order. It is the department's responsibility to obtain all necessary information for the creation of a new vendor. Only Purchasing or Accounts Payable can establish a new vendor in the financial software. Electronic copies of a W-9 are available on the swap drive.

VI. COMPETITIVE BIDDING

1. The City of Texarkana will comply with the Texas Local Government Code in all purchasing related matters. Particular attention shall be applied to LGC Chapters 252 and 271.

2. *Tie Bids*

If two or more bidders submit identical bids and if only one of the bidders is a business resident of the City of Texarkana, Texas, that bidder must be selected.

If two or more of the bidders submitting the lowest bids are business residents of the city, the bidder must be selected by the flip of a coin.

Tie bids submitted by non-resident bidders must be selected by the flip of a coin.

If the contract value is greater than \$50,000.00, the coin flip must be done in the presence of the City Council.

3. *Waiver of Bid Requirements*

On a case-by-case basis, the bid or quote requirements may be waived by the Purchasing Manager according to LGC Chapter 252. Examples of valid conditions to waive quote/bid requirements are for product testing and standardization.

4. *Electronically Transmitted Bids*

Can only be received in PURCHASING. Immediately after they are received they shall be printed and placed in a sealed envelope where they will remain until the bid opening. No bids or proposals shall be considered if received after the bid opening time and date.

VII. ANNUAL CONTRACTS

- Purchases of items or services may be accomplished through annual contracts awarded to vendors for goods and services routinely required by one or more departments.
- Is the contract open to purchasing cards?
 - If yes, use the purchasing card.
 - If no, issue a purchase order. If applicable, a blanket purchase order may be used.
- Once a contract has been established, departments shall not actively go out to seek competition to this vendor.
- Once a contract is established, it is the responsibility of the user departments to administer the contract. Although that department should notify Purchasing of any problems relative to the contract. For example, the inability of the vendor to provide the products and/or services on a timely basis. Proper documentation of problems is essential in determining the responsiveness of the vendor. Without written documentation, it is difficult to prevent the vendor from bidding and receiving the award of contract again. Please submit, in writing, problems that you feel are pertinent so that we may discuss the situation and possible repercussions with the vendor.

VIII. BLANKET PURCHASE ORDERS (BPO)

BPO's are issued to selected vendors from whom repetitive purchases with the same general ledger account number is made. Rather than issue a purchase order each time, one purchase order is issued for up to one year to cover purchases during that period. When buying materials on this type of purchase, a department head or authorized department

representative must sign the vendor's invoice; attach a copy of the blanket purchase order and forward invoice to ACCOUNTS PAYABLE. This type of purchase order may be used for items such as fuel, rentals, fixed price service contracts, etc. It may also be used for public works construction contracts and other purchases paid in steps of completion.

IX. PURCHASE ORDER NOT TO EXCEED

If it is not possible to obtain a firm price prior to beginning work or equipment must be dismantled in order for a vendor to make an estimate, only one quotation is required; however, the using department shall follow the monetary Purchasing limits and issue a purchase order or submit a requisition to PURCHASING stating:

This purchase order has been issued to your company to repair on/at (enter location and/or equipment number). Repair costs shall not exceed \$X,XXX.XX without obtaining prior authorization from the _____ Department at 903-____-_____.

X. CHANGE ORDERS

General Information

This applies to all contracts where a change order is necessary. This includes contracts for materials, equipment, supplies, or other commodities; contracts for general services; professional services contracts; construction contracts; and contracts that are entered into using an alternative procurement method.

A change order may be required if, after the contract has been executed:

- Changes in plans or specifications are necessary after the performance of the contract has begun; or
- It is necessary to decrease or increase the quantity of work to be performed; or
- It is necessary to decrease or increase the quantity of materials, equipment, or supplies to be furnished.

Material changes in scope, quantities, or related work may not be made. A material change is defined as substantial revisions. "Bidding presupposes that due advertisement, giving opportunity to bid, and contemplates a bidding on the same undertaking upon each of the same material items covered by the contract; upon the same thing. It requires that all bidders be placed upon the same plane of equality and that they each bid upon the same terms and conditions involved in all the items and parts of the contract, and the proposal specify as to all bids the same or substantially similar specifications." *Attorney General Opinion MW-296*.

Changes to Construction Contracts

When a change order is \$50,000 or less, the City Manager or his/her designee may approve the written change order.

When a change order is for more than \$50,000, the change order must be approved by City Council prior to commencement of the services or work and may be subject to statutory procurement requirements as applicable. The original price may not be increased by more than 25 percent. The original price may not be decreased by more than 25 percent without the consent of the contractor.

Routing procedures for Change Orders up to \$50,000.00

Change orders of \$.01 to \$50,000 for contracts must be pre-approved prior to authorizing the work as set forth herein.

The change order form for change orders of \$.01 to \$50,000 must be filled out and executed by the following people:

- Contractor
- Contract manager or City Engineer (whichever is applicable)
- Department Director
- Chief Financial Officer
- City Manager

Executed change orders should be forwarded to the Purchasing Manager within one week of execution in order to increase/decrease the encumbrance on the Purchase Order.

Routing procedures for Change Orders greater than \$50,000

Change orders of greater than \$50,000 for contracts must be pre-approved by City Council prior to authorizing the work as set forth herein.

Following Council approval, the following people must approve/execute the change order form:

- Contract manager or City Engineer (whichever is applicable)
- Department Director
- Chief Financial Officer
- City Manager
- Mayor

XI STATE CONTRACTS AND INTERLOCAL AGREEMENTS

As provided in Section 271.081 of the Local Government Code and Chapter 2157 of the Government Code, the City may buy items from State contracts and qualified cooperative purchasing programs without participating in a competitive bidding process.

As provided in Chapter 791 of the Texas Government Code, the Purchasing Manager shall have the authority to contract with any city, county, school district or political subdivision of this state or any other state for the purpose of pooling resources to obtain favorable pricing for goods and services.

XII. PROFESSIONAL AND CONSULTING SERVICES

"Professional Services" include services within the scope of the practice as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising or professional nursing. Also included are services provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician including a surgeon, an optometrist, a professional engineer, a state certified or state license real estate appraiser, or a registered nurse.

State law exempts the procurement of these services from competitive bidding requirements. All RFP's shall comply with Chapter 2254 Subchapter A of the Government Code, also known as the Professional Services Procurement Act.

"Consulting Services" means the service of studying or advising a state agency under a contract that does not involve the traditional relationship of employer and employee. The City will comply with Chapter 2254 Subchapter B of the Texas Local Government Code.

XIII. AUTOMATION PROCUREMENTS

All automation procurements shall be reviewed and approved, in writing, by the CIS Department prior to purchase. This includes all software, hardware items and peripherals.

XIV. SPECIFICATIONS

Each department shall be responsible for establishing minimum specifications and providing a complete written set to the Purchasing Manager along with a requisition. Specifications will be written on a technical or functional basis. The listing of two competitive brand name and model numbers in specifications is preferred. Purchasing will finalize the specifications to insure they are proper for inserting into an IFB.

Department users, managers and/or staff must be careful to distinguish "need" from "want." The influences of salesperson pressure, trade journal advertisements, and past experience with a particular brand of equipment or supply may blur the distinction.

A need arises when something is essential, necessary or required.

Need exists when an item is required for a basic function of department activity.

A *want* is something that we have a strong desire. "Wants" are generally derived from personal preferences and opinions. The public monies must *not* be spent on these wants.

XV. EMERGENCY PURCHASES

CONDITIONS ESTABLISHING AN EMERGENCY - \$3,000.00 OR MORE

- 1) When there is unforeseen damage to public property, machinery, or equipment and when such breakdown would significantly disrupt the operation of the city or significantly increase the cost of city operations.
- 2) When it is necessary to protect the public health of the citizens.
- 3) When it becomes necessary to preserve the property of the city.

PROCEDURES FOR MAKING AN EMERGENCY PURCHASE

- 1) The Department head, or his/her authorized representative, shall phone the Purchasing Manager and notify him/her of the nature of the emergency and discuss a course of action. If after normal business hours, take necessary action and contact Purchasing Manager the next business day.

XVI. PETTY CASH

Any item bought with petty cash cannot exceed \$50.00. User departments make these purchases directly with the vendor and reimbursements are made providing the proper "Petty Cash Voucher" is completed and a copy of the receipt is attached.

The Finance Director will assign custody of the petty cash fund to one person. Formal acceptance of this responsibility occurs when the custodian signs the "Acceptance of Petty Cash Custody" form, thus agreeing to abide by City policies and procedures as set forth in this document. Provisions should also be made by the department head to assign custody of the fund in the absence of the designated custodian. Access to petty cash is limited to designate personnel only.

Petty cash shall be kept in a locking box. Anytime the box is not under a designated person's custody, it should be locked and placed in a secured desk, cabinet, or safe.

Petty cash purchases are reserved for incidental payments of small amounts, which cannot be paid by Purchasing card, for unforeseen and unplanned circumstances, which require expediency.

Police CID and Narcotics are exceptions to this rule. Due to the unusual nature of the activities in these funds, the maximum limit stated above does not apply.

Reimbursement for business meals is allowed through the petty cash fund. Sales receipt must be attached to reimbursement request.

Procedures

Purchase the merchandise and obtain a sales receipt. Complete the petty cash receipt form **in ink** giving the following information.

- a. Amount of reimbursement
- b. Date of purchase

- c. Description of item(s) purchased
- d. Account code to be charged
- e. Signature of purchaser
- f. Signature of department head or other authorized person indicating approval

Present sales receipt and petty cash receipt voucher to petty cash custodian for reimbursement.

Advance

If a cash advance is required in order for an employee to make a purchase, the petty cash receipt should be filled out indicating "**Cash Advance**" and the amount given to the employee. After the purchase is made, the employee will return the change and sales receipt to the petty cash custodian within 24 hours. A new petty cash receipt form will be completed to include the information listed above. The cash advance ticket will be marked "void" and attached behind the new petty cash receipt form and sales receipts.

Under no circumstances will an advance be given or reimbursement be paid to an employee unless the proper documentation has been made.

XVII. SOLE SOURCE PURCHASES

DEFINITION: Procurement where the functional requirements of the City can be satisfied by only one source.

By way of example without limitation, this shall apply to procurement where competition is precluded because of the existence of patents, copyrights, secret processes of natural monopolies; purchase of films, manuscripts, or books; purchase of electric power, gas, water, and other utility services and the purchase of capital replacement parts.

PROCEDURE

The "No Bid Justification Document" signed by the Department Head, fully explaining the conditions, which make the supplier a single source, must accompany any sole source materials or services. The form may be found in the Purchasing Swap Folder.

XVIII. EXPEDITING

Department shall expedite all purchase orders with values of \$3,000 or less. Purchasing will expedite all purchase orders with a value greater than \$3,000.

XIX. ACCEPTANCE INSPECTION

It shall be the responsibility of the using department to conduct an acceptance inspection of all equipment, supplies, services purchased for their department. Fleet Services shall conduct the acceptance inspection of all vehicles and equipment delivered to the garage.

There will be times when the seller will ship an incomplete order or when the merchandise will become damaged during the shipment, therefore the freight bills and packing slips are very important. They should be checked and signed by the individual receiving the merchandise. Each shipment received should be carefully checked for damages and shortages. If there are any shortages or damages, they should be noted on the freight bill and the delivery driver should sign noting such damage or shortage. In the event of concealed damage, PURCHASING should be notified promptly so that the proper action may be taken. Any damaged item must be held for inspection by the freight company.

XX. RECEIVING

After completing an acceptance inspection, the ordering department shall receive the purchase order through the financial software system.

XXI. INVOICES

All invoices shall be routed through the ordering department. After the RECEIVING process is complete, the ordering department shall sign the invoice, approving to pay. A copy of the purchase order shall be attached to the invoice. Forward to ACCOUNTS PAYABLE.

XXII. Surplus Property

A. *TRANSFER OF SURPLUS PROPERTY WITHIN CITY*

Asset transfer papers must be filled out for all property transfers.

B. *SALE OR LOAN OF PROPERTY TO ANOTHER GOVERNMENTAL ENTITY*

The Texas State Constitution **does not allow the donation of property to another entity or to other non-profit institutions;** however, laws do allow the City to sell or loan property, as follows:

- 1) A sale may be made at market value to another government entity without sealed bids or an auction. The Purchasing Manager must approve all sales of this type, regardless of the dollar amount.
- 2) A sale may be made for a nominal amount, \$1.00 or other good and valuable consideration, to another government entity without sealed bids or an auction. The

Purchasing Manager must approve all sales of these types, regardless of the dollar amount.

- 3) Property may be loaned to another government entity. The terms of the loan shall be contained in a written agreement signed by the Purchasing Manager and an authorized representative of the borrower. The term of the loan may be for a definite period or for an indefinite period.
- 4) Any department considering the sale or loan of equipment to another government entity shall initiate the transfer through the Purchasing Manager who will assist in the preparation of agreements and the physical transfer of property.

C. *DISPOSAL OF GOODS*

- 1) The Purchasing Manager has the authorization to declare assets obsolete or surplus. Council approval is not required. Assets shall be disposed of through public auction, sealed bids or any other method determined to be in the best interest of the city.
- 2) Purchasing and disposing departments shall make all necessary arrangements for the disposal of surplus materials.

D. *FEDERAL SURPLUS PROPERTY*

In order to purchase items for the city, departments must comply with the following requirements:

- 1) Each city employee must be registered with the Texas Building and Procurement Commission and approved by the Purchasing Manager to enter into a contract.
- 2) Within five working days after the City has committed to the purchase, the using department shall submit a memo to the Purchasing Manager that includes the following:
 - A. Date and location where items were purchased.
 - B. Description, quantity, unit cost and total cost of the item(s) purchased and the account number each item will be charged to.
 - C. Intended use and estimated date when each item will be placed into service.
 - D. If necessary, a fixed asset tag will be provided and the items placed on inventory. Failure to provide written documentation of all purchases within the required number of days may result in suspension of PURCHASING authorization.

NOTE: All property must be placed into use within 12 months, and used for 12 months. Items with an acquisition cost of \$5,000. or more and all vehicles have an 18-month use restriction period. The use restriction period begins the date the item is actually placed into use.

XXIII. PURCHASING CARD PROGRAM

A. ELIGIBILITY AND GUIDELINES

Department Heads recommend permanent employees whose position would benefit in cost savings and efficiency within their respective departments to receive a Purchasing Card (P-Card). Purchasing card single purchase dollar limits shall be established by the Purchasing Manager with input from the Department Head. **Temporary employees are not to be issued a card.**

B. CARDHOLDER DUTIES AND RESPONSIBILITIES

- **Maintain cards in secured location.**
- Reporting immediately any fraudulent use or misapplication of the card.
- Immediately notifying the bank and Purchasing if a card is lost or stolen.
- Coordinate returns directly with the supplier.
- The purchasing card is to be used for city business only. No personal use!
- Cards are issued to individuals rather than to department/division.

C. MAKING A PURCHASE

- Call or visit the most competitive vendor available within reasonable travel distance. Department heads are responsible for establishing internal policy.
- **Remember: The City is exempt from sales tax. Municipalities are not exempt from Arkansas sales tax unless the goods are delivered to Texas. Please avoid purchasing in Arkansas unless absolutely necessary.**
- Verify the charges (and that we are not charged tax) and sign the receipt. **If the receipt does not identify what each amount is for, write it on the receipt.** "Be Specific", auditors must be able to identify what was purchased. Stock numbers or other unidentifiable nomenclature must be clarified.
- You should receive a charge card receipt, and possibly a cash register receipt. Keep them! You'll need them at the end of the billing cycle.
- Have supplier ship according to terms. FOB: Destination, seller pays for freight.
- Confirm pricing and tax-exempt status. Request the supplier enclose a copy of the sales slip with each shipment listing price and applicable taxes.
- Ensure that the supplier immediately processes the credit card authorization with the Bank.

D. CARDHOLDER STATEMENT

The cardholder is responsible for reviewing their cardholder statement and purchase transaction receipts to ensure they are in agreement. Forward all receipts with the cardholder statement to the Purchasing Department each cycle. It is each cardholder's (employee's) responsibility to:

- Review the cardholder statement for any discrepancies

- Code the statement with the proper accounting codes.
- Obtain approval for payment from department head. The City Manager or in his/her absence the Assistant City Manager shall approve Department Head statements.
- Attach original vendor cash register receipts, credit card receipts and invoices to the cardholder statement **IN THE SAME ORDER** as on the statement. Small receipts must be taped on all 4 sides (not stapled) to a plain sheet of 8 ½" x 11" paper.
- If a receipt has been lost, the cardholder is to attach a signed memo containing the required purchase transaction information. Repetitive lost receipts by a cardholder will result in revoking the cardholder's purchasing privileges.
- Scan the Cardholder statement into a credit card folder set up on the Swap Folder.
- Verify the billing on the cardholder statement and send completed records to the Purchasing and Contracts Department, within the required number of days.
- The Department Head is responsible for ensuring the cardholder conforms to the usage guidelines and city policies. The Department Head and Finance are responsible for auditing expense reports.

E. RETURNS, CREDITS AND DISPUTED ITEMS

What if there is an Error on the Statement or Other Problems?

In the case of an exception or disputed charge, you should first contact the vendor. Most exceptions or issues can be resolved between the cardholder and the vendor.

Disputed Purchases

If after the cardholder audits the statement he/she determines some charges are disputable, he/she will immediately investigate these charges to determine if any abuse has occurred or if the charges are valid. Anyone suspecting fraudulent use or misapplication of the card should report this immediately to Purchasing. All questioned items must be communicated to the Purchasing Card company within 60 days of the billing cycle date.

Lost or Stolen Cards

In the event your card is lost or stolen, you (the cardholder) must contact PURCHASING immediately!

Returned Merchandise

If a cardholder returns merchandise to the store of purchase, the cardholder is to obtain a credit. Cash reimbursements are not allowed.

In the event there are returns, the cardholder is to check the subsequent cardholder statement for the credit and attach the credit slip to the statement when processing for payment. If a credit slip was not obtained, the cardholder is to attach a written explanation of the return.

F. *CARD REJECTED*

Most card rejections are due to the vendors MCC Code (Merchant Category Code) not on the approved list of codes or being classified as a "sin" code. Other reasons for your card to be rejected is not enough monthly allowance on your card or that your card has been compromised and the credit card company has put a hold on the card until **YOU** call them. It is important that YOU call the number on the back of your card when your card is rejected. If Purchasing can remedy the situation, the credit card company will let you know.

G. *SECURITY*

The purchasing card should always be treated with at least the same level of care that you treat your own personal credit cards.

Keep your card in an accessible but secure location. Guard the account number carefully! Do not post it at your desk or write it in any other place that is easily accessible by others.

XXIV. GUIDELINES FOR USE OF DELEGATED PURCHASING PROGRAMS

Employees with delegated purchasing authority who do not abide by City policies may have their purchasing privileges suspended and may face further disciplinary action, up to and including termination and prosecution by the City.

XXV. TAX EXEMPT CERTIFICATES

Tax exempt certificates can be found in the Swap Folder. You must fill in the following information: legal business name, address, zip code, and a description of what is being purchased. Sign and date the certificate. Forward to the requesting vendor.

XXVI. DONATIONS TO CITY

Real Property

The City Council shall have exclusive authority to approve a donation of real property for City use.

The City Manager or designee shall have limited authority to reject donation of real property burdened by any lien or obligation, subject to existing or anticipated Code Enforcement action, or which could impose a fiscal burden on the City.

Personal Property

The City Manager or designee shall have authority to accept donations of personal property for City use, provided that the property must be certified by the City Manager or designee as being useful to the City and that any necessary maintenance shall be within budgeted parameters.

When donated personal property would otherwise be insured by the City if purchased, the City Manager or designee shall provide the necessary property information to the Purchasing Manager who shall then be responsible for including the property in the City's insurance schedules.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: A

Update Date: 9/7/2018 10:23 AM

Briefing Sheet

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>David Orr, Planning & Community Development Director</u>
Subject:	<u>Resolution No. 2018-106 authorizing the City Manager to execute an amendment which provides for the extension of the Perot Theatre Management Agreement.</u>		
Briefing:	<u>9/24/2018</u>	Public Hearing:	<u>9/24/2018</u>
		Council Vote:	<u>9/24/2018</u>

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

None

Executive Summary and Background Information:

The Perot Theatre Management Company (PTMC), as a part of the Texarkana Arts & Humanities Council (TRAHC), was selected in 2012 as the City's management company for the Perot Theatre.

The City of Texarkana, Texas, as the owner of the historic Perot Theatre, seeks to maintain professional management and expertise for the continued operation of theatre.

The City, at its sole discretion, has the right and option to extend the term of the agreement for three additional one (1) year periods upon the same terms and conditions.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Not to exceed \$305,000 in Hotel Occupancy Tax funds annually including \$271,207 for the management fee for the Perot Theatre.

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. 2018-106 RES Authorizing CM to execute amendment to Perot Agreement (DOC)
- b. 2018-106 ATTH 01 Amd No 1 Perot Mgt Agrmt (DOCX)
- c. 2018-106 ATTH 02 Perot Theatre Management Agreement Signed Final 2012-2015 (PDF)
- d. 2018-106 ATTH 03 PTMC Request City Contract Extension (PDF)
- e. 2018-106 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	
Completed	08/29/2018 4:27 PM		
Finance Department Kristin Peeples	Finance Review	Completed	08/30/2018
11:43 PM			
Purchasing and Contracting	Sharon Moore	Purchasing Review	
Completed	09/04/2018 7:44 AM		
Deputy City Manager - Kyle Dooley	Kyle Dooley	Deputy City Manager	
Review Completed	09/04/2018 8:09 AM		
Public Information Officer	Lisa Thompson	PIO Review	Completed
09/04/2018 8:21 AM			
City Attorney Shirley Jaster	Review	Skipped	09/07/2018
9:58 AM			
City Manager Shirley Jaster	City Manager Review	Completed	09/07/2018
9:58 AM			
City Council Jennifer Evans	Meeting	Completed	09/10/2018
6:00 PM			

Meeting History

09/10/18 City Council MOVED FORWARD Next: 09/24/18
David Orr briefed this agenda item.

RESOLUTION NO. 2018-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT WHICH PROVIDES FOR THE EXTENSION PERIODS OF THE PEROT THEATRE MANAGEMENT AGREEMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Perot Theatre Management Company (PTMC), as a part of the Texarkana Arts & Humanities Council (TRAHC), was selected in 2012 as the City's management company for the Perot Theatre; and

WHEREAS, the City of Texarkana, Texas, as the owner of the historic Perot Theatre, seeks to maintain professional management and expertise for the continued operation of theatre; and

WHEREAS the City, at its sole discretion, has the right and option to extend the term of the agreement for three additional one (1) year periods upon the same terms and conditions.

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

SECTION 1: That the City Manager is hereby authorized to sign Amendment 1 (**ATTH 01**) to the Perot Theatre Management Agreement to provide for the extension of the agreement for three additional one (1) year periods upon the same terms and conditions.

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

PASSED AND APPROVED at Regular Council Session on this the **24th** day of **September, 2018**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

**AMENDMENT NO. 1 TO
PEROT THEATRE MANAGEMENT AGREEMENT**

The City of Texarkana, Texas (“City”) and Texarkana Regional Arts and Humanities Council, Incorporated (“TRAHC”), pursuant to Section IV of that certain Perot Theatre Management Agreement (the “Agreement”) executed by the parties effective October 1, 2012, amend Section **VII. Renewal Option** of the Agreement as follows.

VII. Renewal Options

The City, at its sole discretion, has the right and option to extend the term of the agreement for three additional one (1) year periods upon the same terms and conditions. Such renewal shall be at the same terms and conditions upon the consent of TRAHC.

All other terms and conditions in the Agreement shall remain unchanged and in full force and effect.

Executed on this the ____ day of September, 2018.

The City of Texarkana, Texas

Attest:

By: _____
Shirley Jaster, City Manager

Jennifer Evans, City Secretary

Texarkana Regional Arts and Humanities Council

Attest:

By: _____
Brian W. Goesl, Executive Director

Attachment: 2018-106 ATTH 01 Amd No 1 Perot Mgt Agrmt (1930 : 2018-106 RES Authorizing CM to amend Perot Agreement)

PEROT THEATRE MANAGEMENT AGREEMENT

THIS AGREEMENT, entered into as of October 1, 2012, by and between the City of Texarkana, Texas, hereinafter called "City", and Texarkana Regional Arts and Humanities Council, Incorporated, (TRAHC).

W I T N E S S E T H

WHEREAS, the City is the Owner of the Perot Theatre; and

WHEREAS, TRAHC through a competitive bid process submitted a proposal for professional management of the Perot Theatre, a council appointed citizen review committee reviewed TRAHC's proposal and recommended several changes to TRAHC, and subject to the recommendations the review committee recommended TRAHC as the professional management company for the Perot Theatre;

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, the City and TRAHC do mutually agree as follows:

I. TRAHC Services and Obligations shall be as follows:

1. Execution of the submitted bid proposal document dated June 25, 2012 that includes programming strategy, marketing & promotion, operations, parking, finance & accounting, staffing and capital improvement of the Perot Theatre.
2. Enforcing and carrying out, as required, the provisions, requirements and obligations of Perot Theatre rental agreements, operating policies, fee schedules and other contracts or agreements, ordinances, policies, procedures, or directives applicable to the Perot Theatre and its use, management, operation and maintenance;
3. Assisting the City's Community Redevelopment & Grants Department in preparation of applications, proposals and similar documents seeking financial or other assistance from governmental or non-governmental sources;
4. Complying with City ordinances, resolutions and procedures in the performance of this Agreement;

5. Preparing a quarterly report and providing such other information as may be requested by the City in relation to the Perot Theatre and its use, attendance, operation and management.
6. Providing reports and meeting with the City Manager or his or her designee in performing and carrying out City-related business related to the operation of the Perot Theatre. Assisting in the preparation of the City's budget for the Perot Theatre;
7. Complying with applicable federal laws and state statutes and the Constitution of the United States and the State of Texas;
8. Promptly reporting to the proper City officials any furniture, fixtures, or grounds which are damaged, in disrepair, in need of maintenance, and remove from service any unsafe or potentially hazardous conditions immediately;
9. Regarding Perot Theatre enhancement fees, TRAHC shall provide City a plan for expenditures of enhancement fees annually. Expenditures shall be subject to City approval.
10. Recognizing in writing and/or orally, with all Perot Theatre published materials as appropriate, the City's contribution to any and all Perot Theatre endeavors or activities assisted, either financially or otherwise, in whole or part under this Agreement. (Ex. Sponsorship on behalf of the City of Texarkana, Texas)
11. Recognizing that acceptance of the revenue provided by the municipal hotel occupancy tax creates a fiduciary duty in TRAHC with respect to the use of the funds;
12. Maintaining complete and accurate financial and other records of all activities under this Agreement and each expenditure of the hotel/motel occupancy tax revenues and all expenses incurred by TRAHC in its performance under this Agreement. Within twenty-four (24) hours notice these records shall be available for examination, inspection, review, audit and copying by the City or agent or representative thereof between 9 A.M. and 5 P.M., Monday through Friday, at the office of TRAHC, 321 West Fourth Street, Texarkana, Texas 75501.
13. Spending hotel/motel occupancy tax revenue for day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs

are incurred directly in the promotion and servicing expenditures authorized under Texas Tax Code, Section 351.101(a), and such expenditures shall not exceed the portion of the total administrative costs actually incurred in conducting the activities for which the hotel/motel occupancy tax revenue may be used as they relate to all activities of TRAHC;

14. Abstaining from spending hotel/motel occupancy tax revenue for travel for a person to attend an event or conduct an activity the primary purpose of which is not directly related to the promotion of tourism and the convention and hotel industry or the performance of the person's job in an efficient and professional manner;
15. Spending funds received from the hotel/motel occupancy tax for purposes provided by Texas Tax Code, Section 351.101(a) and (b) which read as follows:
 - (a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:
 - (1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;
 - (2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
 - (3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
 - (4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;
 - (5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums:
 - (A) at or in the immediate vicinity of convention center facilities or visitor information centers; or

- (B) located elsewhere in the municipality or its vicinity that would be frequented by tourists and convention delegates;
 - (6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity; and
 - (7) subject to Section 351.1076, the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football, if:
 - (A) the municipality owns the facilities or fields;
 - (B) the municipality:
 - (i) has a population of 80,000 or more and is located in a county that has a population of 350,000 or less; or
 - (ii) has a population of at least 65,000 but not more than 70,000 and is located in a county that has a population of 155,000 or less; and
 - (C) the sports facilities and fields have been used, in the preceding calendar year, a combined total of more than 10 times for district, state, regional, or national sports tournaments.
 - (b) Revenue derived from the tax authorized by this chapter shall be expended in a manner directly enhancing and promoting tourism and the convention and hotel industry as permitted by Subsection (a). That revenue may not be used for the general revenue purposes or general governmental operations of a municipality.
16. TRAHC agrees to reimburse the City for any funds it receives under this agreement which are not spent in a manner as authorized under Texas Tax Code Section 351.101 (a) and (b) (as described in Section 15 above).
17. TRAHC shall furnish an audit to the City within one hundred and eighty (180) days after the end of the TRAHC's fiscal year showing the manner and expenditure of the Perot Management funds pursuant to this Agreement.

II. City's Services and Obligations:

A. Payments by the City to be dedicated to the functions of the Perot Theatre:

1. City shall deposit up to \$50,000 into the Perot Theatre Building Maintenance Fund maintained by the City.
2. City shall allocate funds not to exceed \$305,000 annually received by the City from revenue derived from the municipal hotel occupancy tax pursuant to Article III, Chapter 26, Code of Ordinances, City of Texarkana, Texas, entitled "Hotel Occupancy Tax", which shall be dedicated to the functions of the Perot Theatre, located at 221 Main Street, Texarkana, Texas. Included within the \$305,000 allocation is the management fee to TRAHC of \$271,207 included in the City's approved 2012-2013 budget.
3. City shall pay a management fee to TRAHC provided TRAHC submits, on a monthly basis, a payment request accompanied by the Perot Management Report and any additional documentation requested by the City to fulfill expenditures under Item 15, in Section 1 of this Agreement.
4. The City shall pay \$9,051 to provide office space, building insurance, computers and other services (alarm monitoring, sprinkler system annual inspection, boiler inspection, website domain registration).

III. Hold Harmless and Indemnification

TRAHC shall hold harmless and indemnify City from any such liability, causes of action, damages, judgments, costs, charges, or expenses arising from such misfeasance and/or malfeasance of TRAHC and/or staff in performing duties and responsibilities under the terms of this agreement. TRAHC will not be held responsible for any actions resulting from the City's negligence or actions.

IV. Other Obligations & Responsibilities

(1) The City will receive the first \$20,000.00 of Income (as defined below) and shall deposit it into the Perot Theatre Building Maintenance Fund maintained by the City. Thereafter, all Income will

be divided as follows: 20% to the City and 80% to TRAHC. Income will include rentals, merchandise, ticket handling, parking and other proposed revenue streams with the exception of concessions which will be considered the sole income of TRAHC.

(2) Priority will be given to the Texarkana Symphony Orchestra (TSO), Texarkana Community Ballet (TCB), Texarkana, Arkansas Independent School District, dance recitals, and the Texarkana Regional Arts and Humanities Council, Inc (TRAHC), which routinely rent the Perot Theatre on an annual basis. Following placing those dates on the calendar, rental of the Perot Theatre will be on a strictly first come, first served basis beginning no later than April 30th of each year for booking the Perot Theatre for the following September-August performance year.

(3) A calendar shall be posted on Perot Theatre website that reflects all confirmed rehearsal, pre-rigs, restores and performance rentals for all organizations.

(4) Develop a set of guidelines/ criteria for bookings that are posted on the website.

(5) Rental approval list (for city review only) that includes all rental applications and includes approved and declined shows with explanations if they were declined.

(6) Request for a concessions plan along with a building maintenance plan related to new concessions.

(7) Request that an online complaint system be established where suggestions or complaints can be sent in via the Perot website. (with a copy of the suggestion/complaint automatically emailed to the city).

This Agreement may be changed or amended from time to time upon the mutual consent of the parties hereto. Any such changes, alterations, or modifications shall be incorporated into written amendments to this Agreement.

V. **Termination**

This Agreement may be terminated by either of the parties hereto by providing thirty (30) days prior written notice to the other. The termination of this contract will not affect existing contracts for rental of the facility that were already in place.

VI. Duration

This contract is for a 36-month period effective October 1, 2012 until September 30, 2015.

VII. Renewal Options

The City, at its sole discretion, has the right and option to extend the term of the agreement for three additional one (1) year periods upon the same terms and conditions. Such renewal shall be at the same terms and conditions upon the consent of TRAHC.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate originals by their respective duly authorized officers on the day and year first written.

CITY OF TEXARKANA, TEXAS


F. LARRY SULLIVAN, Ed. D.
CITY MANAGER

ATTEST:


KERRY MEREDITH
CITY SECRETARY

TEXARKANA REGIONAL ARTS AND
HUMANITIES COUNCIL, INC.


EXECUTIVE DIRECTOR

ATTEST:





Texarkana Regional Arts and Humanities Council, Inc.

August 3, 2018

BOARD OF DIRECTORS

President
Travis Ransom

*President-Elect
& Treasurer*
Ken Cowling

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WFA President
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Barbara Glick

Dennis Landreaux
Dianne Martin

Don Morriss
Maria Rodriguez

Robert Sanderson
Louise Tausch

EX-OFFICIO:

Tom Whitten
Bowie County Representative

David Orr
City of Texarkana, TX

Ruth Penney Bell
City of Texarkana, AR

Ernest Pender
Miller County, AR

Mr. David Orr
Director of Planning & Community Development
City of Texarkana, Texas
220 Texas Blvd.
Texarkana, TX 75501

Dear David,

As the Director of the Perot Theatre Management Company (PTMC) and Executive Director of TRAHC, I am requesting that we continue our relationship with the City of Texarkana, Texas under the current contract for the management of the Perot Theatre, as originally agreed to on October 1, 2012. As the current provider of Management Services to the City for the Perot Theatre, and the management organization for the Perot since its first reopening in 1981, we have the knowledge and history of how the Perot has been upgraded since its re-opening, the intricacies of the historical building itself and the wants and professional needs of our current audiences and renters.

As PTMC, we have kept the City abreast of the improvements that have been and will need to be made. Most importantly, for the past year and a half, we have been working diligently together with the City discussing where improvements need to be made and the strategies required in achieving these goals. This includes the development of the architectural plans essential to bring the Perot up to the technical theatre standards and audience renovations required of a performance theatre in the 21st Century.

We have been working directly with the City and the architecture firm of Komatsu of Fort Worth, Texas along with Schuler Shook Theatre Consultants' Dallas office. All of us realize that for the Perot to be successful in this very competitive market of performance-based venues, especially historical theatres, a series of step-by-step renovation plans have to be created and implemented. Our short comings include: our wooden grid no longer meets the current engineering standards required of touring concerts and Broadway shows, dressing rooms are inadequate, ADA accessibility to our stage is lacking, our electrical capacity is below required standards, as is our loading dock, box office and HVAC system. On the audience side, we desperately need more restrooms for the entire theatre, an increase in the size of our lobby, a quieter HVAC system, larger seats and increased ADA capabilities.

The Perot Theatre of 1981, though the number one destination in Texarkana on TripAdvisor for 2018, drastically needs to be improved to bring it up to the standards that are required by law and current audience needs. We are currently developing these plans and for us to now step aside means that valuable relationships and time will probably be lost and/or delayed in furthering these required improvements. Therefore, I am proposing that the City of Texarkana, Texas and the Perot Theatre Management Company continue to work together under our current contract of October 1, 2012.

Best regards,

Brian Goesl
Executive Director
Perot Theatre/TRAHC



321 West Fourth
P. O. Box 1171
Texarkana, USA 75504-1171

Phone: 903-792-8681
Fax: 903-793-8510
email: artsinfo@trahc.org
website: www.trahc.org

Attachment: 2018-106 ATTH 03 PTMC Request City Contract Extension (1930 : 2018-106 RES Authorizing CM to amend Perot Agreement)

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

Briefing Sheet

Version: A
Update Date: 9/7/2018 9:38 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2018-107 amending the Code of Ordinances, Chapter 36,
"Public Amusements and Special Events", Section 36-1 "Definitions", by
Subject: amending Section 36-1, "Definitions", deleting the word "parades" from the
definition of "special events".

Briefing: 9/24/2018 **Public Hearing:** 9/24/2018 **Council Vote:** 9/24/2018

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Upon review and evaluation of the permitting process for special events held in the City, staff recommends that council approves of deleting the word "parades" from the definition of "Special Events" in Chapter 36 of the Code of Ordinances.

Potential Options:

- To approve amending the ordinance
- To deny amending the ordinance

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval of the amending of this ordinance.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- 2018-107 ORD Ch 36 revision delete parades (jcl) (DOCX)

City of Texarkana, Texas

b. 2018-107 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	08/31/2018 1:31 PM		
Municipal Prosecutor	Jennifer Evans	Asst. City Attorney Review	Skipped
	09/04/2018 1:23 PM		
City Attorney	Jeffery C. Lewis	City Attorney Review	Completed 09/07/2018
	9:36 AM		
Deputy City Manager - Kyle Dooley	Kyle Dooley	Deputy City Manager	
Review	Completed	09/07/2018 10:24 AM	
Public Information Officer	Lisa Thompson	PIO Review	Completed
	09/07/2018 10:27 AM		
City Manager	Shirley Jaster	City Manager Review	Completed 09/07/2018
	1:36 PM		
City Council	Jennifer Evans	Meeting	Completed 09/10/2018
	6:00 PM		

Meeting History

09/10/18 City Council MOVED FORWARD Next: 09/24/18
 City Manager Jaster briefed this agenda item.

Publish

ORDINANCE NO. 2018 – 107

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 36, “PUBLIC AMUSEMENTS AND SPECIAL EVENTS”, BY AMENDING SECTION 36-1, “DEFINITIONS”, DELETING THE WORD “PARADES” FROM THE DEFINITION OF “SPECIAL EVENTS”; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the definition of “special events” in Section 36-1 of the Code of Ordinances currently provides:

Special events include parties, dances, parades, weddings, celebrations or other gatherings which would likely result in traffic congestion, parking problems, crowds, sanitation problems, excessive noise, security or safety concerns, violations of any city ordinance, or any other circumstances likely to cause a breach of the peace or adversely affect the health and safety of the public or any participant at the special event.

WHEREAS, an evaluation of the permitting process for special events prompts City staff to recommend that the City Council delete the word “parades” from the definition of “special events”.

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

SECTION 1: Chapter 36, “Public Amusements and Special Events”, Section 36-1, “Definitions”, of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended to delete the word “parades” from the definition of “special events” contained in Section 36-1.

SECTION 2: This Ordinance shall be in full force and effect immediately after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **24th day of September, 2018.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2018-107 ORD Ch 36 revision delete parades (jcl) (1932 : 2018-107 ORD Ch. 36 Spec. Event deletion of Parades)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2018-107 Goals & Perspectives (1932 : 2018-107 ORD Ch. 36 Spec. Event deletion of Parades)