



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • OCTOBER 26, 2015

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

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Willie Ray	Ward 2	Present	
Tina Veal-Gooch	Ward 3	Present	
Brian Matthews	Ward 4	Present	
Christy P. Paddock	Ward 5	Present	
Josh Davis	Ward 6	Present	

City Staff: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Lisa Thompson, David Orr, Charlie Bassett, Dusty Henslee, Kelly Brush, Lynn Henry, Mashell Daniel, Bobby Bean, Jeff Estes, Robby Robertson, J.D. Phillips, Kyle Dooley, and Jerry Sparks.

Legal Counsel: Jeff Lewis

II. INVOCATION AND PLEDGE COUNCIL MEMBER JOSH DAVIS

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, November 9, 2015 at 6:00 p.m.

Monday, November 23, 2015 at 6:00 p.m.

Monday, December 14, 2015 at 6:00 p.m.

**** NOTE: Only one scheduled council meeting in December.**

Parks & Recreation Events:

October 29 th	Movie - "The Town That Dreaded Sundown"	Spring Lake Park
October 31 st	Community Yard Sale & Electronics Recycle Day	Spring Lake Park
November 7 th	Responsible Dog Owner Day	Spring Lake Park

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

Other City Events:

National Endowment for the Arts Open House, Tuesday, October 27th - Session One: 11:30 a.m. to 1:00 p.m. Session Two: 5:00 p.m. to 6:30 p.m. The Open House will be held at the Regional Arts Center located at 321 West 4th Street in downtown Texarkana.

Mayor Bruggeman invited everyone to the annual "Dash for Cash" event to be held at Texas High School (THS) from 9:00 a.m. to 12:00 p.m. Saturday, October 31st. This event will help raise scholarship dollars for THS students. For further information, please contact Council Member Paddock or Council Member Veal-Gooch.

Mayor Bruggeman recognized and welcomed Ms. Wilder's Texas A&M Governmental Accounting class students. Mayor Bruggeman also welcomed former Texarkana, Texas Mayor Steve Mayo to the meeting.

Mayor Bruggeman reminded everyone of the ribbon cutting for the fresh and newly repainted wall of the Scott Joplin Mural on Tuesday, October 27th at 11:00 a.m.

Appointments to Boards & Commissions

There were no appointments made by council.

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

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

Jo Ann Duman addressed council with an invitation to the Texas Energy Freedom Tour scheduled for Wednesday, October 28th.

V. ITEMS FOR CONSIDERATION***Consent Items***

(6:13 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on October 12, 2015 at 6:00 PM.

Action Items

There were no action items.

VI. FIRST BRIEFINGS

1. Ordinance No. 2015-110 amending the Women's Health and Family Planning Association of Texas grant budget in the amount of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500).

Public Hearing: November 9, 2015
Second Briefing: November 23, 2015
Council Vote: December 14, 2015

Robby Robertson briefed this item.

RESULT:	MOVED FORWARD	Next: 11/9/2015 6:00 PM
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2. Ordinance No. 2015-111 amending the Code of Ordinances by adopting the National Electrical Code, NEC, 2014 edition, which amends Section 105-159 of the Code.

Public Hearing: November 23, 2015
Second Briefing: December 14, 2015
Council Vote: January 11, 2016

Lynn Henry briefed this item.

RESULT:	MOVED FORWARD	Next: 11/9/2015 6:00 PM
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3. Ordinance No. 2015-112 amending the Code of Ordinances by adopting the International Building Code, IBC, 2015 edition, with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-75 and 105-76 of the Code.

Public Hearing: November 23, 2015
Second Briefing: December 14, 2015
Council Vote: January 11, 2016

Lynn Henry briefed this item.

RESULT:	MOVED FORWARD	Next: 11/9/2015 6:00 PM
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4. Ordinance No. 2015-113 amending the Code of Ordinances by adopting the International Plumbing Code, IPC, 2015 edition, the International Fuel Gas Code, 2015 edition, and the International Mechanical Code, 2015 edition, each with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-256, 105-257, 105-258 and 105-259 of the Code.

Public Hearing: November 23, 2015
Second Briefing: December 14, 2015
Council Vote: January 11, 2016

Lynn Henry briefed this item.

RESULT:	MOVED FORWARD	Next: 11/9/2015 6:00 PM
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5. Ordinance No. 2015-114 amending the Code of Ordinances adopting the International Property Maintenance Code, 2015 edition, with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-356 and 105-357 of the Code.

Public Hearing: November 23, 2015
Second Briefing: December 14, 2015
Council Vote: January 11, 2016

Lynn Henry briefed this item.

RESULT:	MOVED FORWARD	Next: 11/9/2015 6:00 PM
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6. Ordinance No. 2015-115 amending the Code of Ordinances by adopting the International Residential Code, 2015 edition, with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-98 and 105-99 of the Code.

Public Hearing: November 23, 2015
Second Briefing: December 14, 2015
Council Vote: January 11, 2016

Lynn Henry briefed this item.

RESULT:	MOVED FORWARD	Next: 11/9/2015 6:00 PM
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7. Ordinance No. 2015-116 granting a Specific Use Permit to allow the one additional use of a tattoo studio for the application of permanent cosmetics on Lot 2A, Walsh-Carter Master Tract, located at 5305 Cowhorn Creek Road. Dr. Brent Carmony, applicant. Sandra Azancot, agent.

Public Hearing: November 9, 2015
Second Briefing: November 23, 2015
Council Vote: December 14, 2015

David Orr briefed this item.

RESULT: MOVED FORWARD**Next: 11/9/2015 6:00 PM**

8. Resolution No. 2015-117 authorizing the City Manager to execute a contract with A.L. Franks Engineering, Inc. Of Texarkana, Arkansas in an amount not to exceed THREE HUNDRED SEVENTY THOUSAND EIGHT HUNDRED NINETY-EIGHT DOLLARS (\$370,898) for engineering services associated with modifications to the Wagner Creek Wastewater Treatment Plant.

Public Hearing: November 9, 2015
Second Briefing: November 23, 2015
Council Vote: December 14, 2015

J.D. Phillips briefed this item.

RESULT: MOVED FORWARD**Next: 11/9/2015 6:00 PM**

9. Resolution No. 2015-118 changing the City's General Election May uniform date to the November uniform date.

Public Hearing: November 9, 2015
Second Briefing: November 23, 2015
Council Vote: December 14, 2015

City Manager Whitson briefed this item.

RESULT: MOVED FORWARD**Next: 11/9/2015 6:00 PM**

10. Resolution No. 2015-119 supporting Riverbend Water Resource District, the City of Texarkana, Texas and surrounding member cities as sponsors of Lake Wright Patman water rights.

Public Hearing: November 9, 2015
Second Briefing: November 23, 2015
Council Vote: December 14, 2015

City Manager Whitson briefed this item along with Steve Mayo and Region D Chairman Linda Price. Jeff Lewis made additional comments. Liz Fazzio, Chief Operating Officer of Riverbend, and Andrea Williams McCoy, of Ward Timber, also made additional comments.

RESULT: MOVED FORWARD**Next: 11/9/2015 6:00 PM**

VII. PUBLIC HEARINGS

1. Resolution No. 2015-100 naming the roadway described as S(c)hilling(s) Lane or Shilling Road from Summerhill Road to the west dead end as Shilling Road, and naming the newly constructed street between Shilling Road and Summerhill Road to University Avenue.

Public Hearing: October 26, 2015
Second Briefing: November 9, 2015
Council Vote: November 23, 2015

Skip Colvin addressed council at this public hearing.

RESULT:	MOVED FORWARD	Next: 11/9/2015 6:00 PM
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2. Motion to move Ordinance No. 2015-108 up for council vote.

Mayor Bruggeman asked the City Secretary for a roll call vote.
(7:28 p.m.)

RESULT:	ADOPTED [5 TO 0]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Matthews, Paddock, Davis
ABSTAIN:	Veal-Gooch
EXCUSED:	Bruggeman

3. Ordinance No. 2015-108 closing and abandoning a 30' street right-of-way in the 2100 block of Kennedy Lane west of Summerhill Road and east of Pine Knoll Road.

Public Hearing: October 26, 2015
Second Briefing: November 9, 2015
Council Vote: November 23, 2015

David Williams, in behalf of TISD, addressed council at this public hearing and asked for consideration of an expedited vote. Mayor Bruggeman asked the City Secretary for a roll call vote.

(7:29 p.m.)

RESULT:	ADOPTED [5 TO 0]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Matthews, Paddock, Davis
ABSTAIN:	Veal-Gooch
EXCUSED:	Bruggeman

4. Motion to move Ordinance No. 2015-109 up for council vote.

(7:30 p.m.)

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

5. Ordinance No. 2015-109 approving the amendment of the FY16 budget expenditures to include ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) of unspent funds from the FY15 street division budget.

Public Hearing: October 26, 2015
Second Briefing: November 9, 2015
Council Vote: November 23, 2015

There were no comments made at this public hearing.
(7:31 p.m.)

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

VIII. SECOND BRIEFING WITH UPDATES

There were no second briefings with updates.

IX. SECOND BRIEFING WITHOUT UPDATES

There were no second briefings without updates.

X. ITEMS FOR DISCUSSION

Staff Updates

There were no staff updates.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Mayor Bruggeman asked for an update on the suggestion of street lighting on Cowhorn Creek by the Convention Center and the new Urgent Care Center. City Manager Whitson responded that he currently did not have an update. Shirley Jaster said that a follow-up report would be provided to the council.

2. City Staff

City Manager Whitson said, in reference to comments made earlier by a citizen regarding Shilling Lane, the Capital Improvement Plan (CIP) currently has 41 projects and Shilling Lane is one of the projects listed. Mr. Whitson said when the city begins to prioritize the various projects on the CIP, the public will be strongly encouraged to provide input.

XII. CLOSED SESSION

The City Council convened into closed session pursuant to Section 551.074 (personnel matters) to discuss or deliberate city manager evaluation, duties, goals and performance. Mayor Bruggeman announced that no action will be taken and that live streaming would now be discontinued.

XIII. RECONVENE INTO OPEN SESSION

The City Council reconvened into open session.

XIV. ADJOURNMENT

A motion was made to adjourn the meeting.
(9:23 p.m.)

RESULT:	ADOPTED [5 TO 0]
MOVER:	Josh Davis, Ward 6
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Matthews, Paddock, Davis
EXCUSED:	Bruggeman
AWAY:	Veal-Gooch



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • OCTOBER 12, 2015

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

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Willie Ray	Ward 2	Present	
Tina Veal-Gooch	Ward 3	Present	
Brian Matthews	Ward 4	Present	
Christy P. Paddock	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Kristin Peeples, Lisa Thompson, David Orr, Dusty Henslee, Kyle Dooley, Dan Shiner, Jeff Estes, Jim Powell, Joshua Armstrong, Cory Motley, Charles Kreidler, and Jerry Sparks.

Legal Counsel: Jeff Lewis

II. INVOCATION AND PLEDGE BY MAYOR BOB BRUGGEMAN

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, October 26, 2015 at 6:00 p.m.
Monday, November 9, 2015 at 6:00 p.m.
Monday, November 23, 2015 at 6:00 p.m.
Monday, December 14, 2015 at 6:00 p.m.

Parks & Recreation Events:

October 15th	Movies in the Park - "The Lego Movie"	Spring Lake Park
October 22nd	Movies in the Park - "E.T. - The Extra Terrestrial"	Spring Lake Park
October 22nd	Fall Festival	Spring Lake Park
October 23rd	Self Defense Class - Intro to Kids Karate	Southwest Center
October 24th	Softball Tournament	Karrh/Wallace Park

For a complete list of Parks & Recreation activities and information call 903-798-3978 or visit the

Minutes Acceptance: Minutes of Oct 12, 2015 6:00 PM (Consent Items)

city website: <http://tx-texarkana.civicplus.com>

Mayor Bruggeman recognized and welcomed the students from Mr. Littman's Texas High government class.

Mayor Bruggeman also recognized Texarkana Arkansas' Mayor Ruth Penney Bell and her husband Buddy Bell, along with Texarkana Arkansas' Police Chief Bob Harrison. Mayor Bruggeman gave a special welcome to former Mayor of Texarkana, Texas Steve Mayo.

Mayor Bruggeman thanked all of the citizens who participated in National Night Out held on Tuesday, October 6th.

City Attorney Jeff Lewis presented for council's consideration a DRAFT joint resolution, between the City Council and the Board of Directors of Riverbend Water Resources District, regarding Texarkana and its surrounding member entities through Riverbend to remain local sponsors for any existing or new water reallocated or developed out of Lake Wright Patman. Steve Mayo said he has asked the Sulphur River Basin Authority to place this resolution on their next meeting agenda and that he would inform the council when this is scheduled. Mr. Mayo & Mr. Lewis strongly encouraged all of the council to attend this important meeting concerning future water rights. Mayor Bruggeman thanked Mr. Mayo for his report and also thanked Riverbend representative Ms. Liz Fazzio for the work she does within Riverbend.

Presentations

2015 Texas Outstanding Arbor Day Activities Award - Zaina Gates of Texas A&M Forest Service and Texas Chapter of the International Society of Arboriculture presented the award.

Law Enforcement Support Recognition - Mayors Bob Bruggeman and Ruth Penney Bell, along with Police Chiefs Dan Shiner and Bob Harrison, presented Pastor Jeff Schreve and First Baptist Church with a certificate of recognition for contributions and support of local law enforcement in the community.

Life Saving Award - Mayor Bruggeman and Police Chief Dan Shiner presented Texarkana, Texas Police Officers Joshua Armstrong and Cory Motley with certificates of recognition for heroic service beyond the "call of duty" in responding to a house fire on April 11th.

2016 NAACP Texas Convention - President Robert Jones, of the NAACP Greater Texarkana Branch, excitedly thanked the City Council and city staff - notably Lisa Thompson, Convention Center representative Jennifer Montoya and NAACP representatives Melba Flowers and Ruby Hildreth for an outstanding presentation and video given to the NAACP Texas State Conference committee, who in part was heard to say "...this was one of the most impressive proposals they had seen in a long time". This presentation given by local community members secured Texarkana in being chosen as the location for next year's state convention during the first week of October 2016.

"25th Year - Award of Financial Reporting Achievement" - Government Finance Officers Association

City Manager Whitson presented background information on the achievement award. City Manager Whitson said this is the 25th year that the city has received this award for financial and accounting excellence. He also said the Finance Department leads the effort but all

departments share in support of receiving this award. Mayor Bruggeman read the formal certificate and congratulated city staff for their hard work.

Appointments to Boards & Commissions

There were no appointments made to any board or commission.

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

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

Don Morriss addressed council regarding the future reopening of Alcoa, Inc. and welcomed the facility back to the community.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:40 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on September 28, 2015 at 6:00 PM.

Action Items - None

VI. FIRST BRIEFINGS

1. Resolution No. 2015-100 naming the newly constructed street between Shilling Lane and Summerhill Road to University Avenue, renaming the portion of Shilling Lane between University Avenue and the west end of the newly constructed street to University Avenue, and renaming the portion of Shilling Lane from the current east end of University Avenue to the west dead end to Shilling Trail.

Public Hearing: October 26, 2015
 Second Briefing: November 9, 2015
 Council Vote: November 23, 2015

Kyle Dooley briefed this item.

RESULT:	MOVED FORWARD	Next: 10/26/2015 6:00 PM
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2. Ordinance No. 2015-108 closing and abandoning a 30' street right-of-way in the 2100 block of Kennedy Lane west of Summerhill Road and east of Pine Knoll Road.

Public Hearing: October 26, 2015
 Second Briefing: November 9, 2015
 Council Vote: November 23, 2015

Dusty Henslee briefed this item.

RESULT:	MOVED FORWARD	Next: 10/26/2015 6:00 PM
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3. Ordinance No. 2015-109 approving the amendment of the FY16 budget expenditures to include ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) of unspent funds from the FY15 street division budget.

Public Hearing: October 26, 2015
 Second Briefing: November 9, 2015
 Council Vote: November 23, 2015

Kyle Dooley briefed this item. City Manager Whitson made some additional comments.

RESULT:	MOVED FORWARD	Next: 10/26/2015 6:00 PM
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VII. PUBLIC HEARINGS

1. Motion to move Ordinance No. 2015-105 up for council vote.

(7:04 p.m.)

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

2. Ordinance No. 2015-105 amending PD-05-5(O) for site plan approval to add additional signage on Lot 1, Texas Bank and Trust Subdivision, located at 4646 Cowhorn Creek Road. Matt and Cindy Young, applicants. Mike Adcock, Hightech Signs, agent.

Public Hearing: October 12, 2015
 Second Briefing: October 26, 2015
 Council Vote: November 9, 2015

Mike Adcock, of Hightech Signs, addressed council at this public hearing.

(7:05 p.m.)

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

3. Motion to move Ordinance No. 2015-106 up for council vote.

(7:08 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Christy P. Paddock, Ward 5
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

4. Ordinance No. 2015-106 rezoning a 1.84 acre tract of land in the George Brinlee HRS, A-18, located at 3911 Moores Lane. Single Family-1 to Planned Development-Office. Marilyn and Fred Markham, applicants.

Public Hearing: October 12, 2015
 Second Briefing: October 26, 2015
 Council Vote: November 9, 2015

Fred Markham addressed council at this public hearing.
 (7:09 p.m.)

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

VIII. SECOND BRIEFING WITH UPDATES

1. Resolution No. 2015-096 authorizing the City Manager to enter into an incentive agreement with Alcoa Inc. funded by the City's Economic Development Fund in an amount not to exceed TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000).

Public Hearing: September 28, 2015
 Second Briefing: October 12, 2015
 Council Vote: October 26, 2015

Jerry Sparks provided additional briefing updates. Peter Velotas, Operations Director of Alcoa Global Rolled Products, shared with council information regarding air quality concerns and said

that all permits have been maintained, are currently in place and that Alcoa is working closely with TCEQ.
(7:15 p.m.)

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

IX. SECOND BRIEFING WITHOUT UPDATES - NONE

X. ITEMS FOR DISCUSSION

Staff Updates - None

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Veal-Gooch stated that the Texarkana Gazette reported some initial rubble clean-up had taken place at the Masonic Lodge location and asked if this was on the part of the city. City Manager Whitson responded, No. Those efforts were on the part of the owner.

Council Member Matthews asked for an update on the gateway welcome sign project. Lisa Thompson responded that bids are out currently and the bid process should close at the end of October.

2. City Staff

City Manager Whitson reminded council of the invitation to the 2015 Welcome Leadership Texarkana class to be held on Tuesday, October 13th at the Convention Center. The purpose of the function is to meet the new students and visit with some of the former students. City employees Kristin Peebles, Eric Schlotter and Jennifer Strayhorn are students in this year's class. The event will begin at 5:00 p.m.

XII. ADJOURNMENT

Mayor Bruggeman, once again, thanked the students from Mr. Littman's government class for attending and told the students that meeting agendas could be signed by any council member after the meeting adjourns.

A motion was made to adjourn the meeting.
(7:20 p.m.)

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version: A

Update Date: 10/20/2015 9:54 AM

Lead Department: Parks, Recreation & Health **Action Officer:** Jennifer Evans, City Secretary
Subject: Ordinance No. 2015-110 amending the Women's Health and Family Planning
Association of Texas grant budget in the amount of SEVENTEEN
THOUSAND FIVE HUNDRED DOLLARS (\$17,500).
Briefing: 11/9/2015 **Public Hearing:** 11/9/2015 **Second Briefing:** November 23, 2015 **Council Vote:** 12/14/2015

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City of Texarkana, Texas has received a mini-grant from the Women's Health and Family Planning Association of Texas (WHFPT) in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) for a technology grant for electronic medical records.

Potential Options:

- None
-

Fiscal Implications:

Amending the Health Department budget in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) for grant funds received.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

City of Texarkana, Texas

Attachments

- a. 2015-110 ORD WHFPT budget amendment grant (PDF)

Staff Coordination

Parks, Recreation & Health	Kelly Brush	Department Head Review	
Completed	10/08/2015 9:45 AM		
Parks, Recreation & Health	Robby Robertson	Review	Completed
10/08/2015 9:48 AM			
Finance Department	Charlie Bassett	Finance Review	Completed 10/20/2015
9:44 AM			
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review	Completed	10/20/2015 10:54 AM	
Public Information Officer	Lisa Thompson	PIO Review	Completed
10/20/2015 10:54 AM			
City Manager	John Whitson	City Manager Review	Completed 10/22/2015
3:55 PM			
City Council	Jennifer Evans	Meeting	Completed 10/26/2015
6:00 PM			

Meeting History

ORDINANCE NO. 2015-110

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGET EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016 TO APPROPRIATE SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500) TO TEXARKANA-BOWIE COUNTY HEALTH DEPARTMENT IN THE REPRODUCTIVE HEALTH DEPARTMENT. TEXARKANA-BOWIE COUNTY HEALTH DEPARTMENT WAS AWARDED A MINI-GRANT FROM THE WOMENS HEALTH AND FAMILY PLANNING ASSOCIATION OF TEXAS (WHFPT) IN THE AMOUNT OF SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500) CALLED THE HIT GRANT TO PURCHASE ELECTRONIC MEDICAL RECORD SOFTWARE AND HARDWARE; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the budget estimate of the expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2015, and ending September 30, 2016, be amended to reflect additional expenditures appropriated with the addition of SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500) from the WHFPT mini-grant received by Texarkana-Bowie County Health Department.

SECTION 2: That a copy of said amended final adopted budget shall be placed on the City's website.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of December 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2015-110 ORD WHFPT budget amendment grant [Revision 3] (1383 : 2015-110 ORD WHFPT Grant Budget Amendment)

City of Texarkana, Texas

Version: L

Update Date: 11/16/2015 5:06 PM

Briefing Sheet

Lead Department: Assistant City Manager **Action Officer:** Shirley Jaster, Assistant City Manager
Subject: Ordinance No. 2015-111 amending the Code of Ordinances by adopting the National Electrical Code, NEC, 2014 edition, which amends Section 105-159 of the Code.
Briefing: 11/23/2015 **Public Hearing:** 11/23/2015 **Second Briefing:** December 14, 2015 **Council Vote:** 1/11/2016

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

The Homebuilders Association met with Mr. Henry and Mr. Whitson at lunch on November 5, 2015 at city hall to discuss the new adoption of the code. All present understood the need to adopt the latest addition of the code and no objections were raised by the members present.

A public hearing was held on November 9, 2015 at the regular City Council meeting and no one spoke on this item. The City had sent a letter informing the contractors that this public hearing was at 7 PM instead of 6 PM, therefore another letter was sent on Friday, November 13, 2015 informing the contractors that another public hearing is scheduled on November 23, 2015 at the regular City Council meeting. This will insure transparency and give anyone a chance to address the Council with any comments on this issue.

If the council adopts the new code any project that has a current building permit will remain under the old code for completion of the project. Any new codes will also be granted a 90 day grace period to get all contractors familiar with the new code.

As a reminder, adoption of the new code does not change other sections in our current code that exempt, modify or delete sections of the code.

Executive Summary and Background Information:

The City keeps current with codes in the building and construction business by adopting newer editions of the electrical building code. The current NEC, National Electric Code is the 2008 edition. The proposed ordinance is to adopt the 2014 edition of the NEC code.

It is important for life safety to stay current with the national codes for all buildings in our City. The adoption of this code will also increase our ISO (Insurance Service Organization) rating. That ISO rating requires Cities to be within 5 years of the most current edition.

Adoption of the new edition has been reviewed and approved by the Electrical Board. The

City of Texarkana, Texas

members of this board are electricians that work in our city as well as citizens, staff and elected officials.

The Homebuilders Association will be meeting with Lynn Henry, Chief Building Official and John Whitson, City Manager to review the new codes in a couple of weeks.

Below is a red line version of the change in the code:

Sec. 105-159. - National Electrical Code, 2008 2014 edition adopted.

There is hereby adopted by the city, for the purpose of establishing rules and regulations for the safe installation and maintenance of electrical equipment and systems, that certain code known as the National Electrical Code, 2008 2014 edition, save and except such portions as are hereinafter amended, modified or deleted by this article, said code being incorporated herein as if fully set out herein; the provisions thereof shall be controlling in the installation of electrical systems therein contained within the corporate limits of the city.

Potential Options:

Approve or deny the ordinance.

Fiscal Implications:

Cost to buy new books and train inspectors.

Staff Recommendation:

Staff Recommends approval of the ordinance.

Advisory Board/Committee Review:

Board/Committee Recommendation:

Electrical Board recommends approval.

Advisory Board/Committee Meeting Date and Minutes:

Meeting date: March 11, 2015

Attachments

- a. 2015-111 ORD Adopting 2014 NEC Elec (DOC)
- b. 2015-111 ORD ATTCH No. 1 Goals & Perspectives (DOCX)

Staff Coordination

Assistant City Manager	Shirley Jaster	Department Head Review
Completed	10/19/2015 3:16 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	10/19/2015 3:17 PM

City of Texarkana, Texas

Municipal Prosecutor	Deborah Jones	Review	Completed	10/20/2015
11:33 AM				
Public Information Officer		Lisa Thompson	PIO Review	Completed
	10/21/2015 2:21 PM			
City Manager	John Whitson	City Manager Review	Completed	10/22/2015
3:57 PM				
City Council	Jennifer Evans	Meeting	Completed	10/26/2015
6:00 PM				

Meeting History

PUBLISH

ORDINANCE NO. 2015-111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY ADOPTING THE NATIONAL ELECTRICAL CODE, 2014 EDITION; BY AMENDING SECTION 105-159 OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, AND PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Texas has mandated the adoption and use of the latest version of the National Electrical Code; and

WHEREAS, the Electrical Board voted unanimously to recommend to the City Council of the City of Texarkana, Texas, the adoption of the National Electrical Code, 2014 Edition; with certain amendments, modifications, and deletions; and

WHEREAS, the Electrical Board voted unanimously to recommend to the City Council of the City of Texarkana, Texas, the deletion of section 105-159 of the Code of Ordinances of the City of Texarkana, Texas, that would be addressed by the adoption of the National Electrical Code, 2014 Edition; with certain amendments, modifications, and deletions.

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

SECTION 1: That Section 105-159 of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Sec. 105-159. National Electrical Code – 2014 Edition Adopted.

There is hereby adopted by the City of Texarkana, Texas, for the purpose of establishing rules and regulations for the safe installation and maintenance of electrical equipment and systems, that certain Code known as the National Electrical Code, 2014 edition, save and except such portions as are hereinafter amended, modified or deleted by this chapter, said Code being incorporated herein as if fully set out herein; the provisions thereof shall be controlling in the installation of electrical systems therein contained within the corporate limits of the City.

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the

Attachment: 2015-111 ORD Adopting 2014 NEC Elec [Revision 6] (1384 : 2015-111 ORD Adopting 2014 National Electric Code, NEC)

PUBLISH

passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

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

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

SECTION 5: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2015.**

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

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	☐	Letters from adjacent owners

Other:

City of Texarkana, Texas

Version: N

Update Date: 11/16/2015 5:06 PM

Briefing Sheet

Lead Department: Assistant City Manager **Action Officer:** Shirley Jaster, Assistant City Manager
Subject: Ordinance No. 2015-112 amending the Code of Ordinances by adopting the International Building Code, IBC, 2015 edition, with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-75 and 105-76 of the Code.
Briefing: 11/23/2015 **Public Hearing:** 11/23/2015 **Second Briefing:** December 14, 2015 **Council Vote:** 1/11/2016

Item Schedule

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

Updates/History of Briefing:

The Homebuilders Association met with Mr. Henry and Mr. Whitson at lunch on November 5, 2015 at city hall to discuss the new adoption of the code. All present understood the need to adopt the latest addition of the code and no objections were raised by the members present.

A public hearing was held on November 9, 2015 at the regular City Council meeting and no one spoke on this item. The City had sent a letter informing the contractors that this public hearing was at 7 PM instead of 6 PM, therefore another letter was sent on Friday, November 13, 2015 informing the contractors that another public hearing is scheduled on November 23, 2015 at the regular City Council meeting. This will insure transparency and give anyone a chance to address the Council with any comments on this issue.

If the council adopts the new code any project that has a current building permit will remain under the old code for completion of the project. Any new codes will also be granted a 90 day grace period to get all contractors familiar with the new code.

As a reminder, adoption of the new code does not change other sections in our current code that exempt, modify or delete sections or the code, unless it is listed in the ordinance.

Executive Summary and Background Information:

The City keeps current with codes in the building and construction business by adopting newer editions of the building code. The current building IBC, International Building Code is the 2009 edition.

It is important for life safety to stay current with the national codes for all buildings in our City. The adoption of this code will also increase our ISO (International Insurance

City of Texarkana, Texas

Organization) rating. That ISO rating requires Cities to be within 5 years of the most current edition.

Adoption of the new edition has been reviewed and approved by the Building and Standards Commission. The members of this commission are contractors that work in our city as well as citizens.

Below is a red line version of the change in the code:

Sec. 105-75. – International Building Code, ~~2009~~ 2015 addition adopted.

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the International Building Code, ~~2009~~ 2015 edition, save and except such portions as are hereinafter amended, modified or deleted by this division, said code being incorporated herein as if fully set out herein; the provisions thereof shall be controlling in the construction of all buildings and other structures contained within the corporate limits of the city.

Sec. 105-76. - Amendments; modifications; deletions.

The following amendments, modifications and deletions to and from the International Building Code adopted by section 105-75 are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Building Code:

Section 101.4.1 Electrical, of the said International Building Code adopted by section 105-75 herein, is hereby amended to read in its entirety as follows: "The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto."

Section 103 Department of Building Safety, of the said International Building Code adopted by section 105-75 herein, is hereby amended to be entitled section 103 Inspection Department.

Section 103.1 Creation of enforcement agency, of the said International Building Code adopted by section 105-75 herein, is hereby amended to read in its entirety as follows: "The Inspection Department is hereby created and the official in charge thereof shall be known as the building official."

Section 106.3.3 Phased approval, of the said International Building Code adopted by section 105-75 herein, is hereby amended to read in its entirety as follows: "The building official is authorized to issue a permit for construction of a building shell prior to the receipt finish out documents. The required documents would include site plans with existing and finished grade, drainage, parking, foundation, structural and exterior finish details. It should also include proposed location of plumbing and electrical services and service sizes."

Section ~~112~~ 113 Board of Appeals, of the said International Building Code adopted by section 105-75 herein, is hereby amended to be entitled section 112 Building and Standards Commission.

Section 112.1 ~~113.1~~ General, of the said International Building Code adopted by section 105-75 herein, is hereby amended to read in its entirety as follows: "The board known as the Building

City of Texarkana, Texas

and Standards Commission, shall serve as the board to which appeals may be taken from decisions of the Building Official related to the International Building Code. All references elsewhere in this said International Building Code to the "Board of Appeals" or "Board" shall be construed to mean the Building and Standards Commission."

Section 113.2 Limitations on authority, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety.

Section 113.3 Qualifications, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety.

Section 114 Violations, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety.

Section 115 Stop Work Orders, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety.

Section 116 Unsafe Structures and Equipment, of said International Building Code adopted by Section 105-75 herein, is hereby deleted in its entirety.

Section ~~115~~ 116 Unsafe Structures and Equipment, of the said International Building Code adopted by section 105-75 herein, is hereby amended in its entirety to read as follows: "When in the code official's judgment any structure or existing equipment become so unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, so that demolition is necessary, the code official shall apply the provisions of **Chapter 105**, article VI. Unsafe Buildings and Structures of Code of Ordinances to said building or structure."

Chapter 11 Accessibility, of the said International Building Code as adopted by section 105-75 herein, is hereby deleted in its entirety and the *Texas Accessibility Standards (TAS)* are hereby adopted and incorporated in their entirety as if fully set out in the said International Building Code.

Section 1805.1 General, of the said International Building Code adopted by section 105-75 herein, is hereby amended by adding the following sentence: "In addition a minimum of four each No. 5 steel reinforcement bars are required in turned-down footings."

Chapter 27 Electrical, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the currently adopted National Electrical Code (NEC).

Section 3103.1.1 Permit required, of the said International Building Code adopted by section 105-75 herein, is hereby amended in its entirety to read as follows: "Temporary structures shall not be erected, operated, or maintained for any commercial purpose without obtaining a permit from the building official. A permit is valid for a period of time not longer than 14 days. A permit may not be granted more than five times in each calendar year for any lot, premises, or location. Permits may not be granted for consecutive periods of time. The building official can approve a one-time seasonal permit for a period not to exceed forty-five (45) days, i.e., Christmas, Valentine's Day, Mother's Day, etc."

Potential Options:

City of Texarkana, Texas

Approve or deny the ordinance.

Fiscal Implications:

Cost to purchase new books and train inspectors.

Staff Recommendation:

Approval

Advisory Board/Committee Review:
Board/Committee Recommendation:

Building and Standards Commission recommends approval

Advisory Board/Committee Meeting Date and Minutes:

Meeting date: August 11, 2015

Attachments

- a. 2015 -112 ORD Adopting 2015 IBC (DOC)
- b. 2015-112 ORD ATTCH No. 1 Goals & Perspectives (DOCX)

Staff Coordination

Assistant City Manager	Completed	Shirley Jaster	Department Head Review
		10/19/2015 3:35 PM	
Assistant City Manager		Shirley Jaster	Assistant City Manager
Review	Completed	10/19/2015 3:35 PM	
Public Information Officer		Lisa Thompson	PIO Review
		10/19/2015 4:01 PM	Completed
Municipal Prosecutor	Vicky Coopwood	Review	Skipped
			10/21/2015
City Manager	John Whitson	City Manager Review	Completed
			10/22/2015
City Council	Jennifer Evans	Meeting	Completed
			10/26/2015

Meeting History

PUBLISH

ORDINANCE NO. 2015-112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY ADOPTING THE INTERNATIONAL BUILDING CODE, 2015 EDITION; WITH CERTAIN AMENDMENTS, MODIFICATIONS, DELETIONS; AND APPENDICES BY AMENDING IN THEIR ENTIRETY SECTION 105-75 AND SECTION 105-76 OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, AND PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Building and Standards Commission voted unanimously to recommend to the City Council of the City of Texarkana, Texas, the adoption of the International Building Code, 2015 Edition; with certain amendments, modifications, deletions and appendices.

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

SECTION 1: That Section 105-75 of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Sec. 105-75. - International Building Code, 2015 edition adopted.

There is hereby adopted by the city, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and providing for permits and penalties, that certain building code known as the International Building Code, 2015 edition, save and except such portions as are hereinafter amended, modified or deleted by this article, said code being incorporated herein as if fully set out herein; the provisions thereof shall be controlling in the condition and maintenance of all property, buildings and structures contained within the corporate limits of the city.

SECTION 2: That Section 105-76 of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended with the following additions to read as follows:

Sec. 105-76. - Amendments; modifications; deletions.

The following amendments, modifications and deletions to and from the International Building Code adopted by section 105-75, are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Building Code:

Attachment: 2015 -112 ORD Adopting 2015 IBC [Revision 5] (1385 : 2015-112 ORD Adoption of 2015 International Building Code)

PUBLISH

Section 101.4.1 Electrical, of the said International Building Code adopted by section 105-75 herein, is hereby amended to read in its entirety as follows: "The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto."

Section 103 Department of Building Safety, of the said International Building Code adopted by section 105-75 herein, is hereby amended to be entitled section 103 Inspection Department.

Section 103.1 Creation of enforcement agency, of the said International Building Code adopted by section 105-75 herein, is hereby amended to read in its entirety as follows: "The Inspection Department is hereby created and the official in charge thereof shall be known as the building official."

Section 106.3.3 Phased approval, of the said International Building Code adopted by section 105-75 herein, is hereby amended to read in its entirety as follows: "The building official is authorized to issue a permit for construction of a building shell prior to the receipt of finish out documents. The required documents would include site plans with existing and finished grade, drainage, parking, foundation, structural and exterior finish details. It should also include proposed location of plumbing and electrical services and service sizes."

Section 113 Board of Appeals, of the said International Building Code adopted by section 105-75 herein, is hereby amended to be entitled section 112 Building and Standards Commission.

Section 113.1 General, of the said International Building Code adopted by section 105-75 herein, is hereby amended to read in its entirety as follows: "The board known as the Building and Standards Commission, shall serve as the board to which appeals may be taken from decisions of the Building Official related to the International Building Code. All references elsewhere in this said International Building Code to the "Board of Appeals" or "Board" shall be construed to mean the Building and Standards Commission."

Section 113.2 Limitations on authority, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety.

Section 113.3 Qualifications, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety.

Section 114 Violations, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety.

PUBLISH

Section 115 Stop Work Orders, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety.

Section 116 Unsafe Structures and Equipment, of said International Building Code adopted by Section 105-75 herein, is hereby deleted in its entirety.

Section 116 Unsafe Structures and Equipment, of the said International Building Code adopted by section 105-75 herein, is hereby amended in its entirety to read as follows: "When in the code official's judgment any structure or existing equipment becomes so unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, so that demolition is necessary, the code official shall apply the provisions of Chapter 105, article VI. Unsafe Buildings and Structures of Code of Ordinances to said building or structure."

Chapter 11 Accessibility, of the said International Building Code as adopted by section 105-75 herein, is hereby deleted in its entirety and the *Texas Accessibility Standards (TAS)* are hereby adopted and incorporated in their entirety as if fully set out in the said International Building Code.

Section 1805.1 General, of the said International Building Code adopted by section 105-75 herein, is hereby amended by adding the following sentence: "In addition a minimum of four each No. 5 steel reinforcement bars are required in turned-down footings."

Chapter 27 Electrical, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the currently adopted National Electrical Code (NEC).

Section 3103.1.1 Permit required, of the said International Building Code adopted by section 105-75 herein, is hereby amended in its entirety to read as follows: "Temporary structures shall not be erected, operated, or maintained for any commercial purpose without obtaining a permit from the building official. A permit is valid for a period of time not longer than 14 days. A permit may not be granted more than five times in each calendar year for any lot, premises, or location. Permits may not be granted for consecutive periods of time. The building official can approve a one-time seasonal permit for a period not to exceed forty-five (45) days, i.e., Christmas, Valentine's Day, Mother's Day, etc."

PUBLISH

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

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2015.**

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

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	☐	Letters from adjacent owners

Other:

City of Texarkana, Texas

Version: L

Update Date: 11/16/2015 5:07 PM

Briefing Sheet

Lead Department: Assistant City Manager **Action Officer:** Shirley Jaster, Assistant City Manager
Subject: Ordinance No. 2015-113 amending the Code of Ordinances by adopting the International Plumbing Code, IPC, 2015 edition, the International Fuel Gas Code, 2015 edition, and the International Mechanical Code, 2015 edition, each with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-256, 105-257, 105-258 and 105-259 of the Code.
Briefing: 11/23/2015 **Public Hearing:** 11/23/2015 **Second Briefing:** December 14, 2015 **Council Vote:** 1/11/2016

Item Schedule

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

Updates/History of Briefing:

The Homebuilders Association met with Mr. Henry and Mr. Whitson at lunch on November 5, 2015 at city hall to discuss the new adoption of the code. All present understood the need to adopt the latest addition of the code and no objections were raised by the members present.

A public hearing was held on November 9, 2015 at the regular City Council meeting and no one spoke on this item. The City had sent a letter informing the contractors that this public hearing was at 7 PM instead of 6 PM, therefore another letter was sent on Friday, November 13, 2015 informing the contractors that another public hearing is scheduled on November 23, 2015 at the regular City Council meeting. This will insure transparency and give anyone a chance to address the Council with any comments on this issue.

If the council adopts the new code any project that has a current building permit will remain under the old code for completion of the project. Any new codes will also be granted a 90 day grace period to get all contractors familiar with the new code.

As a reminder, adoption of the new code does not change other sections in our current code that exempt, modify or delete sections or the code, unless it is listed in the ordinance.

Executive Summary and Background Information:

The City keeps current with codes in the building and construction business by adopting newer editions of the building code. The current IPC, International Plumbing Code, Fuel Gas Code, and Mechanical Code is the 2009 edition.

City of Texarkana, Texas

It is important for life safety to stay current with the national codes for all buildings in our City. The adoption of this code will also increase our ISO (International Insurance Organization) rating. That ISO rating requires Cities to be within 5 years of the most current edition.

Adoption of the new edition has been reviewed and approved by the Plumbing Board. The members of this board are plumbers that work in our city as well as citizens.

Where there are deletions of the coded the City is using its own process to give notice of violation. Below is a red line version of the change in the code:

Sec. 105-256. - Plumbing code, fuel gas code and mechanical code, adopted.

(a)

There is hereby adopted by the city, for the purpose of establishing rules and regulations for the safe installation and maintenance of all plumbing equipment and systems, natural gas piping and appliances and mechanical equipment and systems on all property and all buildings and all structures now erected or hereafter erected, changed, constructed, reconstructed, repaired or altered within the corporate limits of the city and outside the corporate limits in subdivisions within the extraterritorial jurisdiction limits of the city as provided by law those certain codes:

(1)

International Plumbing Code, ~~2009~~ 2015 edition, with appendices;

(2)

International Fuel Gas Code, ~~2009~~ 2015 edition, with appendices;

(3)

International Mechanical Code, ~~2009~~ 2015 edition, with appendices.

(b)

Said codes are incorporated herein as if fully set out herein; save and except such portions as are hereinafter amended, modified or deleted by this article. The term "code official" shall mean "building official" where used in the above codes.

Sec. 105-257. - Amendments, additions and deletions to plumbing code.

The following amendments, modifications and deletions to and from the International Plumbing Code adopted by section 105-256 are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Plumbing Code:

102.9 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed plumbing system, or for the public safety, health and general welfare, not specifically covered by this Code shall be determined by the code official. Master plumbers

City of Texarkana, Texas

and licensed journeyman plumbers may supervise only three apprentices at one time.

Section 108. Violation, of the said Plumbing Code adopted by section 105-256 herein, is hereby deleted in its entirety.

Section 109 Means of Appeal, of the said Plumbing Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows: "Any person shall have the right to appeal a decision of the code official to the Plumbing Appeals and Advisory Board as set forth in section 105-262 of the Code of Ordinances of the City of Texarkana, Texas. An appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. An appeal must be filed within 20 days after notice of the decision of the code official is served."

Section 605.3 *Water service pipe*. of the said Plumbing Code adopted by section 105-256 herein, is hereby amended to add the following: "*Materials above ground*. Materials for water distribution pipes and tubing shall be brass, copper water tube minimum type K or L, stainless steel water tube minimum grade H, cast iron pressure pipe, galvanized steel, or chlorinated polyvinyl chloride (CPVC) plastic pipe or tubing, Cross-linked polyethylene (PEX) tubing all to be installed with approved fittings; except that changes in direction in copper tube (ASTM B88) may be made with bends having a radius of not less than four (4) diameters of the tube, providing such bends are made by use of forming equipment which does not deform or create a loss in cross-sectional area of the tube. PEX to be insulated with closed cell foam pipe insulation in exterior walls and in attics." *Materials below ground*. Inaccessible water distribution piping under slabs shall be copper water tube minimum type K or L, brass, cast iron pressure pipe, all to be installed with approved fittings or bends. Cross-linked Polyethylene tubing (PEX) when sleeved and buried at least 6 inches under frost line, continuous with no connections underground, sleeve must be a minimum 2" or twice the diameter of the PEX, schedule 40 PVC, bends must be long sweep or a combination of fittings to produce the long sweep." Any material subject to corrosion shall be protected when used in corrosive soils."

Section 1003.3.4.1 Grease trap capacity, of the said Plumbing Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows:

"Grease traps shall be sized according to section 42-138 of the Code of Ordinances of the City of Texarkana, Texas."

Appendix A Plumbing Permit Fee Schedule, of the said Plumbing Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows:

Permit fees shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or city website.

City of Texarkana, Texas

Penalty fee: If any person commences any work before obtaining the necessary permits, the permit fee shall be doubled.

Permits will be required for all plumbing and irrigation to be erected, installed, enlarged, altered, repaired, removed, converted, or replaced. With Exemptions as outlined in Chapter 1, section 106.2 of the International Plumbing Code as adopted in section 105-256 herein.

Appendix C Gray Water Recycling Systems, of the said Plumbing Code adopted by section 105-256 herein, is hereby deleted in its entirety.

Sec. 105-258. - Amendments, additions and deletions to fuel gas code.

The following amendments, modifications and deletions to and from the International Fuel Gas Code adopted by section 105-256, are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Fuel Gas Code:

Section 108 Violation, of the said International Plumbing Code adopted by section 105-256 herein, is hereby deleted in its entirety.

Section 109 Means of Appeal, of the said Fuel Gas Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows: "Any person shall have the right to appeal a decision of the code official to the Plumbing Appeals and Advisory Board as set forth in section 105-262 of the Code of Ordinances of the City of Texarkana, Texas. An appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. An appeal must be filed within 20 days after notice of the decision of the code official is served."

Section 404.14.1 Limitations. of the said Fuel Gas Code adopted by section 105-256 herein, is hereby amended by adding the following sentence: "Plastic piping must be buried at least 18 inches underground for its entire length and may not be used within or under any building or slab but must terminate no closer than two (2) feet to the building or slab. Gas piping must enter the structure above the foundation."

Sec. 105-259. - Amendments, additions and deletions to mechanical code.

The following amendments, modifications and deletions to and from the International Mechanical Code adopted by section 105-256, are hereby made and adopted, such amendments, modifications and deletions being set forth

City of Texarkana, Texas

herein with reference to and prefaced by the section number or chapter number of the International Mechanical Code:

Section 108 Violation, of the said Mechanical Code adopted by section 105-256 herein, is hereby deleted in its entirety.

Section 109 Means of Appeal, of the said Mechanical Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows: "Any person shall have the right to appeal a decision of the code official to the Plumbing Appeals and Advisory Board as set forth in section 105-262 of the Code of Ordinances of the City of Texarkana, Texas. An appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. An appeal must be filed within 20 days after notice of the decision of the code official is served."

Section 603.6.1.1 of the said Mechanical Code is amended as follows: "There shall be no flexible duct allowed over the length of 6 (six) feet, in the air conditioning and furnace system except for return air. These pieces will connect trunk lines or plenums to grills."

Appendix B Recommended Permit Fee Schedule of the said Mechanical Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows:

"Permit fees. The permit and inspection fees herein provided shall be paid to the city before the issuance of a permit and before any work has started. The fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office and city website."

Potential Options:

Approve or deny the ordinance.

Fiscal Implications:

Cost to purchase new code books and train Inspectors

Staff Recommendation:

Approval

Advisory Board/Committee Review:

Board/Committee Recommendation:

Plumbing Board of Appeals recommends approval.

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

Meeting date: February 26, 2015

Attachments

- a. 2015-113 ORD Adopting IPC & Amend Plmb (DOC)
- b. 2015-113 ORD ATTCH No. 1 Goals & Perspectives (DOCX)

Staff Coordination

Assistant City Manager	Shirley Jaster	Department Head Review	
Completed	10/19/2015 3:08 PM		
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review Completed	10/20/2015 5:15 PM		
Municipal Prosecutor Shirley Jaster	Review	Skipped	10/21/2015
4:01 PM			
Public Information Officer	Lisa Thompson	PIO Review	Completed
10/21/2015 4:03 PM			
City Manager John Whitson	City Manager Review	Completed	10/22/2015
4:07 PM			
City Council Jennifer Evans	Meeting	Completed	10/26/2015
6:00 PM			

Meeting History

PUBLISH

ORDINANCE NO. 2015-113

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY ADOPTING THE INTERNATIONAL PLUMBING CODE, 2015 EDITION; THE INTERNATIONAL FUEL GAS CODE, 2015 EDITION; AND THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION; EACH WITH CERTAIN AMENDMENTS, MODIFICATIONS, DELETIONS; AND APPENDICES BY AMENDING IN THEIR ENTIRETY SECTIONS 105-256, 105-257, 105-258 AND 105-259 OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, AND PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Plumbing and Appeals Board voted unanimously to recommend to the City Council of the City of Texarkana, Texas, the adoption of the International Plumbing Code, 2015 Edition; the International Fuel Gas Code, 2015 Edition; and the International Mechanical Code, 2015 Edition; each with certain amendments, modifications, deletions and appendices.

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

SECTION 1: That Section 105-256 of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Sec. 105-256. - Plumbing Code, Fuel Gas Code, and Mechanical Code – Adopted.

There is hereby adopted by the City of Texarkana, Texas, for the purpose of establishing rules and regulations for the safe installation and maintenance of all plumbing equipment and systems, natural gas piping and appliances, and mechanical equipment and systems on all property and all buildings and all structures now erected or hereafter erected, changed, constructed, reconstructed, repaired or altered within the corporate limits of the City and outside the corporate limits in subdivisions within the extraterritorial jurisdiction limits of the City as provided by law those certain Codes:

- (a) International Plumbing Code, 2015 Edition, with appendices;
- (b) International Fuel Gas Code, 2015 Edition, with appendices;
- (c) International Mechanical Code, 2015 Edition, with appendices.

Said Codes are incorporated herein as if fully set out herein; save and except such portions as are hereinafter amended, modified or deleted by this chapter. The term

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“code official” shall mean “building official” where used in the above Codes.”

SECTION 2: That Section 105-257, of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Sec. 105-257. - Amendments, additions and deletions to plumbing code.

The following amendments, modifications and deletions to and from the International Plumbing Code adopted by section 105-256, are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Plumbing Code:

102.9 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed plumbing system, or for the public safety, health and general welfare, not specifically covered by this Code shall be determined by the code official. Master plumbers and licensed journeyman plumbers may supervise only three apprentices at one time.

Section 108. Violation, of the said Plumbing Code adopted by section 105-256 herein, is hereby deleted in its entirety.

Section 109 Means of Appeal, of the said Plumbing Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows: "Any person shall have the right to appeal a decision of the code official to the Plumbing Appeals and Advisory Board as set forth in section 105-262 of the Code of Ordinances of the City of Texarkana, Texas. An appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. An appeal must be filed within 20 days after notice of the decision of the code official is served."

Section 605.3 Water service pipe. of the said Plumbing Code adopted by section 105-256 herein, is hereby amended to add the following: "*Materials above ground.* Materials for water distribution pipes and tubing shall be brass, copper water tube minimum type K or L, stainless steel water tube minimum grade H, cast iron pressure pipe, galvanized steel, or chlorinated polyvinyl chloride (CPVC) plastic pipe or tubing, Cross-linked polyethylene (PEX) tubing all to be installed with approved fittings; except that changes in direction in copper tube (ASTM B88) may be made with bends having a radius of not less than four (4) diameters of the tube, providing such bends are made by use of forming equipment which does not deform or create a loss in cross-sectional area of the tube. PEX to be insulated with closed cell foam pipe insulation in exterior walls and in attics." *Materials below ground.* Inaccessible water distribution piping under slabs shall

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be copper water tube minimum type K or L, brass, cast iron pressure pipe, all to be installed with approved fittings or bends. Cross-linked Polyethylene tubing (PEX) when sleeved and buried at least 6 inches under frost line, continuous with no connections underground, sleeve must be a minimum 2" or twice the diameter of the PEX, schedule 40 PVC, bends must be long sweep or a combination of fittings to produce the long sweep." Any material subject to corrosion shall be protected when used in corrosive soils."

Section 1003.3.4.1 Grease trap capacity, of the said Plumbing Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows:

"Grease traps shall be sized according to section 42-138 of the Code of Ordinances of the City of Texarkana, Texas."

Appendix A Plumbing Permit Fee Schedule, of the said Plumbing Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows:

Permit fees shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or city website.

Penalty fee: If any person commences any work before obtaining the necessary permits, the permit fee shall be doubled.

Permits will be required for all plumbing and irrigation to be erected, installed, enlarged, altered, repaired, removed, converted, or replaced. With Exemptions as outlined in Chapter 1, section 106.2 of the International Plumbing Code as adopted in Sec. 105-256 herein.

Appendix C Gray Water Recycling Systems, of the said Plumbing Code adopted by section 105-256 herein, is hereby deleted in its entirety.

SECTION 3: That Section 105-258 of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Sec. 105-258. - Amendments, additions and deletions to fuel gas code.

The following amendments, modifications and deletions to and from the International Fuel Gas Code adopted by section 105-256, are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Fuel Gas Code:

Section 108 Violation, of the said International Plumbing Code adopted by section 105-256 herein, is hereby deleted in its entirety.

PUBLISH

Section 109 Means of Appeal, of the said Fuel Gas Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows: "Any person shall have the right to appeal a decision of the code official to the Plumbing Appeals and Advisory Board as set forth in section 105-262 of the Code of Ordinances of the City of Texarkana, Texas. An appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. An appeal must be filed within 20 days after notice of the decision of the code official is served."

Section 404.1 Prohibited locations, of the said Fuel Gas Code adopted by section 105-256 herein, is hereby amended by adding the following sentence: "Underground gas piping shall not be installed closer than 24 inches to water or sewer piping."

Section 404.9 Minimum burial depth, of the said Fuel Gas Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows: "Underground piping systems shall be installed a minimum depth of 18 inches below grade, except as provided for in section 404.9.1."

Section 404.14.1 Limitations, of the said Fuel Gas Code adopted by section 105-256 herein, is hereby amended by adding the following sentence: "Plastic piping must be buried at least 18 inches underground for its entire length and may not be used within or under any building or slab but must terminate no closer than two feet to the building or slab. Gas piping must enter the structure above the foundation."

Section 406.4.1 Test pressure, of the said Fuel Gas Code adopted by section 105-256 herein, is hereby amended by amending the first sentence to read as follows: "The test pressure to be used shall be no less than 1½ times the proposed maximum working pressure, but not less than 20 psig, irrespective of design pressure."

SECTION 4: That Section 105-259 of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Sec. 105-259. - Amendments, additions and deletions to mechanical code.

The following amendments, modifications and deletions to and from the International Mechanical Code adopted by section 105-256, are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Mechanical Code:

PUBLISH

Section 108 Violation, of the said Mechanical Code adopted by section 105-256 herein, is hereby deleted in its entirety.

Section 109 Means of Appeal, of the said Mechanical Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows: "Any person shall have the right to appeal a decision of the code official to the Plumbing Appeals and Advisory Board as set forth in section 105-262 of the Code of Ordinances of the City of Texarkana, Texas. An appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. An appeal must be filed within 20 days after notice of the decision of the code official is served."

Section 603.6.1.1 of the said Mechanical Code is amended as follows: "There shall be no flexible duct allowed over the length of 6 (six) feet, in the air conditioning and furnace system except for return air. These pieces will connect trunk lines or plenums to grills."

Appendix B Recommended Permit Fee Schedule of the said Mechanical Code adopted by section 105-256 herein, is hereby amended to read in its entirety as follows:

"Permit fees. The permit and inspection fees herein provided shall be paid to the city before the issuance of a permit and before any work has started. The fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office and city website."

SECTION 5: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 6: That in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

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

SECTION 8: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PUBLISH

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2015.**

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

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	☐	Letters from adjacent owners

Other:

City of Texarkana, Texas

Version: Q

Update Date: 11/16/2015 5:08 PM

Briefing Sheet

Lead Department: Assistant City Manager **Action Officer:** Shirley Jaster, Assistant City Manager
Subject: Ordinance No. 2015-114 amending the Code of Ordinances adopting the International Property Maintenance Code, 2015 edition, with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-356 and 105-357 of the Code.
Briefing: 11/23/2015 **Public Hearing:** 11/23/2015 **Second Briefing:** December 14, 2015 **Council Vote:** 1/11/2016

Item Schedule

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

Updates/History of Briefing: The Homebuilders Association met with Mr. Henry and Mr. Whitson at lunch on November 5, 2015 at city hall to discuss the new adoption of the code. All present understood the need to adopt the latest addition of the code and no objections were raised by the members present. A public hearing was held on November 9, 2015 at the regular City Council meeting and no one spoke on this item. The City had sent a letter informing the contractors that this public hearing was at 7 PM instead of 6 PM, therefore another letter was sent on Friday, November 13, 2015 informing the contractors that another public hearing is scheduled on November 23, 2015 at the regular City Council meeting. This will insure transparency and give anyone a chance to address the Council with any comments on this issue. If the council adopts the new code any project that has a current building permit will remain under the old code for completion of the project. Any new codes will also be granted a 90 day grace period to get all contractors familiar with the new code. As a reminder, adoption of the new code does not change other sections in our current code that exempt, modify or delete sections or the code, unless it is listed in the ordinance.

Executive Summary and Background Information:

The City keeps current with codes in the building and construction business by adopting newer editions of the building code. The current building IBC, International Building Code is the 2009 edition.

It is important for life safety to stay current with the national codes for all buildings in our City. The adoption of this code will also increase our ISO (International Insurance Organization) rating. That ISO rating requires Cities to be within 5 years of the most current edition.

City of Texarkana, Texas

Adoption of the new edition has been reviewed and approved by the Building and Standards Commission. The members of this commission are contractors that work in our city as well as citizens.

The Homebuilders Association will be meeting with Lynn Henry, Chief Building Official and John Whitson, City Manager to review the new codes in a couple of weeks.

Below is a red line version of the change in the code:

Sec. 105-356. - International Property Maintenance Code, ~~2009~~ 2015 edition adopted.

There is hereby adopted by the city, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and providing for permits and penalties, that certain building code known as the International Property Maintenance Code, ~~2009~~ 2015 edition, save and except such portions as are hereinafter amended, modified or deleted by this article, said code being incorporated herein as if fully set out herein; the provisions thereof shall be controlling in the condition and maintenance of all property, buildings and structures contained within the corporate limits of the city

Sec. 105-357. - Amendments; modifications; deletions.

The following amendments, modifications and deletions to and from the International Property Maintenance Code adopted by section 105-356, are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Property Maintenance Code:

Section 103 Department of Property Maintenance Inspection, of the said International Property Maintenance Code adopted by section 105-356 < herein, is hereby amended to be entitled section 103 Inspection Department.

Section 103.1 General, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby amended to read in its entirety as follows: "The Inspection Department is hereby created and the official in charge thereof shall be known as the code official."

Section 106 Violation, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

Section 107 Notice and Orders, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

City of Texarkana, Texas

Section 108 Unsafe Structures and Equipment, of said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

Section 110 Demolition, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

~~*Section 111 Means of Appeal*, of the said International Building Code adopted by section 105-75 herein, is hereby amended to read in its entirety as follows:~~

~~"111.1 General. The board known as the Building and Standards Commission, shall serve as the board to which appeals may be taken from decisions of the Building Official related to the International Property Maintenance Code. All references elsewhere in this said International Property Maintenance Code to the "Board of Appeals" or "Board" shall be construed to mean the Building and Standards Commission."~~

~~"111.2 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under the code shall have the right to appeal to the Building and Standards Commission, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served by the code official. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted therein have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means."~~

Section 111 Means of Appeal, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

Section 112 Stop Work Order, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

Potential Options:

Approve or deny the ordinance.

Fiscal Implications:

Cost to purchase new books and train inspectors

Staff Recommendation:

Approval

Advisory Board/Committee Review:

City of Texarkana, Texas

Board/Committee Recommendation:

Building and Standards Commission

Advisory Board/Committee Meeting Date and Minutes:

Meeting date August 11, 2015

Attachments

- a. 2015114 ORD Adopting 2015 International Property Maintenance code (DOC)
- b. 2015-114 ORD ATTCH No. 1 Goals & Perspectives (DOCX)

Staff Coordination

Assistant City Manager	Shirley Jaster	Department Head Review
Completed	10/19/2015 3:23 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review Completed	10/19/2015 3:23 PM	
Public Information Officer	Lisa Thompson	PIO Review Completed
10/19/2015 3:59 PM		
Municipal Prosecutor Vicky Coopwood	Review	Skipped 10/21/2015
1:46 PM		
City Manager John Whitson	City Manager Review	Completed 10/22/2015
4:08 PM		
City Council Jennifer Evans	Meeting	Completed 10/26/2015
6:00 PM		

Meeting History

PUBLISH

ORDINANCE NO. 2015-114

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION; WITH CERTAIN AMENDMENTS, MODIFICATIONS, DELETIONS; AND APPENDICES BY AMENDING IN THEIR ENTIRETY SECTIONS 105-356 AND 105-357, OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, AND PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Building and Standards Commission voted unanimously to recommend to the City Council of the City of Texarkana, Texas, the adoption of the International Property Maintenance Code, 2015 Edition; with certain amendments, modifications, deletions and appendices.

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

SECTION 1: That Section 105-356 of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Sec. 105-356. - International Property Maintenance Code, 2015 edition adopted.

There is hereby adopted by the city, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and providing for permits and penalties, that certain building code known as the International Property Maintenance Code, 2015 edition, save and except such portions as are hereinafter amended, modified or deleted by this article, said code being incorporated herein as if fully set out herein; the provisions thereof shall be controlling in the condition and maintenance of all property, buildings and structures contained within the corporate limits of the city.

SECTION 2: That Section 105-357, of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Sec. 105-357. - Amendments; modifications; deletions.

The following amendments, modifications and deletions to and from the International Property Maintenance Code adopted by section 105-356, are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Property Maintenance Code:

Section 103 Department of Property Maintenance Inspection, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby amended to be entitled section 103 Inspection Department.

Attachment: 20151114 ORD Adopting 2015 International Property Maintenance code [Revision 9] (1387 : 2015-114 ORD Adoption of IPM,

PUBLISH

Section 103.1 General, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby amended to read in its entirety as follows: "The Inspection Department is hereby created and the official in charge thereof shall be known as the code official."

Section 106. Violation, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

Section 107 Notice and Orders of said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

Section 108 Unsafe Structures and Equipment of said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

Section 110 Demolition, of the said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

Section 111 Means of Appeal, of the said International Building Code adopted by section 105-75 herein, is hereby deleted in its entirety.

Section 112 Stop Work Order of said International Property Maintenance Code adopted by section 105-356 herein, is hereby deleted in its entirety.

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

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2015**.

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

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	☐	Letters from adjacent owners

Other:

City of Texarkana, Texas

Version: M

Update Date: 11/16/2015 5:09 PM

Briefing Sheet

Lead Department: Assistant City Manager **Action Officer:** Shirley Jaster, Assistant City Manager
Subject: Ordinance No. 2015-115 amending the Code of Ordinances by adopting the International Residential Code, 2015 edition, with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-98 and 105-99 of the Code.
Briefing: 11/23/2015 **Public Hearing:** 11/23/2015 **Second Briefing:** December 14, 2015 **Council Vote:** 1/11/2016

Item Schedule

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

Updates/History of Briefing:

The Homebuilders Association met with Mr. Henry and Mr. Whitson at lunch on November 5, 2015 at city hall to discuss the new adoption of the code. All present understood the need to adopt the latest addition of the code and no objections were raised by the members present.

A public hearing was held on November 9, 2015 at the regular City Council meeting and no one spoke on this item. The City had sent a letter informing the contractors that this public hearing was at 7 PM instead of 6 PM, therefore another letter was sent on Friday, November 13, 2015 informing the contractors that another public hearing is scheduled on November 23, 2015 at the regular City Council meeting. This will insure transparency and give anyone a chance to address the Council with any comments on this issue.

If the council adopts the new code any project that has a current building permit will remain under the old code for completion of the project. Any new codes will also be granted a 90 day grace period to get all contractors familiar with the new code.

As a reminder, adoption of the new code does not change other sections in our current code that exempt, modify or delete sections or the code, unless it is listed in the ordinance.

Executive Summary and Background Information:

The City keeps current with codes in the building and construction business by adopting newer editions of the building code. The current building IRC, International Residential Code is the 2009 edition.

It is important for life safety to stay current with the national codes for all buildings in our City. The adoption of this code will also increase our ISO (International Insurance Organization) rating. That ISO

City of Texarkana, Texas

rating requires Cities to be within 5 years of the most current edition.

Adoption of the new edition has been reviewed and approved by the Building and Standards Commission. The members of this commission are contractors that work in our city as well as citizens.

The Homebuilders Association will be meeting with Lynn Henry, Chief Building Official and John Whitson, City Manager to review the new codes in a couple of weeks.

Below is a red line version of the change in the code:

Sec. 105-98. - International Residential Code for One- and Two-Family Dwellings, 2009 2015 edition adopted.

There is hereby adopted by the city, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress, including permits and penalties, that certain building code known as the International Residential Code for One- and Two-Family Dwellings, 2009 2015 edition, save and except such portions as are hereinafter amended, modified or deleted by this division, said code being incorporated herein as if fully set out herein; the provisions thereof shall be controlling in the construction of all one- and two-family dwellings and other structures therein regulated within the corporate limits of the city.

Sec. 105-99. - Amendments, modifications and deletions.

The following amendments, modifications and deletions to and from the International Residential Code for One- and Two-Family Dwellings adopted by section 105-98, are hereby made and adopted, such amendments, modifications and deletions being set forth herein with reference to and prefaced by the section number or chapter number of the International Residential Code for One- and Two-Family Dwellings:

Section R110.3 Certificate issued, of the said International Residential Code adopted by section 105-98 herein, is hereby deleted in its entirety.

Section R112.3 Qualifications, of the said International Residential Code adopted by section 105-98 herein, is hereby deleted in its entirety.

Section R112.4 Administration, of the said International Residential Code adopted by section 105-98 herein, is hereby deleted in its entirety.

Section R113 Violations, of the said International Residential Code adopted by section 105-98 herein, is hereby deleted in its entirety.

City of Texarkana, Texas

Section R 114 Stop Work Order, of the said International Residential Code adopted by section 105-98 herein, is hereby deleted in its entirety.

Potential Options:

Approve or deny the ordinance

Fiscal Implications:

Cost to purchase new books and train inspectors

Staff Recommendation:

Approval

Advisory Board/Committee Review:

Board/Committee Recommendation:

Building and Standards Commission

Advisory Board/Committee Meeting Date and Minutes:

Meeting Date: August 11, 2015

Attachments

- a. 2015-115 ORD Adopting 2015 IRC & Amend (DOC)
- b. 2015-115 ORD ATTCH No. 1 Goals & Perspectives (DOCX)

Staff Coordination

Assistant City Manager	Shirley Jaster	Department Head Review
Completed	10/19/2015 3:31 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review Completed	10/19/2015 3:31 PM	
Public Information Officer	Lisa Thompson	PIO Review Completed
	10/19/2015 4:00 PM	
Municipal Prosecutor Vicky Coopwood	Review	Skipped 10/21/2015
1:47 PM		
City Manager John Whitson	City Manager Review Completed	10/22/2015
4:09 PM		
City Council Jennifer Evans	Meeting Completed	10/26/2015
6:00 PM		

Meeting History

PUBLISH

ORDINANCE NO. 2015-115

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION; WITH CERTAIN AMENDMENTS, MODIFICATIONS, DELETIONS; AND APPENDICES BY AMENDING IN THEIR ENTIRETY SECTION 105-98 AND SECTION 105-99 OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, AND PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Building and Standards Commission voted unanimously to recommend to the City Council of the City of Texarkana, Texas, the adoption of the International Residential Code, 2015 Edition; with certain amendments, modifications, deletions and appendices.

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

SECTION 1: That Section 105-98 of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Sec. 105-98. - International Residential Code, 2015 edition adopted.

There is hereby adopted by the city, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and providing for permits and penalties, that certain building code known as the International Residential Code, 2015 edition, save and except such portions as are hereinafter amended, modified or deleted by this article, said code being incorporated herein as if fully set out herein; the provisions thereof shall be controlling in the condition and maintenance of all property, buildings and structures contained within the corporate limits of the city.

SECTION 2: That Section 105-99 of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended with the following additions to read as follows:

Sec. 105-99. - Amendments, modifications and deletions.

The following amendments, modifications and deletions to and from the International Residential Code for One- and Two-Family Dwellings adopted by section 105-98, are hereby made and adopted, such amendments, modifications and deletions being set forth

PUBLISH

herein with reference to and prefaced by the section number or chapter number of the International Residential Code for One- and Two-Family Dwellings:

Section R110.3 Certificate issued, of the said International Residential Code adopted by Section 105-98 herein, is hereby deleted in its entirety.

Section R112.3 Qualifications, of the said International Residential Code adopted by Section 105-98 herein, is hereby deleted in its entirety.

Section R112.4 Administration, of the said International Residential Code adopted by Section 105-98 herein, is hereby deleted in its entirety.

Section R113 Violations, of the said International Residential Code adopted by Section 105-98 herein, is hereby deleted in its entirety.

Section R114 Stop Work Order, of the said International Residential Code adopted by Section 105-98 herein, is hereby deleted in its entirety.

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

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2015.**

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

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	☐	Letters from adjacent owners

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 10/22/2015 4:10 PM

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk
Subject: Ordinance No. 2015-116 granting a Specific Use Permit to allow the one additional use of a tattoo studio for the application of permanent cosmetics on Lot 2A, Walsh-Carter Master Tract, located at 5305 Cowhorn Creek Road. Dr. Brent Carmony, applicant. Sandra Azancot, agent.
Briefing: 11/9/2015 **Public Hearing:** 11/9/2015 **Second Briefing:** November 23, 2015 **Council Vote:** 12/14/2015

Item Schedule

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

Updates/History of Briefing:

Executive Summary and Background Information:

This is a request by Dr. Brent Carmony, owner, and Sandra Azancot, agent, for a Specific Use Permit, SUP, to allow the one additional use of a tattoo studio for the application of permanent cosmetics in a tenant space inside an existing medical building at 5305 Cowhorn Creek Road (Lot 2A, Walsh-Carter Master Tract). Permanent cosmetics is considered "tattooing" per the City's Zoning Ordinance.

The adjacent zoning is Agriculture to the north, east and south and PD-Office to the west. The Cowhorn Creek Estates Retirement Center is located to the north of this property and vacant land is located to the south, east and west.

This property is zoned Planned Development-Office (PD-O). A Specific Use Permit is required in the Office zoning district to allow the one additional use of a tattoo studio for the application of permanent cosmetics business. Several medical facilities and hair salons are now offering this service for clients.

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Staff recommends for approval of the Specific Use Permit with the following stipulations:

1. That the owner/or any employee performing the application of permanent cosmetics be currently licensed by the state and meet all federal, state and city licensing laws and health regulations. A copy of the current license must be provided to the City prior to the opening of the business.

City of Texarkana, Texas

2. That the Specific Use Permit be intended for the application of permanent cosmetics only.
3. That if this use ever ceases to exist at this location, the City may revoke the Specific Use Permit.

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with the following stipulations as recommended by staff:

1. That the owner/or any employee performing the application of permanent cosmetics be currently licensed by the state and meet all federal, state and city licensing laws and health regulations. A copy of the current license must be provided to the City prior to the opening of the business.
2. That the Specific Use Permit be intended for the application of permanent cosmetics only.
3. That if this use ever ceases to exist at this location, the City may revoke the Specific Use Permit.

Advisory Board/Committee Meeting Date and Minutes:

October 5, 2015

Attachments

- a. Goals & Perspectives (DOCX)
- b. 2015-116 ORD for SUP at 5305 Cowhorn Creek (DOCX)
- c. 2015-116 ORD ATTCH No. 01 Maps (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	10/19/2015 9:20 AM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	10/19/2015 11:26 AM
Public Information Officer	Lisa Thompson	PIO Review
	10/19/2015 11:35 AM	Completed
City Manager	John Whitson	City Manager Review
4:10 PM		Completed
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		10/26/2015

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

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:

S-663

ORDINANCE NO. 2015-116

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-663 TO ALLOW THE ONE ADDITIONAL USE OF A TATTOO STUDIO FOR THE APPLICATION OF PERMANENT COSMETICS ON LOT 2A, WALSH-CARTER MASTER TRACT, LOCATED AT 5305 COWHORN CREEK ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance so as to grant a **Specific Use Permit** to allow the **one additional use of tattoo studio for the application of permanent cosmetics** on Lots 2A, Walsh-Carter Master Tract, located at 5305 Cowhorn Creek Road, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to Zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the one additional use of a tattoo studio for the application of permanent cosmetics** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended so as to grant **Specific Use Permit numbered S-663 for the purpose of allowing the one additional use of a tattoo studio for the application of permanent cosmetics** on the following described property, to-wit: **Lot 2A, Walsh-Carter Master Tract, located at 5305 Cowhorn Creek Road, in the City of Texarkana, Bowie County, Texas.**

SECTION 2: That the following stipulations is hereby imposed and made a part of this Ordinance:

1. That the owner/or any employee performing the application of permanent cosmetics be currently licensed by the state and meet all federal, state and city licensing laws and health regulations. A copy of the current license must be provided to the City prior to the opening of the business.
2. That the Specific Use Permit be intended for the application of permanent cosmetics only.
3. That if this use ever ceases to exist at this location, the City may revoke the Specific Use Permit.

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

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

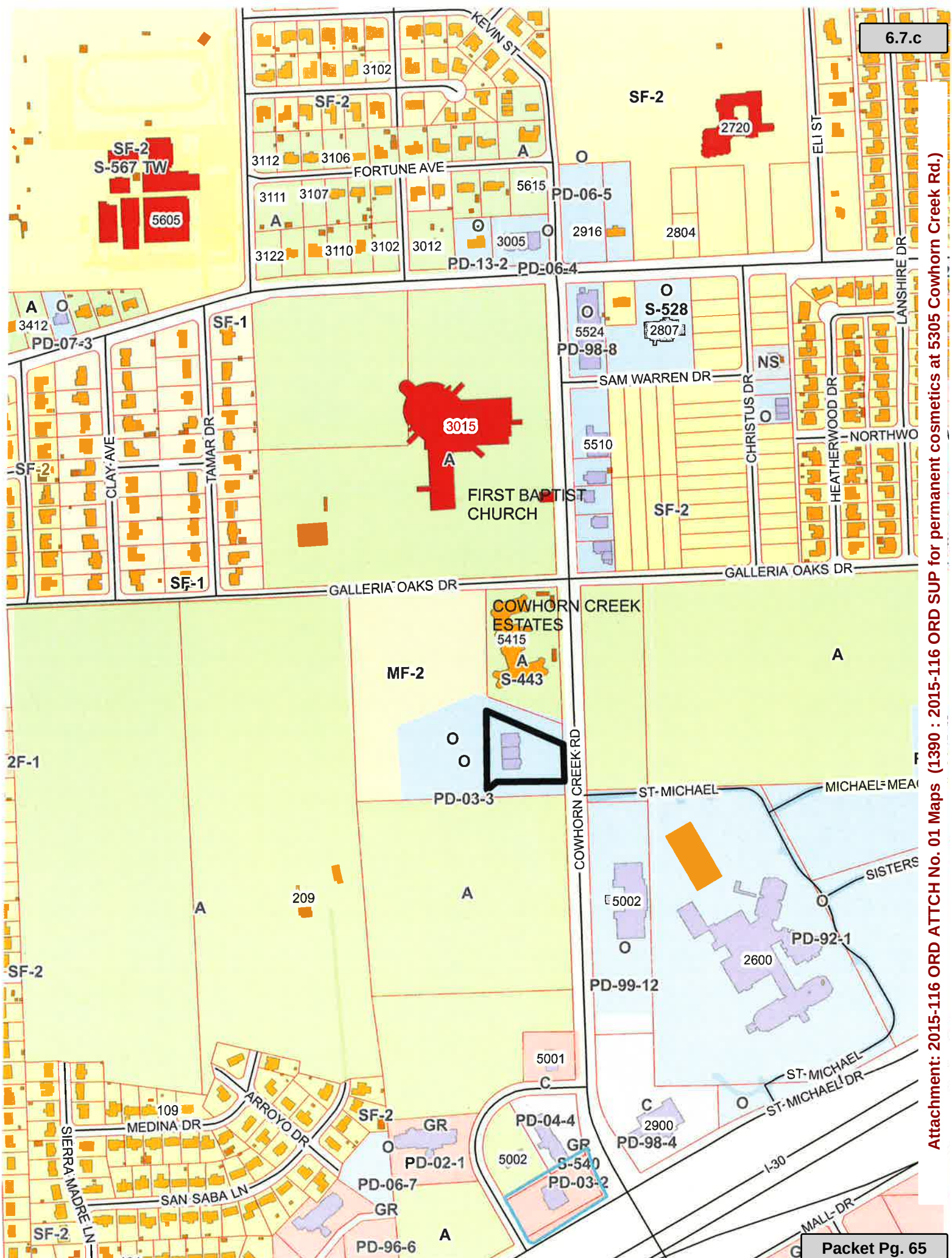
SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in regular Council Session on this the **14th day of December, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR





City of Texarkana, Texas

Version: C

Update Date: 10/16/2015 11:36 AM

Briefing Sheet

Lead Department: Water Utilities **Action Officer:** JD Phillips,
Resolution No. 2015-117 authorizing the City Manager to execute a contract
with A.L. Franks Engineering, Inc. Of Texarkana, Arkansas in an amount not to
exceed THREE HUNDRED SEVENTY THOUSAND EIGHT HUNDRED
NINETY-EIGHT DOLLARS (\$370,898) for engineering services associated
Subject: with modifications to the Wagner Creek Wastewater Treatment Plant.

Public **Second** November 23, **Council**
Briefing: 11/9/2015 **Hearing:** 11/9/2015 **Briefing:** 2015 **Vote:** 12/14/2015

Item Schedule

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

Updates/History of Briefing:

"NOT APPLICABLE"

Executive Summary and Background Information:

The Water Utilities Department is preparing to make improvements to the Wagner Creek Wastewater Treatment Plant (WWTP). The Wagner Creek WWTP treats the wastewater from the Cities of Texarkana, Nash and Wake Village. The plant was constructed in 1986 and has had only maintenance work required to keep the plant operating properly since it was constructed. The Utility staff has determined that the plant is in need of some modifications to keep it operating in an efficient manner. Proposed modifications that have been identified include: installing an automatic bar screen and grit separator at the headworks of the plant; enclosing the headworks of the plant and installing an air scrubber; recoating the interior and exterior of the existing steel tanks; constructing an external aerobic digester; installing fine bubble diffusers; installing a 1.7 MG flow equalization basin; replacing the existing blowers; and installing a standby generator and switch. It is proposed to divide these items into a three (3) phase project. The Utility staff has determined that an outside engineering firm will be required to design the proposed improvements. The Utility recommends A.L. Franks Engineering, Inc. for this project due to their familiarity with this type of wastewater treatment plant work.

The proposed contract is for \$370,898 based on A.L. Franks Engineering Inc.'s estimated construction cost of \$3,905,000. The design portion of the contract is \$302,638 or 7.75% of the estimated cost of the project and an inspection fee of \$55,760 or 1.5% of the estimated cost. Other fees include \$5,000 for travel reimbursement, \$5,000 for the preparation of an O&M manual and \$2,500 for the design survey. Engineering staff has reviewed the engineering fees and has determined that they are within the acceptable engineering fee range for a wastewater treatment plant rehabilitation project. A.L. Franks Engineering Inc. will complete the design

City of Texarkana, Texas

for all of the proposed improvements and help the Utility staff divide the work into three phases. The project will be bid and only those phases for which funds are available at that time will be constructed. The remaining phase will be constructed as funds are made available.

Potential Options:

- NONE

Fiscal Implications:

\$295,000 was designated in the 2015-2016 Infrastructure fund and \$50,000 was designated in the 2015-2016 Wagner Creek Capital Improvement Fund. There is a proposed ending balance in the Wagner Creek Capital Improvement Fund of \$162,660 which can be reallocated.

Staff Recommendation:

Utility staff strongly recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. RES 2015-117 Resolution (DOC)
- b. RES 2015-117 Contract (DOC)
- c. RES 2015-117 Goals & Perspectives (DOCX)
- d. Res 2015 117 Fee Schedule Exhibit "A" (PDF)
- e. RES 2015-117 Contract [revised jcl] (DOC)
- f. RES 2015-117 Redline draft contract revision (DOCX)

Staff Coordination

Water Utilities	JD Phillips	Department Head Review	Completed	
	10/15/2015 4:10 PM			
Water Utilities	Jim Cornelius	Review	Completed	10/15/2015
4:11 PM				
City Attorney	Jeffery C. Lewis	Review	Completed	10/16/2015
11:37 AM				
Public Information Officer		Lisa Thompson	PIO Review	Completed
	10/16/2015 11:47 AM			
City Manager	John Whitson	City Manager Review	Completed	10/16/2015
2:31 PM				
City Council	Jennifer Evans	Meeting	Completed	10/26/2015
6:00 PM				

City of Texarkana, Texas

Meeting History

RESOLUTION NO. 2015 - 117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH A.L. FRANKS ENGINEERING, INC. OF TEXARKANA, ARKANSAS IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY THOUSAND EIGHT HUNDRED NINETY-EIGHT AND NO/100 DOLLARS (\$370,898.00) FOR ENGINEERING SERVICES ASSOCIATED WITH MODIFICATIONS TO THE WAGNER CREEK WASTEWATER TREATMENT PLANT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Wagner Creek Wastewater Treatment Plant serves the cities of Texarkana, Wake Village, and Nash, Texas; and

WHEREAS, the Wagner Creek Wastewater Treatment Plant was constructed in 1986 and has had only maintenance work required to keep the plant operating properly since it was constructed; and

WHEREAS, Utility staff has determined that the Wagner Creek Wastewater Treatment Plant is in need of modifications to keep it operating in an efficient manner; and

WHEREAS, the cities of Texarkana, Wake Village, and Nash, Texas have agreed on the method of payment for the proposed Wagner Creek Wastewater Treatment Plant modifications; and

WHEREAS, Utility staff has determined that the A.L. Franks Engineering, Inc. of Texarkana, Arkansas is capable of producing the necessary engineering plans and specifications and inspecting the construction for the proposed Wagner Creek Wastewater Treatment Plant modifications; and

WHEREAS, A.L. Franks Engineering, Inc. has proposed a fee of THREE HUNDRED SEVENTY THOUSAND EIGHT HUNDRED NINETY-EIGHT AND NO/100 DOLLARS (\$370,898.00) for engineering services associated with modifications to the Wagner Creek Wastewater Treatment Plant; and

WHEREAS, there are funds budgeted in the Texarkana Water Utilities 2015-2016 budget at TWO HUNDRED NINETY-FIVE THOUSAND AND NO/100 DOLLARS (\$295,000.00) in the Texas Infrastructure Fund and FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00) in the Wagner Creek Capital Improvement; and

WHEREAS, there is a proposed ending balance of ONE HUNDRED SIXTY-TWO THOUSAND SIX HUNDRED SIXTY AND NO/100 DOLLARS (\$162,660.00) in the Wagner Creek Capital Improvement Fund in the Texarkana Water Utilities 2015-2016 which can be reallocated to the proposed engineering contract.

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

SECTION 1: That A.L. FRANKS ENGINEERING, INC. of Texarkana, Arkansas being an engineering firm capable of designing and inspecting the proposed modifications at the Wagner Creek Wastewater Treatment Plant be contracted to provide engineering services in an amount not to exceed THREE HUNDRED SEVENTY THOUSAND EIGHT HUNDRED NINETY-EIGHT AND NO/100 (\$370,898.00) according to the fee schedule attached hereto as Exhibit 'A'.

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

CONTRACT FOR ENGINEERING SERVICES

PART I

AGREEMENT

The AGREEMENT entered into this the ____ day of _____, 2015, by and between the City of Texarkana, Texas, hereinafter referred to as "Owner", acting herein by John A. Whitson, City Manager, its duly authorized representative, and A.L. Franks Engineering, Inc., hereinafter referred to as "Firm", acting herein by Anthony L. (Andy) Franks, Principal.

Owner: City of Texarkana, Texas
220 Texas Blvd.
Texarkana, Texas 75501

Firm: A.L. Franks Engineering, Inc.
118 E. Broad Street
Texarkana, Arkansas 71854

Project: Wagner Creek Waste Water
Treatment Plant Improvements

WHEREAS the Owner desires to implement its project under the requirements of the Texas Commission on Environmental Quality (TCEQ); and, Whereas the Owner desires to engage the Firm to render certain services in connection with the professional engineering design, and construction of the aforementioned project.

NOW, THEREFORE, the parties do mutually agree as follows:

Part II – Detailed Engineering Services, Part III – Payment Schedule, and Part IV – Terms and Conditions are hereby incorporated by reference into this Agreement as wholly contained herein.

Part I	Agreement
Part II	Detailed Engineering Services
Part III	Payment Schedule
Part IV	Terms & Conditions

Attachment: RES 2015-117 Contract (1389 : 2015-117 RES Engineering Services for Wagner Creek WWTP)

ACCESS TO INFORMATION:

It is agreed that all information, data, reports and records and maps as are existing, available and necessary for the carrying out of the work outlined above shall be furnished to the Firm by the Owner and its agencies. No charge will be made to the Firm for such information and the Owner and its agents will cooperate with the Firm in every way possible to facilitate the performance of the work described in the Agreement.

COMPENSATION AND METHOD OF PAYMENT:

The maximum amount of compensation and reimbursement to be paid hereunder shall not exceed Three Hundred Seventy Thousand Eight Hundred Ninety Eight and No/100 Dollars (\$370,898). Payment to the Firm shall be based on satisfactory completion of identified milestones in Part III – Payment Schedule of the Agreement.

INDEMNIFICATION:

The Firm shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the Owner and its agents from and against such compliance, and shall assume full responsibility for payments of Federal, State and local taxes, or contributions imposed or required under the Social Security, workers' compensation and income tax laws.

MISCELLANEOUS PROVISIONS:

- a. This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Bowie County, Texas
- b. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
- c. If one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- d. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements, in addition to any other relief to which such party may be entitled.

- e. This Agreement may be amended by mutual agreement of the parties hereto, in writing, with such amendment document to be attached to and incorporated into this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

Owner: City of Texarkana, Texas

Firm: A.L. Franks Engineering, Inc.

By: _____
John A. Whitson
City Manager

By: _____
Anthony L. (Andy) Franks
Principal

Attest:

Attest:

PART II

DETAILED ENGINEERING SERVICES

The Engineering Firm shall render the following professional services necessary for the development of the project which is planned for Phased construction as outlined in Exhibit 'A' attached hereto.

SCOPE OF SERVICES

1. Attend preliminary conferences with the Owner regarding the requirements of the project.
2. Determine necessity for any acquisition of any additional real property/easements/ROWs for the project and, if applicable, furnish to the locality:
 - a Name and address of property owners;
 - b Legal description of parcels to be acquired;
 - c Map showing entire tract with designation of part to be acquired.
3. Make any necessary surveys of existing rights-of-way, topography, utilities, or other field data required for proper design of the project. Provide consultation and advise as to the necessity of the Owner providing or obtaining other services such as auger borings, core borings, soil tests, or other subsurface explorations; laboratory testing and inspecting of samples or materials; other special consultations. The Engineer will review any tests required and act as the Owner's representative in connection with any such services.
4. Prepare railroad/highway permits, as necessary.
5. Provide preliminary engineering on the project in sufficient detail to indicate clearly the problems involved and the alternate solutions available to the Owner, to include preliminary layouts, sketches and cost estimates for the project, and to set forth clearly the Engineer's recommendations; to be completed within thirty (30) days of contract execution.
6. Submit detailed drawings and plans/specifications to appropriate regulatory agency(ies) and obtain clearance.
7. Prepare bid packet/contract documents/advertisement for bids.
8. Conduct bid opening.
9. Tabulate, analyze, and review bids for completeness and accuracy.
10. Accomplish construction Contractor eligibility verification.
11. Conduct pre-construction conference.
12. Issue Notice to Proceed to construction contractor.

13. Provide in all proposed construction contracts deductive alternatives where feasible, so that should the lowest responsive base bid for construction exceed the funds available, deductive alternatives can be taken to reduce the bid price.
14. Make periodic visits to the site to observe the progress and quality of the work, and to determine in general if the work is proceeding in accordance with the Contract.
15. Consult with and advise the Owner during construction; issue to contractors all instructions requested by the Owner; and prepare routine change orders if required, at no charge for engineering services to the Owner when the change order is required to correct errors or omissions by the Engineer; provide price analysis for change orders.
16. Review shop and working drawings furnished by contractors for compliance with design concept and with information given in contract documents (contractors will be responsible for dimensions to be confirmed and correlated at job site).
17. Based on the Engineer's on-site observations and review of the contractor's applications for payment, determine the amount owing to the contractor in such amounts; such approvals of payments to constitute a representation to the locality, based on such observations and review, that the work has progressed to the point indicated and that the quality of work is in accordance with the plans, specifications and contract documents.
18. Require that a 5% retainage is withheld from all payments on construction contracts until final acceptance by the locality, unless State or local law provides otherwise.
19. Prepare Certificate of Construction Completion.
20. Conduct interim/final inspection.
21. Revise contract drawings to show the work as actually constructed, and furnish the locality with a set of "as built" plans.

SUBCONTRACTS

1. No work under this Contract shall be subcontracted by Engineer without prior approval, in writing, from the Owner.
2. The Engineer shall, prior to proceeding with the work, notify Owner in writing of the name of any subcontractors proposed for the work, including the extent and character of the work to be done by each.
3. If any time during progress of the work, the Owner determines that any subcontractor is incompetent or undesirable, the Owner will notify the Engineer who shall take reasonable and immediate steps to satisfactorily cure the problem, substitute performance, or cancel such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in this Contract shall create any contractual relation between any subcontractor and Owner.

4. The Engineer will include in all contracts and subcontracts of amounts in excess of \$100,000 a provision which requires compliance with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act [42 U.S. 1857 (h)], Section 508 of the Clean Water Act (33 U.S.C. 1368d), Executive Order 11738, and Environmental Protection Agency regulations (40 C.F.R., Part 15), which prohibit the use under non-exempt Federal contracts, grants or loans of facilities included on the EPA List of Violating Facilities. The provisions shall require reporting of violations to the U.S. Environmental Protection Agency Assistant Administrator for Enforcement.
5. The Engineer will include in all contracts and subcontracts other than for small purchases (less than \$10,000), provisions or conditions which will allow for administrative, contractual or legal remedies in instances which violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
6. The Engineer will include in all contracts and subcontracts in excess of \$10,000 suitable provisions for termination by the Owner including the manner by which it will be affected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the Engineer.
7. The Engineer will include in all contracts and subcontracts in excess of \$10,000 provisions requiring compliance with the following:
 - a. The Engineer will not discriminate against any employee or applicant for employment because of race, creed, sex, color, national origin, physical or mental disability, marital status, parenthood, or age.
 - b. Executive Order 11246 - Equal Employment Opportunity.
 - c. Copeland Anti-Kickback Act.
 - d. (in excess of \$2,000) - Section 103 and 107 of the Contract Work Hours and Safety Standards Act.
 - e. a provision recognizing mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act.
 - f. Section 3 of the Housing and Urban Development Act of 1969.
 - g. Title VI of the Civil Rights Act of 1964.
8. The Engineer will include in all negotiated contracts and subcontracts a provision which indicates that funds will not be awarded under this contract to any party which is debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549 and 24 C.F.R. Part 24. A certification shall be provided and received from each proposed subcontractor under this contract and its principals.

STANDARD OF PERFORMANCE AND DEFICIENCIES

1. All services of the Engineer and its independent professional associates, consultants and subcontractors will be performed in a professional, reasonable and prudent manner in accordance with generally accepted professional practice. The Engineer represents that it has the required skills and capacity to perform work and services to be provided under this contract.
2. The Engineer represents that services provided under this Contract shall be performed within the limits prescribed by the Owner in a manner consistent with that level of care and skill ordinarily exercised by other professional consultants under similar circumstances.
3. Any deficiency in Engineer's work and services performed under this contract shall be subject to the provisions of applicable state and federal law. Any deficiency discovered shall be corrected upon notice from Owner and at the Engineer's expense if the deficiency is due to Engineer's negligence. The Owner shall notify the Engineer in writing of any such deficiency and provide an opportunity for mutual investigation and resolution of the problem prior to pursuit of any judicial remedy. In any case, this provision shall in no way limit the judicial remedies available to the locality under applicable state or federal law.
4. The Engineer agrees to and shall hold harmless the Owner, its officers, employees, and agents from all claims and liability of whatsoever kind or character due to or arising solely out of the negligent acts or omissions of the Engineer, its officers, agents, employees, subcontractors, and others acting for or under the direction of the Engineer doing the work herein contracted for or by or in consequence of any negligence in the performance of this Contract, or by or on account of any omission in the performance of this Contract.

PART III

PAYMENT SCHEDULE

The Owner shall pay/reimburse the Firm for basic engineering services provided upon partial completion of the following project milestones billed monthly per the following maximum percentage of the contract amount.

- I. BASIC SERVICES – The fee for all Basic Services shall not exceed a total of Three Hundred Two Thousand Six Hundred Thirty Eight and No/100 Dollars (\$302,638).

An estimated breakdown of fee totals for each category is as follows:

1.	Preliminary engineering design plans and specifications	25%	\$ 75,659
2.	Final engineering design plans and specifications	60%	\$181,582
3.	Bid advertisement and contract award	10%	\$ 30,263
4.	Final inspection and acceptance and providing set of “As Built” plans to Owner	5%	\$ 15,134
PROJECT TOTAL		100%	\$302,638

- II. The fee for all other Special Services shall not exceed a total of Sixty Eight Thousand Two Hundred Sixty and No/100 Dollars (\$68,260).

The payment for Special Services shall be paid, per the following schedule:

1. The Engineer shall be paid upon partial completion for design surveying and necessary field data, and acquisition data, if applicable, on a monthly basis the sum of Two Thousand Five Hundred and No/100 Dollars (\$2,500.00).

2. The Engineer shall be paid for periodic project inspection averaging eight (8) hours per week and Principal Engineer site visits averaging eight (8) hours per month as follows,

Phase I - \$29,520 (Based on 270 calendar days for construction)

Phase II - \$19,680 (Based on 180 calendar days for construction)

Phase III - \$6,560 (Based on 60 calendar days for construction)

All daily inspections, logs and pay item completion schedules to be provided by the Owner.

3. The Engineer shall be paid a Lump Sum amount for providing an Operation and Maintenance Manual the sum of Five Thousand and No/100 Dollars (\$5,000).

4. The Engineer shall receive direct cost reimbursement for travel and expenses directly related to equipment investigation site visits in an amount not to exceed Five Thousand and No/100 Dollars (5,000).

The payment requests shall be prepared by the Engineer and be accompanied by such supporting data to substantiate the amounts owing.

PART IV

TERMS AND CONDITIONS

PROFESSIONAL MANAGEMENT, ENGINEERING AND/OR ARCHITECTURAL SERVICES

1. Termination of Contract for Cause. If, through any cause the Firm shall fail to fulfill in a timely and proper manner his/her obligations under this Contract, or if the Firm shall violate any of the covenants, agreements, or stipulations of this Contract, the Owner shall thereupon have the right to terminate this Contract by giving written notice to the Firm of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Firm under this Contract shall, at the option of the Owner, become its property and the Firm shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

Notwithstanding the above, the Firm shall not be relieved of liability to the Owner for damages sustained by the Owner by virtue of any breach of the Contract by the Firm, and the Owner may withhold any payments to the Firm for the purpose of set-off until such time as the exact amount of damages due the Owner from the Firm is determined.

2. Termination for Convenience of the Owner. The Owner may terminate this Contract at any time by giving at least ten (10) days notice in writing to the Firm. If the Contract is terminated by the Owner as provided herein, the Firm will be paid for the time provided and expenses incurred up to the termination date. If this Contract is terminated due to the fault of the Firm, Paragraph 1 hereof relative to termination shall apply.
3. Changes. The Owner may, from time to time, request changes in the scope of the services of the Firm to be performed hereunder. Such changes, including any increase or decrease in the amount of the Firm's compensation which are mutually agreed upon by and between the Owner and the Firm, shall be incorporated in written amendments to this Contract.
4. Personnel.
 - a. The Firm represents that he/she has, or will secure at his own expense, all personnel required in performing the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the Owner.
 - b. All of the services required hereunder will be performed by the Firm or under his/her supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
 - c. None of the work or services covered by this Contract shall be subcontracted without the prior written approval of the Owner. Any work or services

subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.

5. Assignability. The Firm shall not assign any interest on this Contract, and shall not transfer any interest in the same (whether by assignment or novation) without the prior written consent of the Owner thereto: Provided, however that claims for money by the Firm from the Owner under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the Owner.
6. Reports and Information. The Firm, at such times and in such forms as the Owner may require, shall furnish the Owner such periodic reports as it may request pertaining to the work or services undertaken pursuant to this contract, the cost and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract.
7. Records and Audits. The Firm shall insure that the Owner maintains fiscal records and supporting documentation for all expenditures of funds made under this contract in a manner which conforms to OMB Circular A-87, Section 570.490 of the Regulations, and this Contract. Such records must include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the funds provided under this Contract. Owner shall retain such records, and any supporting documentation, for the greater of three years from closeout of the Contract or the period required by the other applicable laws and regulations.
8. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Firm under this contract are confidential and the Firm agrees that they shall not be made available to any individual or organization without the prior written approval of the Owner.
9. Copyright. No report, maps, or other documents produced in whole or in part under this Contract shall be the subject of an application for copyright by or on behalf of the Firm.
10. Compliance with Local Laws. The Firm shall comply with all applicable laws, ordinances and codes of the State and local governments, and the Firm shall save the Owner harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Contract.
11. Equal Employment Opportunity. During the performance of this Contract, the Firm agrees as follows:
 - a. The Firm will not discriminate against any employee or applicant for employment because of race, creed, sex, color, handicap, or national origin. The Firm will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex, color, handicap or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including

apprenticeship. The Firm agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Owner setting forth the provisions of the non-discrimination clause.

- b. The Firm will, in all solicitation or advertisements for employees placed by or on behalf of the Firm, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, handicap, or national origin.
 - c. The Firm will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.
 - d. The Firm will include the provisions a. through c. in every subcontract or purchase order unless exempted.
12. Civil Rights Act of 1964. Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
 13. Interest of Members of an Owner. No member of the governing body of the Owner and no other officer, employee, or agent of the Owner who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract, and the Firm shall take appropriate steps to assure compliance.
 14. Interest of Other Local Public Officials. No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the Firm shall take appropriate steps to assure compliance.
 15. Interest of Firm and Employees. The Firm covenants that he/she presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his/her services hereunder. The Firm further covenants that in the performance of this Contract, no person having any such interest shall be employed.

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:

EXHIBIT 'A'
WAGNER CREEK WASTEWATER TREATMENT PLANT IMPROVEMENTS
PHASED CONSTRUCTION AND OPINION OF COST

Phase	Description	Units	Unit Cost	Subtotal
I	Automatic Bar Screen Installed in Existing Channel	1 L.S.	\$275,000	\$275,000
I	Grit Separator/Washing/Dewatering Unit	1 L.S.	\$650,000	\$650,000
I	Building Enclosure with Air Scrubber System	1 L.S.	\$290,000	\$290,000
I	Site Preparation Including Fencing and Piping, Etc...	1 L.S.	\$100,000	\$100,000
I	Re-coat Interior and Exterior of Existing Tanks	1 L.S.	\$185,000	\$185,000
I	Modification to Existing Steel Structure	1 L.S.	\$45,000	\$45,000
I	External Steel Aerobic Digester	1 L.S.	\$600,000	\$600,000
Phase I Total:				\$2,145,000
II	Fine Bubble Diffusion	1 L.S.	\$175,000	\$175,000
II	1.7 MG Flow Equalization Basin	1 L.S.	\$950,000	\$950,000
II	Replace Blowers Equiped with VFDs	3 EA.	\$130,000	\$390,000
Phase II Total:				\$1,515,000
III	Standby Generator with Auto. Switch Gear	1 L.S.	\$245,000	\$245,000
Phase III Total:				\$245,000
IV	Disinfection Modification to Eliminate Hazardous Materials	1 L.S.		To Be Determined
TOTAL CONSTRUCTION COST				\$3,905,000
ENGINEERING DESIGN (7.75%)				\$302,638
PERIODIC INSPECTION (1.5%)				\$55,760
TRAVEL REIMBURSEMENT				\$5,000
O&M MANUAL				\$5,000
DESIGN SURVEY				\$2,500
CONTINGENCY (10%)				\$390,500
TOTAL PROJECT COST				\$4,666,398

Attachment: Res 2015 117 Fee Schedule Exhibit "A" (1389 : 2015-117 RES Engineering Services for Wagner Creek WWTP)

CONTRACT FOR ENGINEERING SERVICES

PART I

AGREEMENT

The AGREEMENT entered into this the ____ day of _____, 2015, by and between the City of Texarkana, Texas, hereinafter referred to as "Owner", acting herein by John A. Whitson, City Manager, its duly authorized representative, and A.L. Franks Engineering, Inc., hereinafter referred to as "Firm", acting herein by Anthony L. (Andy) Franks, Principal.

Owner: City of Texarkana, Texas
220 Texas Blvd.
Texarkana, Texas 75501

Firm: A.L. Franks Engineering, Inc.
118 E. Broad Street
Texarkana, Arkansas 71854

Project: Wagner Creek Waste Water
Treatment Plant Improvements

WHEREAS the Owner desires to implement its project under the requirements of the Texas Commission on Environmental Quality (TCEQ); and,

WHEREAS the Owner desires to engage the Firm to render certain services in connection with the professional engineering design, and construction of the aforementioned project.

NOW, THEREFORE, the parties do mutually agree as follows:

Part II – Detailed Engineering Services, Part III – Payment Schedule, and Part IV – Terms and Conditions are hereby incorporated by reference into this Agreement as wholly contained herein.

Part I	Agreement
Part II	Detailed Engineering Services
Part III	Payment Schedule
Part IV	Terms & Conditions

ACCESS TO INFORMATION:

It is agreed that all information, data, reports and records and maps as are existing, available and necessary for the carrying out of the work outlined above shall be furnished to the Firm by the Owner and its agencies. No charge will be made to the Firm for such information and the Owner and its agents will cooperate with the Firm in every way possible to facilitate the performance of the work described in the Agreement.

COMPENSATION AND METHOD OF PAYMENT:

The maximum amount of compensation and reimbursement to be paid hereunder shall not exceed Three Hundred Seventy Thousand Eight Hundred Ninety Eight and No/100 Dollars (\$370,898). Payment to the Firm shall be based on satisfactory completion of identified milestones in Part III – Payment Schedule of the Agreement.

INDEMNIFICATION:

The Firm shall comply with the requirements of all applicable laws, rules and regulations, and shall exonerate, indemnify, and hold harmless the Owner and its agents from and against such compliance, and shall assume full responsibility for payments of Federal, State and local taxes, or contributions imposed or required under the Social Security, workers' compensation and income tax laws.

MISCELLANEOUS PROVISIONS:

- a. This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Bowie County, Texas
- b. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns where permitted by this Agreement.
- c. If one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- d. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements, in addition to any other relief to which such party may be entitled.

- e. This Agreement may be amended by mutual agreement of the parties hereto, in writing, with such amendment document to be attached to and incorporated into this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

Owner: City of Texarkana, Texas

Firm: A.L. Franks Engineering, Inc.

By: _____
John A. Whitson
City Manager

By: _____
Anthony L. (Andy) Franks
Principal

Attest:

Attest:

[Jennifer Evans](#)
[City Secretary](#)

PART II

DETAILED ENGINEERING SERVICES

The Engineering Firm shall render the following professional services necessary for the development of the project which is planned for Phased construction as outlined in Exhibit 'A' attached hereto.

SCOPE OF SERVICES

1. Attend preliminary conferences with the Owner regarding the requirements of the project.
2. Determine necessity for any acquisition of any additional real property/easements/ROWs for the project and, if applicable, furnish to the [locality](#) Owner:
 - a Name and address of property owners;
 - b Legal description of parcels to be acquired;
 - c Map showing entire tract with designation of part to be acquired.
3. Make any necessary surveys of existing rights-of-way, topography, utilities, or other field data required for proper design of the project. Provide consultation and advise as to the necessity of the Owner providing or obtaining other services such as auger borings, core borings, soil tests, or other subsurface explorations; laboratory testing and inspecting of samples or materials; other special consultations. The Engineer will review any tests required and act as the Owner's representative in connection with any such services.
4. Prepare railroad/highway permits, as necessary.
5. Provide preliminary engineering on the project in sufficient detail to indicate clearly the problems involved and the alternate solutions available to the Owner, to include preliminary layouts, sketches and cost estimates for the project, and to set forth clearly the Engineer's recommendations; to be completed within thirty (30) days of contract execution.
6. Submit detailed drawings and plans/specifications to appropriate regulatory agency(ies) and obtain clearance.
7. Prepare bid packet/contract documents/advertisement for bids.
8. Conduct bid opening.
9. Tabulate, analyze, and review bids for completeness and accuracy.
10. Accomplish construction contractor eligibility verification.
11. Conduct pre-construction conference.
12. Issue Notice to Proceed to construction contractor.

13. Provide in all proposed construction contracts deductive alternatives where feasible, so that should the lowest responsive or otherwise authorized base bid or proposal for construction exceed the funds available, deductive alternatives can be taken to reduce the bid or proposal price.
14. Make periodic visits to the site to observe the progress and quality of the work, and to determine in general if the work is proceeding in accordance with the Contract.
15. Consult with and advise the Owner during construction; issue to contractors all instructions requested by the Owner; and prepare routine change orders if required, at no charge for engineering services to the Owner when the change order is required to correct errors or omissions by the Engineer; provide price analysis for change orders.
16. Review shop and working drawings furnished by contractors for compliance with design concept and with information given in contract documents (contractors will be responsible for dimensions to be confirmed and correlated at job site).
17. Based on the Engineer's on-site observations and review of the contractor's applications for payment, determine the amount owing to the contractor in such amounts; such approvals of payments to constitute a representation to the localityOwner, based on such observations and review, that the work has progressed to the point indicated and that the quality of work is in accordance with the plans, specifications and contract documents.
18. Require that a 5% retainage is withheld from all payments on construction contracts until final acceptance by the localityOwner, unless State or local law provides otherwise.
19. Prepare Certificate of Construction Completion.
20. Conduct interim/final inspection.
21. Revise contract drawings to show the work as actually constructed, and furnish the localityOwner with a set of "as built" plans.

SUBCONTRACTS

1. No work under this Contract shall be subcontracted by Engineer without prior approval, in writing, from the Owner.
2. The Engineer shall, prior to proceeding with the work, notify Owner in writing of the name of any subcontractors proposed for the work, including the extent and character of the work to be done by each.
3. If at any time during progress of the work, the Owner determines that any subcontractor is incompetent or undesirable cannot perform its obligations to the Owner's satisfaction, the Owner will notify the Engineer who shall take reasonable and immediate steps to satisfactorily cure the problem, substitute performance, or

cancel such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in this Contract shall create any contractual relation between any subcontractor and Owner.

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6. The Engineer will include in all contracts and subcontracts in excess of \$10,000 suitable provisions for termination by the Owner including the manner by which it will be affected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the Engineer.
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 - b. Executive Order 11246 - Equal Employment Opportunity.
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 - d. (in excess of \$2,000) - Section 103 and 107 of the Contract Work Hours and Safety Standards Act.
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STANDARD OF PERFORMANCE AND DEFICIENCIES

1. All services of the Engineer and its independent professional associates, consultants and subcontractors will be performed in a professional, reasonable and prudent manner in accordance with generally accepted professional practice. The Engineer represents that it has the required skills and capacity to perform work and services to be provided under this contract.
2. The Engineer represents that services provided under this Contract shall be performed within the limits prescribed by the Owner in a manner consistent with that level of care and skill ordinarily exercised by other professional consultants under similar circumstances.
3. Any deficiency in Engineer's work and services performed under this contract shall be subject to the provisions of applicable state and federal law. Any deficiency discovered shall be corrected upon notice from Owner and at the Engineer's expense if the deficiency is due to Engineer's negligence. The Owner shall notify the Engineer in writing of any such deficiency and provide an opportunity for mutual investigation and resolution of the problem prior to pursuit of any judicial remedy. In any case, this provision shall in no way limit the judicial remedies available to the ~~locality~~ Owner under applicable state or federal law.
4. The Engineer agrees to and shall hold harmless the Owner, its officers, employees, and agents from all claims and liability of whatsoever kind or character due to or arising ~~solely~~ out of the negligent acts or omissions of the Engineer, its officers, agents, employees, subcontractors, and others acting for or under the direction of the Engineer doing the work herein contracted for or by or in consequence of any negligence in the performance of this Contract, or by or on account of any omission in the performance of this Contract.

PART III

PAYMENT SCHEDULE

~~The Owner shall pay/reimburse the Firm for basic engineering services provided upon partial completion of the following project milestones billed monthly per the following maximum percentage of the contract amount.~~

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PROJECT TOTAL	100%	\$302,638

~~An estimated breakdown of fee totals for each category is as follows:~~

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All daily inspections, logs and pay item completion schedules are to be provided by the Owner.

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PART IV

TERMS AND CONDITIONS

PROFESSIONAL MANAGEMENT, ENGINEERING AND/OR ARCHITECTURAL SERVICES

1. Termination of Contract for Cause. If, through any cause the Firm shall fail to fulfill in a timely and proper manner his/her obligations under this Contract, or if the Firm shall violate any of the covenants, agreements, or stipulations of this Contract, the Owner shall thereupon have the right to terminate this Contract by giving written notice to the Firm of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, ~~all any~~ finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Firm under this Contract shall, at the option and selection of the Owner, become ~~the~~ the Owner's property ~~and; and if such property has not otherwise been paid for by the Owner under Part III,~~ the Firm shall be entitled to receive ~~just and equitable compensation for any work satisfactorily completed hereunder a pro rata amount of the payment applicable to such property as set forth in Part III as applicable to such property.~~

Notwithstanding the above, the Firm shall not be relieved of liability to the Owner for damages sustained by the Owner by virtue of any breach of the Contract by the Firm, and the Owner may withhold any payments to the Firm for the purpose of set-off until such time as the exact amount of damages due the Owner from the Firm is determined.

2. Termination for Convenience of the Owner. The Owner may terminate this Contract at any time by giving at least ten (10) days notice in writing to the Firm. If the Contract is terminated by the Owner as provided herein, the Firm will be paid for the time provided and expenses incurred up to the termination date. If this Contract is terminated due to the fault of the Firm, Paragraph 1 hereof relative to termination shall apply.
3. Changes. The Owner may, from time to time, request changes in the scope of the services of the Firm to be performed hereunder. Such changes, including any increase or decrease in the amount of the Firm's compensation which are mutually agreed upon by and between the Owner and the Firm, shall be incorporated in written amendments to this Contract.
4. Personnel.
 - a. The Firm represents that he/she has, or will secure at his own expense, all personnel required in performing the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the Owner.
 - b. All of the services required hereunder will be performed by the Firm or under his/her supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and Local law to perform such services.
 - c. None of the work or services covered by this Contract shall be subcontracted without the prior written approval of the Owner. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.

5. Assignability. The Firm shall not assign any interest ~~on~~ⁱⁿ this Contract, and shall not transfer any interest in the same (whether by assignment or novation) without the prior written consent of the Owner ~~thereto~~. ~~Provided, however that claims for money by the Firm from the Owner under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the Owner.~~
6. Reports and Information. The Firm, at such times and in such forms as the Owner may require, shall furnish the Owner such periodic reports as it may request pertaining to the work or services undertaken pursuant to this contract, the cost and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract. All of the reports, information, data, etc., prepared or assembled by the Firm under this Contract shall be delivered only to the Owner; the Firm shall not release such material to any individual or organization without the prior written approval of the Owner.
7. Records and Audits. The Firm shall insure that the Owner maintains fiscal records and supporting documentation for all expenditures of funds made under this contract in a manner which conforms to OMB Circular A-87, Section 570.490 of the Regulations, and this Contract. Such records must include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the funds provided under this Contract. Owner shall retain such records, and any supporting documentation, for the greater of three years from closeout of the Contract or the period required by the other applicable laws and regulations.
- ~~8. Findings Confidential. All of the reports, information, data, etc., prepared or assembled by the Firm under this contract are confidential and the Firm agrees that they shall not be made available to any individual or organization without the prior written approval of the Owner.~~
98. Copyright. No report, maps, or other documents produced in whole or in part under this Contract shall be the subject of an application for copyright by or on behalf of the Firm.
109. Compliance with Local Laws. The Firm shall comply with all applicable laws, ordinances and codes of the State and local governments, and the Firm shall save the Owner harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Contract.
1110. Equal Employment Opportunity. During the performance of this Contract, the Firm agrees as follows:
- The Firm will not discriminate against any employee or applicant for employment because of race, creed, sex, color, handicap, or national origin. The Firm will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex, color, handicap or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Firm agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Owner setting forth the provisions of the non-discrimination clause.

- b. The Firm will, in all solicitation or advertisements for employees placed by or on behalf of the Firm, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, handicap, or national origin.
- c. The Firm will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.
- d. The Firm will include the provisions a. through c. in every subcontract or purchase order unless exempted.

1211. Civil Rights Act of 1964. Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

1312. Interest of Members of an Owner. No member of the governing body of the Owner and no other officer, employee, or agent of the Owner who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract, and the Firm shall take appropriate steps to assure compliance.

1413. Interest of Other Local Public Officials. No member of the governing body of the ~~locality~~Owner and no other public official of ~~such locality~~the Owner, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the Firm shall take appropriate steps to assure compliance.

1514. Interest of Firm and Employees. The Firm covenants that he/she presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his/her services hereunder. The Firm further covenants that in the performance of this Contract, no person having any such interest shall be employed.

City of Texarkana, Texas

Version:

Update Date: 10/15/2015 2:58 PM

Briefing Sheet

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2015-118 changing the City's General Election May uniform date to the November uniform date.
Briefing: 11/23/2015 **Public Hearing:** 11/9/2015 **Second Briefing:** November 23, 2015 **Council Vote:** 12/14/2015

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

During the 84th Texas Legislature two bills were enacted and became law that affect or potentially affect municipal elections. HB 2354 amended Texas Election Code §41.001(a) setting municipal elections for the first Saturday in May each year. SB 733 amended Texas Election Code §41.0052(a) which provides the authority for municipalities to change their municipal election from the May uniform election date to the November uniform election dated, provided, however the city council adopts the appropriate resolution prior to December 31, 2016.

Year	Election Month	Ballots Cast
2005	May	1,007
2006	May	4,850
2007	May	1,259
2008	May	2,276
2009	May	84
2010	May	883
2011*	May	4,813
2012	May	3,045
2014*	November	7,478

During the last ten years voters have cast 84 to 7,478 ballots in Texarkana municipal elections. In 2014 the election concerning Beer and Wine Sales and Charter Amendments was conducted in concert with the state and county elections administered by the county elections office. Both the 2011 and 2014 elections had charter and alcohol questions presented to the voters. The highest voter participation of all nine elections was during the 2014 election at 7,478 ballots or 155% of the number of ballots cast in 2011.

Staff has coordinated with the county elections office and determined that the county is agreeable to conducting joint elections in November each year. Selecting November as the uniform election date

City of Texarkana, Texas

for Texarkana will permit the city to use the county's resources for its municipal elections. Trained and qualified poll volunteers are in great demand by all the voting jurisdictions, especially when schools, cities, and the county conduct simultaneous elections. Whenever the city conducts its own election the county provides support services such as registered voter rolls and voting equipment as needed.

Potential Options:

- Adopt the recommended resolution changing municipal elections to November
- Deny the recommended resolution thus changing the municipal election from the 2nd Saturday in May to the 1st Saturday in May in compliance with the State Elections Code as amended by the 84th Legislature.

Fiscal Implications:

Annual election cost will be determined by agreement with the county. Each election will likely cost approximately \$10,000.

Staff Recommendation:

Adopt the resolution as presented

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2015-118 RES Changing General Election from May to November (jcl rev) (DOC)
- b. 2015-118 RES Goals & Perspectives (DOCX)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed	
	10/15/2015 2:58 PM			
City Attorney	Jeffery C. Lewis	Review	Completed	10/15/2015
	5:12 PM			
Assistant City Manager		Shirley Jaster	Assistant City Manager	
Review	Completed	10/19/2015 11:26 AM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	10/19/2015 11:37 AM			
City Manager	John Whitson	City Manager Review	Completed	10/22/2015
	4:12 PM			
City Council	Jennifer Evans	Meeting	Completed	10/26/2015
	6:00 PM			

City of Texarkana, Texas

Meeting History

RESOLUTION NO. 2015 - 118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CHANGING THE GENERAL ELECTION DATE FOR MEMBERS OF THE CITY COUNCIL FROM THE MAY UNIFORM ELECTION DATE TO THE NOVEMBER UNIFORM ELECTION DATE AS AUTHORIZED BY TEXAS ELECTION CODE §41.0052(a); PROVIDING FOR TERMS OF OFFICE OF CITY COUNCIL MEMBERS TO BE ADJUSTED ACCORDINGLY; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the 82nd Texas Legislature implemented the federal MOVE act in 2011 with the passage of Senate Bill 100, which overlaid the period between the state's primary and primary runoff election upon the most commonly-used uniform election date for the municipal general elections, which is the second Saturday in May; and

WHEREAS, many counties in Texas have concluded that, in even-numbered years (the years in which the state's primary and primary runoff elections are held), they will be unable to provide to their cities – through sharing, lease, or other means – the electronic voting machines that are required by federal law and state laws expanding the federal requirements to any state election; and

WHEREAS, in previously held municipal elections, staff found it difficult to secure the needed personnel in positions as election judges, alternate election judges, and election clerks to volunteer and work in designated polling locations when the City's general election is also held at the same time of other political subdivisions' general elections; and

WHEREAS, the 84th Texas Legislature enacted House Bill 2354, amending Texas Election Code §41.001(a), Uniform Election Dates, to provide that the general or special election date scheduled for the month of May, 2016, be changed from the second Saturday in May to the first Saturday in May; and

WHEREAS, the City of Texarkana, Texas (the "City"), a home-rule municipality under Texas law, currently will hold its general election on the uniform election date on the first Saturday in May, 2016; and

WHEREAS, the 84th Texas Legislature enacted Senate Bill 733, amending Texas Election Code §41.0052(a), authorizing a city, by resolution, to change the date that the City holds its general election for municipal officers from the May uniform election date to the November uniform election date; and

WHEREAS, the City Charter, Article II §2(a), specifies that a term of office of a Councilmember begins on "the first weekday in May following the regular City election...", and Texas Election Code §41.0052(c) provides that a resolution of a home-rule city which

implements the change from the May uniform election date to the November uniform election date as authorized by Texas Election Code §41.0052(a) supersedes a city charter provision that requires a different general election date; and

WHEREAS, pursuant to Texas Election Code §41.0052(a) and other statutory and state constitutional provisions, the City is – through the adoption of this resolution – making best efforts to modify its election procedures to comply with this code and other federal and state laws; and

WHEREAS, the City Council believes it is to the advantage of the citizens, the City, and the pursuit of democracy to pass such a resolution; and

WHEREAS, cities that adopt a resolution pursuant to Texas Election Code §41.0052(a) are required to adjust the terms of office to conform to the new election date as outlined in Texas Election Code §41.0052(b);

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

SECTION 1: That the City Council, in accordance with Texas Election Code §41.0052(a), changes the City’s general election from the May uniform election date to the November uniform election date established by law. The City Council hereby adjusts the terms of office to conform to the November uniform election date as follows:

The terms of City Council Members elected to Mayor and Wards 1, 4, and 6, which currently expire in May 2016, shall be extended until the November 2016 uniform election date. The terms of City Council Members elected to Wards 2, 3, and 5, which currently expire in May 2017, shall be extended to the November 2017 uniform election date.

Thereafter, in accordance with Article II, Section 2(a) of the City Charter, each ward Councilmember and the Mayor shall serve for a two-year term, which term shall begin on the first weekday in November following the regular City election in which the ward Councilmember or Mayor was elected.

SECTION 2: It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

SECTION 3: Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions hereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: C

Update Date: 10/16/2015 4:41 PM

Briefing Sheet

Lead Department: City Manager **Action Officer:** John Whitson, City Manager
Subject: Resolution No. 2015-119 supporting Riverbend Water Resource District, the City of Texarkana, Texas and surrounding member cities as sponsors of Lake Wright Patman water rights.
Briefing: 11/9/2015 **Public Hearing:** 11/9/2015 **Second Briefing:** November 23, 2015 **Council Vote:** 12/14/2015

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

On 9 SEP 15, representatives of the City of Texarkana, Texas (TXK) and Riverbend Water Resources District (RWRD) met with representatives of the United States Corps of Engineers, Fort Worth District (COE) to discuss and determine the status of current and future water rights related to conservation water supplies in Lake Wright Patman (LWP).

The exploratory meeting with the COE was very positive and numerous matters related to COE water management and planning were discussed and/or explained. One matter in particular was that COE reported that no entity has formally requested access to any new water rights in LWP. Upon hearing the report the TXK delegation, representing the TXK, RWRD, and other partners, verbally requested that TXK and RWRD remain the local sponsor of any future allocations from LWP. Upon return to TXK a letter was prepared and signed by both TXK and RWRD formally requesting the sponsorship designation (ATTH 01).

The delegation also discussed the outstanding \$28 million account between TXK and COE. The COE representative explained the source of the \$28 million and also stated that payment has not been sought by the COE. Should studies finally determine that the lake level can be raised the additional cost of the act of raising the lake level will be added to the \$28 million and then the COE will request payment of the new total. Based on earlier advice of experts in the field of water management the city council recently approved a new tiered water rates structure and adjusted the rates to start accumulating funds to meet the anticipated costs related to COE actions to raise the level of LWP. The COE representative also reported that the COE considers the permanent contract to be fully implemented thus making the ultimate rule curve the current and governing rule curve for permitting the city to draw water from LWP.

Potential Options:

- Adopt the Joint Resolution as Recommended
- Deny the Joint Resolution as Recommended

City of Texarkana, Texas

- Amend and Adopt the Joint Resolution

Fiscal Implications:

No short-term impacts.

Long-term impacts are immeasurable at this time. Knowledge of water needs across Texas can certainly lead the reasonable person to believe that high-growth areas of the state have experienced and will likely continue to experience water shortages. These shortages cause regional water providers to seek additional water supplies and/or water rights to mitigate these known and projected water shortages. The State of Texas will likely continue to support water rights allocations in a manner that permits long distance transportation of water to meet regional water needs. The Texarkana area can certainly become a water source for others needing water. Revenue from the sales of strategic water can certainly benefit the local governments who are sponsors of Lake Wright Patman and the associated water rights.

Staff Recommendation:

(Insert Text Here)

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2015-119 RES Supporting Riverbend, Texarkana, Members as Sponsor of LWP WR (DOCX)
- b. 2015-119 ATTH 01 Water Rights Request Letter to USACOE FWD 20151009 Exhibit "A" (PDF)
- c. 2015-119 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed
	10/16/2015 2:30 PM		
City Attorney	Jeffery C. Lewis	Review	Completed 10/16/2015
3:03 PM			
Water Utilities	JD Phillips	Review	Completed 10/16/2015
3:44 PM			
Assistant City Manager		Shirley Jaster	Assistant City Manager
Review	Completed	10/19/2015 11:27 AM	
Public Information Officer		Lisa Thompson	PIO Review Completed
	10/19/2015 11:37 AM		
City Manager	John Whitson	City Manager Review	Completed 10/22/2015
4:12 PM			

City of Texarkana, Texas

City Council
6:00 PM

Jennifer Evans

Meeting

Completed

10/26/2015

Meeting History

Texarkana Resolution No. 2015-119

Riverbend Resolution No. 092515-01

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT, REQUESTING THAT TEXARKANA AND ITS SURROUNDING MEMBER ENTITIES THROUGH RIVERBEND REMAIN LOCAL SPONSORS FOR ANY EXISTING OR NEW WATER REALLOCATED OR DEVELOPED OUT OF LAKE WRIGHT PATMAN; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (“Texarkana”), formed in 1873, is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004 and having full power of local self-government; and

WHEREAS, the Texas Legislature created Riverbend Water Resources District (“Riverbend”) in 2009 as a conservation and reclamation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution, as set forth in Title 6, Special District Local Laws Code, Subtitle L, Municipal Water Districts, Chapter 9601, with statutory powers including the authority to acquire any and all storage rights and storage capacity in a reservoir or other water source inside or outside the boundaries of the district, and to acquire the right to take water from that reservoir or source, subject to the rights or permits held by municipalities or other persons; and

WHEREAS, in 2011 the Texas Legislature reconstituted the Board of Directors of Riverbend to be composed of five qualified voters who are residents of the district, not otherwise serving as an elected official or as an employee of a Riverbend member, selected by the local governing bodies of the Riverbend members (the Counties of Bowie, Cass, and Red River, TexAmericas Center, and the Cities of Annona, Atlanta, Avery, DeKalb, Hooks, Leary, Maud, Nash, New Boston, Redwater, Texarkana, and Wake Village) as provided by law; and

WHEREAS, Texarkana secured water permits from the State of Texas, together with Certificate of Adjudication 03-4836 issued March 31, 1987, fixing priority dates of 1951, 1957, 1967, and 1981, to impound, divert, and appropriate from the public resources of the State public water from the Sulphur River Basin impounded in Lake Texarkana, later named Lake Wright Patman, for both municipal and industrial use; and

WHEREAS, Texarkana, pursuant to contracts with the United States of America in 1953 and 1968, acquired storage space for water in Lake Wright Patman, and is the only Wholesale Water Provider under contract with the U.S. Government for water from Lake Wright Patman; and

WHEREAS, fully utilizing Lake Wright Patman to its highest and best use is a responsible strategy that produces a water supply that would be plentiful, immediate, and least costly, with minimal negative impact on our region, as compared to the creation of any new reservoirs; and

WHEREAS, authorized representatives of Texarkana and Riverbend met with the U.S. Army

Corps of Engineers, Fort Worth District, on September 9, 2015, and thereafter corresponded by letter dated September 10, 2015 (attached as **Exhibit "A"** to this Resolution), to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, requesting that Texarkana and Riverbend remain local sponsors for any existing or new water reallocated or developed out of Lake Wright Patman, and that the U.S. Army Corps of Engineers seriously consider any availability of water supply from Lake Wright Patman up to a reasonable marker such as 232.5 feet or 235.5 feet; and

WHEREAS, the request made on September 10, 2015, by authorized representatives of Texarkana and Riverbend to the U.S. Army Corps of Engineers is consistent with both historical precedent of local sponsorship of Lake Wright Patman and the conservation and development of the State's natural resources within the Sulphur River Basin, and by this Resolution the City Council of Texarkana and the Board of Directors of Riverbend concur with and affirm the request made.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF RIVERBEND WATER RESOURCES DISTRICT:

Section 1. The City Council of Texarkana and the Board of Directors of Riverbend concur with and affirm the request made to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, attached as **Exhibit "A"** to this Resolution, that Texarkana and its surrounding member entities through Riverbend remain local sponsors for any existing or new water reallocated or developed out of Lake Wright Patman.

Section 2. The City Council and the Board of Directors respectfully submit that the U.S. Army Corps of Engineers seriously consider any availability of water supply from Lake Wright Patman up to a reasonable marker such as 232.5 feet or 235.5 feet, as water obtained for water supply from raising the lake levels to either of these markers would be plentiful, immediate, and least costly, with minimal negative impact on our region, as compared to other supply alternatives.

Section 3. This Resolution shall be in full force and effect from and after its passage and approval.

TEXARKANA:

PASSED AND APPROVED in Regular Council Session on this the **14th** day of **December, 2015.**

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

RIVERBEND:

PASSED AND APPROVED in Regular Board Meeting on this the 25th day of September, 2015.

SEAN ROMMELL, PRESIDENT

ATTEST:

FRED MILTON, SECRETARY

EXHIBIT "A"

September 10, 2015

Col. Calvin C. Hudson, II, Commander
US Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Colonel Hudson:

Thank you for the opportunity to speak with your staff this week regarding the City of Texarkana's 1968 contract for storage rights in Lake Wright Patman with the US Army Corps of Engineers ("Corps"). The City of Texarkana, Texas is very pleased that the permanent contract for the "Ultimate Rule Curve" up to 228.64 ft. is enacted and we stand ready to work with the Corps to ensure that the city and the Corps meet their mutual obligations related to payment and improvements, respectively.

Please accept this letter as our initial formal request for local sponsorship of any further allocations for water supply from Lake Wright Patman. As the Corps continues to evaluate the reallocation process with respect to Lake Wright Patman, the City of Texarkana, Texas and Riverbend Water Resources District ("Riverbend") further present their intention to remain the local sponsor for any future allocations from Lake Wright Patman.

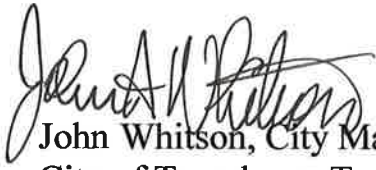
The City of Texarkana and its surrounding member entities, through Riverbend, are particularly interested in obtaining local sponsorship of any reallocation from Lake Wright Patman above the 228.64 level. As we look at the future needs for the entire region, even those needs independent of state water plans, it is extremely important that the Corps seriously consider any availability of water supply up to a reasonable marker such as 232.5 ft. or 235.5 ft. Water obtained for water supply from raising the lake levels to either of these markers would be plentiful, immediate, and least costly, as compared to the creation of any new reservoirs, which would take at least four to five decades at a minimum to accomplish. Additionally, anything substantially above the 235.5 marker is also likely unreasonable and serves as a distraction for what could actually be accomplished within the necessary timeframe.

It is worth noting that the City of Texarkana, Texas is working with the City of Texarkana, Arkansas and Riverbend on this matter. Collectively, these entities

have been a part of the water supply involving Lake Wright Patman since 1953. With proper planning and coordination, it is anticipated that the participation by these entities in Lake Wright Patman will continue for the foreseeable future.

Again, the City of Texarkana and Riverbend are encouraged by our most recent conversation with the Corps and look forward to working with you all to build a lasting partnership in providing adequate flood protection, as well as protecting current and future water supplies.

Sincerely,



John Whitson, City Manager
City of Texarkana, Texas



Steve Mayo, Regional Water Liaison
City of Texarkana, Texas



Elizabeth Fazio, Chief Operating Officer
Riverbend Water Resources District

Cc: Brian Kamisato, PE, Deputy District Engineer for Programs and Project Management
Elston Eckhardt, PE, Chief for Civil Project Management Branch

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: C

Update Date: 11/10/2015 9:28 AM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Kyle Dooley
Resolution No. 2015-100 naming the roadway described as S(c)hilling(s) Lane or Shilling Road from Summerhill Road to the west dead end as Shilling Road, and naming the newly constructed street between Shilling Road and Summerhill Road to University Avenue.

Subject: Road to University Avenue.

Briefing: 11/23/2015 **Public Hearing:** 10/26/2015 **Second Briefing:** November 9, 2015 **Council Vote:** 11/23/2015

Item Schedule

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

Updates/History of Briefing:

The second briefing with updates was presented at the City Council Meeting on November 9, 2015. During this presentation, Council requested that the resolution be updated to name the newly constructed portion of street to University Avenue and that the roadway known as Shilling Road/Lane to be officially named as Shilling Road. The resolution has been updated to read as requested by Council.

The public hearing on this item was held at the City Council Meeting on October 26, 2015. One resident, Skip Colvin, 3109 Shilling Road, spoke during the public hearing. Mr. Colvin made several points during his presentation. Below is a summary of the points he made.

- He asked if there was an agreement with Texas A & M - Texarkana to change the street name to University Avenue.
- He asked that, if the street name was changed, the residents be given ample time to change their addresses. He mentioned possibly one year.
- He recommended a three way stop at the new "T" intersection. He stated that traffic was moving at a high rate of speed through this area. He stated he had seen a vehicle roll through the new stop sign there and was concerned about possible accidents.
- He recommended that Council consider changing the name to University – Shillings to preserve the heritage and history of the street.
- He recommended adding street lights, like the ones that have been added with the new street construction, on the remaining section of street when it is reconstructed.

No one else spoke at the public hearing. At this time, staff has not been contacted by any other resident about this item.

Executive Summary and Background Information:

Construction is nearing completion on the University Phase IV street construction project. As part of this project, a new portion of street has been constructed between Shilling Lane and Summerhill Road. This portion of new roadway has not been named yet. Also, University Avenue has been named from Richmond Road all the way to the current west end of Shilling Lane. Staff is recommending naming

City of Texarkana, Texas

the newly constructed portion of roadway University Avenue. In doing so, this would leave a portion of Shilling Lane between the current end of University Avenue and the new street. Staff is recommending renaming this section University Avenue to provide street name continuity from Richmond Road to Summerhill Road. There is also a small piece of Shilling Lane that remains from the current end of University Avenue to the west dead end of the street. It serves one address, 3650 Shilling Lane. Staff is recommending changing this small portion of roadway from Shilling Lane to Shilling Trail.

There are 9 residential properties that currently have a Shilling Lane address that would be affected by this proposed street name change. Should council approve the street name change, those current addresses would change. Staff is sending letter out to each affected property owner that lets the owner know that Council is considering a street name change. It also invites them to the public hearing where they can provide input on this upcoming Council decision.

Potential Options:

- Approve the resolution and rename Shilling Lane to University Avenue
- Do not approve the resolution and Shilling Lane will continue with the current name.

Fiscal Implications:

Very minimal, if approved. The only cost will be the cost of the new street name signs.

Staff Recommendation:

Staff recommends approval of the resolution.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2015-100 RES ATTCH No. 1 Goals & Perspectives (DOCX)
- b. 2015-100 RES ATTCH No. 2 Proposed Street Renaming Map (PDF)
- c. 2015-100 RES ATTCH No. 3 Residential Letter Shilling Lane Street Name Change (DOCX)
- d. 2015-100 RES Shilling Lane Street Name Change (DOC)

Staff Coordination

Public Works Department	Kyle Dooley	Department Head Review
Completed	09/25/2015 11:48 AM	
Police	Dan Shiner	Review
7:32 AM		Completed 10/01/2015
Fire Department	Eric Schlotter	Review
12:53 PM		Completed 10/05/2015

City of Texarkana, Texas

Building Code Administration	Lynn Henry	Review	Completed
10/07/2015 10:48 AM			
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review	Completed	10/07/2015 12:53 PM	
Public Information Officer	Lisa Thompson	PIO Review	Completed
10/07/2015 1:29 PM			
City Manager	John Whitson	City Manager Review	Completed 10/07/2015
3:38 PM			
City Council	Jennifer Evans	Meeting	Completed 10/12/2015
6:00 PM			

Meeting History

10/12/15	City Council	MOVED FORWARD	Next: 10/26/15
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City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

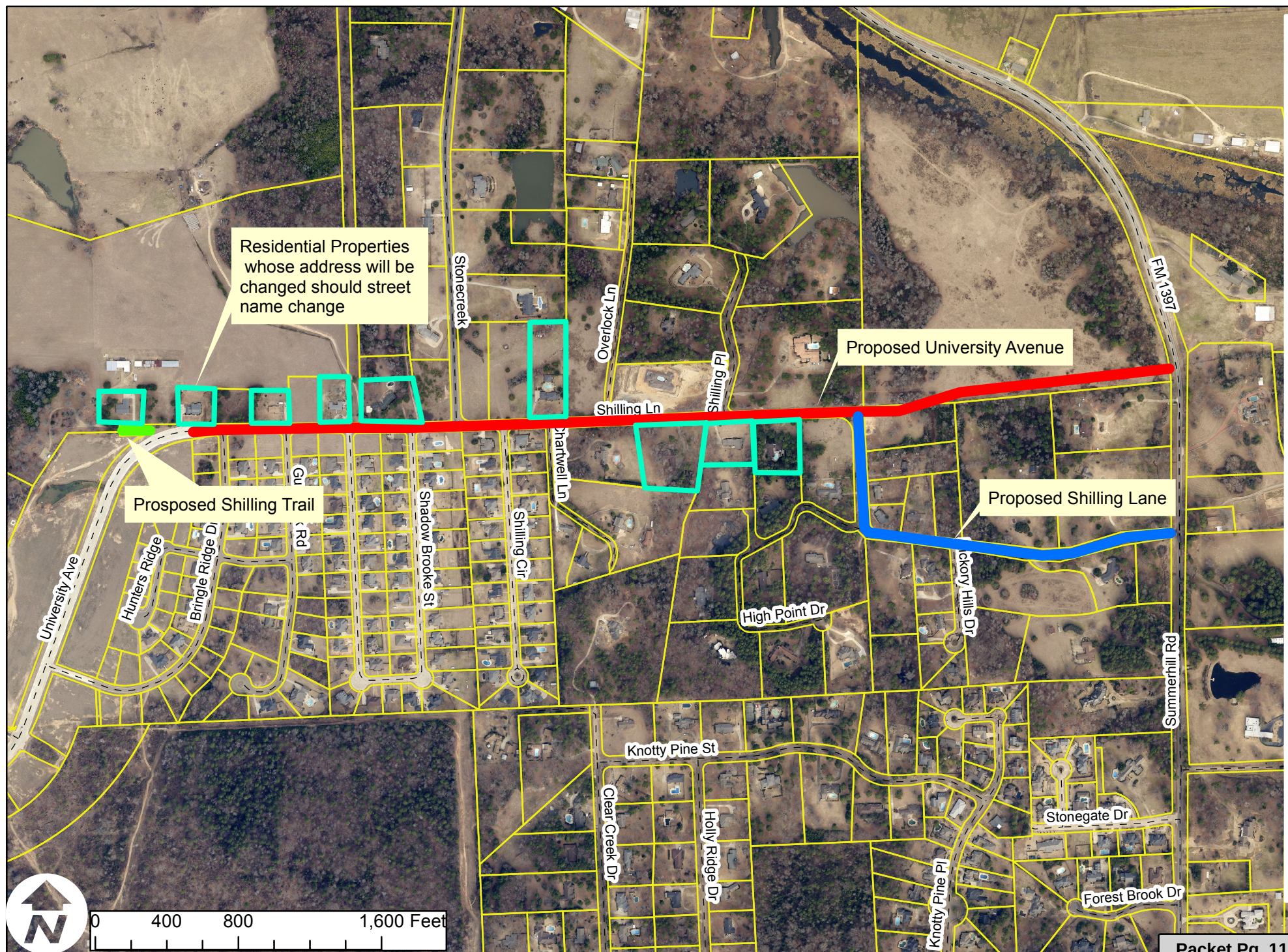
Public Information Plan:

☐	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:

Proposed Street Name Change for Shilling Lane

7.1.b





CITY OF
TEXARKANA
Public Works Department TEXAS

919 Elm Street
Texarkana, TX 75501
Phone (903) 798-3948
Fax (903) 792-6419

7.1.c

October 8, 2015

Re: Proposed Shilling Lane Street Name Change

Dear Resident,

The Texarkana, Texas City Council will consider a street name change for Shilling Lane in the upcoming weeks. This name change is proposed for the portion of Shilling Lane from University Avenue to the west end of the newly constructed street project, and also for the newly constructed portion between Summerhill Road and Shilling Lane. If approved, this street will be named University Avenue.

The proposal is an effort to alleviate possible confusion of where Shilling Lane and University Avenue starts and stops. Since the recent street construction projects in the area have changed the street layouts, potential problems exist for emergency personnel, delivery service, and general logistics.

The City Council will hold a public hearing concerning this proposal at a regularly scheduled council meeting on October 26th, 2015 at 6:00 p.m. The meeting will be held at City Hall, 220 Texas Boulevard, in the City Council Chambers on the second floor. All residents are encouraged to attend the public hearing to provide input on this council decision.

If you have questions, or will not be able to attend the public hearing, please feel free to call me at (903) 798-3943 to discuss this proposal. You may also submit your feedback for council's deliberation by emailing me at kdooley@txkusa.org.

Sincerely,

Kyle Dooley, P.E.
Director of Public Works
City of Texarkana, Texas

RESOLUTION NO. 2015-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, NAMING THE ROADWAY DESCRIBED AS S(C)HILLING(S) LANE OR SHILLING ROAD FROM SUMMERHILL ROAD TO THE WEST DEAD END AS SHILLING ROAD, AND NAMING THE NEWLY CONSTRUCTED STREET BETWEEN SHILLING ROAD AND SUMMERHILL ROAD TO UNIVERSITY AVENUE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, has recently completed construction on a new street between Shilling Road and Summerhill Road; and

WHEREAS, it is necessary to name the new street that has been constructed between Shilling Road and Summerhill Road; and

WHEREAS, it is necessary to name the roadway described by headright surveys, subdivision plats, and street name signs as S(c)hilling(s) Lane and/or Shilling Road, between Summerhill Road and the west dead end of the street, to alleviate the different versions of the street name and set one official name for this portion of roadway.

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

SECTION 1: That the name of the newly constructed street between Shilling Road and Summerhill Road be officially named as **University Avenue**.

SECTION 2: That the name of the roadway described as S(c)hilling(s) Lane or Shilling Road from Summerhill Road to the west dead end be officially named as **Shilling Road**.

SECTION 3: That this change in names shall not become effective until thirty (30) days after the date of passage of this Resolution, so as to provide sufficient time for street sign changes, postal service adjustments, and business and personal address changes to be implemented by those affected by the change.

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

PASSED AND APPROVED in Regular Council Session on this the **23rd day of November, 2015**.

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

Attachment: 2015-100 RES Shilling Lane Street Name Change [Revision 2] (1369 : Res. No. 2015-100 Renaming of Shilling Lane)

City of Texarkana, Texas

Version: A

Update Date: 9/30/2015 2:31 PM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Dusty Henslee,
Ordinance No. 2015-108 closing and abandoning a 30' street right-of-way in the
2100 block of Kennedy Lane west of Summerhill Road and east of Pine Knoll
Subject: Road.

Briefing: 10/26/2015 **Public Hearing:** 10/26/2015 **Second Briefing:** November 9, 2015 **Council Vote:** 11/23/2015

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

The City received a request for TISD for the abandonment of a 30' street right of way that is adjacent to the new 6th Grade Center that is currently under construction at the middle school campus off Kennedy Lane. Surveys show a 30' street right of way that was dedicated to the County over 80 years ago. This right of way has been used as a driveway location for the former Church that was bought by TISD for the new 6th Grade Center and by the resident, Larry Patterson, that lives to the west at 2015 Kennedy Lane.

Both owners have signed a Memorandum of Understanding (attached in the packet) stating they understand the right of way will be divided evenly. Also, TISD is allowing the Patterson's use of the existing driveway on their property as long as they reside there. These are the only residents that this abandonment will affect.

The City sent out a memorandum to City Departments and Utility representatives. The City has no plans for ever using this right of way for a future street. We received a response back from everyone and there are no issues with closing and abandoning this right of way. Attached in the packet is the memorandum and responses.

Potential Options:

- Approve Closure and Abandonment
- Disapprove Closure and Abandonment

Fiscal Implications:

No fiscal implications

Staff Recommendation:

Staff Recommends Approval

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. 2015-108 ORD ATTCH No. 1 Goals & Perspectives (DOCX)
- b. 2015-108 ORD ATTCH No. 2 Exhibit A (PDF)
- c. 2015-108 ORD ATTCH No. 3 Exhibit B (PDF)
- d. 2015-108 ORD ATTCH No. 4 Memorandum of Understanding (PDF)
- e. 2015-108 ORD ATTCH No. 5 Memo-Street ROW Abandonment Request in 2100 Block Kennedy Lane (PDF)
- f. 2015-108 ORD ATTCH No. 6 City Department and Utility Response to Abandonment Request (PDF)
- g. 2015-108 ORD ATTCH No. 7 ROW CLOSING RELEASE FORMS (PDF)
- h. 2015-108 ORD Street abandonment Kennedy Lane (DOC)
- i. 2015-108 ORD ATTCH No. 8 ROW CLOSING RELEASE FORMS SIGNED (PDF)

Staff Coordination

Public Works Department	Kyle Dooley	Department Head Review
Completed	09/24/2015 1:37 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	09/24/2015 3:18 PM
Public Information Officer	Lisa Thompson	PIO Review
	09/24/2015 3:38 PM	Completed
City Manager	John Whitson	City Manager Review
4:16 PM		Completed
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		10/06/2015
		10/12/2015

Meeting History

10/12/15 City Council MOVED FORWARD Next: 10/26/15

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

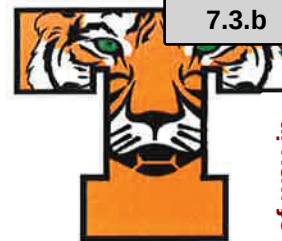
Public Information Plan:

☐ 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	☒ Letters from adjacent owners

Other:

LOCATION MAP
ROW ABANDONMENT REQUEST
TEXARKANA ISD

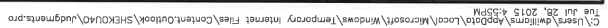
EXHIBIT "A"



7.3.b



Attachment: 2015-108 ORD ATTCH No. 2 Exhibit A [Revision 1] (1380 : Ord. No. 2015-108 Closure and abandonment of 30' street right-of-way in



Property Description
 Judgment Tract 1
 0.253 Acres
 Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the W. H. Ector Headright Survey, Abstract 695, Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a mag-nail found for a corner, lying in the East line of the said Ector Headright Survey, the West line of the M. E. P. & P. Railroad Company Headright Survey, Abstract 421, Bowie County, Texas, the Northwest corner of that certain tract of land described as 3.866 acres in the deed from Jimmy Chapman to Texarkana Independent School District, dated September 29, 2014, recorded in Instrument No. 2014-10933 of the Records of Bowie County, Texas;

THENCE South 02 degrees 41 minutes 40 seconds East a distance of 593.09 feet along the East line of the said Ector Headright Survey, the West line of the said M. E. P. & P. Headright Survey and the West line of the said 3.866 acre tract to a 1/2 inch steel rod found for a corner, the Southwest corner of the said 3.866 acre tract, the Northwest corner of that certain tract of land described as 3.297 acres in the deed from Peter W. Mankins to Smith and Mankins, LLC, dated September 30, 2014, recorded in Document No. 2014-10935 of the Records of Bowie County, Texas, same being that certain tract of land described as 3.297 acres in the deed from Gerald Stafford, et al, to Stafford Cadillac, Inc., dated January 22, 1980, recorded in Volume 658, Page 740 of the Deed Records of Bowie County, Texas, and the Southeast corner of a 0.152 acre judgment tract to Texarkana Independent School District, dated December 16, 2014, recorded in Instrument No. 2014-13851 of the Records of Bowie County, Texas;

THENCE North 03 degrees 45 minutes 18 seconds West a distance of 243.72 feet along the East line of the said judgment tract to a point for a corner, the Northeast corner of the said judgment tract;

THENCE South 85 degrees 38 minutes 40 seconds West a distance of 25.58 feet along the North line of the said judgment tract to a point for a corner lying in the East line of that certain tract of land described as 19.96 acres in the deed from Maude S. Kennedy to Texarkana Independent School District, dated August 23, 1961, recorded in Volume 400, Page 245 of the Deed Records of Bowie County, Texas, the Northwest corner of the said judgment tract;

THENCE North 02 degrees 34 minutes 13 seconds West a distance of 37.32 feet along the East line of the said 19.96 acres tract to a 1/2 inch steel rod found for a corner, capped MTG 101011-00, an outside ell corner of the said 19.96 acre tract, the Southeast corner of that certain tract of land described as 0.71 acres in the deed from Lewis C. Cook, et ux, to LCJC Properties, LLC, dated November 13, 2012, recorded in Volume 6335, Page 1 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described in the deed from W. M. Kennedy, et ux, to Lonnie L. Jackson, et ux, dated April 28, 1954, recorded in Volume 312, Page 435 of the Deed Records of Bowie County, Texas;

THENCE North 02 degrees 41 minutes 40 seconds West a distance of 310.00 feet along the East line of the said 0.71 acre tract to a 1 inch steel pipe found

for a corner, lying in the South right-of-way of Kennedy Lane, the Northeast corner of the said 0.71 acre tract;

THENCE North 81 degrees 55 minutes 02 seconds East a distance of 30.13 feet along the South right-of-way line of the said Kennedy Lane to the point of beginning and containing 0.253 acres of land, more or less.



EXHIBIT "B"

ADMINISTRATION

4241 Summerhill Road
 Texarkana, Texas 75503
 903.794.3651
 fax 903.792.2632
www.txkisd.net

August 14, 2015

**Kyle Dooley, P.E.
 Director of Public Works
 City of Texarkana, Texas
 919 Elm Street
 Texarkana, Texas 75501**

Re: Street ROW Abandonment Request

Dear Mr. Dooley:

Texarkana Independent School District (TISD) respectfully request the abandonment of an abandoned street ROW adjacent to the south side of approximately 2100 block of Kennedy Lane adjacent to the 6th Grade Center currently under construction at the middle school campus.

Boundary surveys for this property are indicating a 30' ROW strip that was apparently a dedicated county road ROW from over 80 years ago. No evidence of abandonment could be located in either the deed records of the county or city records. A portion of this ROW has historically been used a driveway for the former Church of the Redeemer and the Patterson residence adjacent to the ROW on the west side.

TISD has discussed this abandonment with the Patterson's and a letter of support of this request is attached. Additionally, TISD is the owner of all of the property on both sides of the remainder of this request. It is noted that the Church of the Redeemer had filed claim to a portion of this ROW in the past and TISD did formalize their claim to that area by securing a judgment through the courts.

Attached are a location map, boundary survey of the ROW abandonment request and the \$500.00 application fee.

Our agent acting on the behalf of TISD is David Williams with MTG Engineers & Surveyors. Please include David and myself on all correspondence related to this matter.

Sincerely,

Casey Nichols
 Executive Director of Support Operations
 Texarkana ISD

Attachements

Attachment: 2015-108 ORD ATTCH No. 3 Exhibit B [Revision 1] (1380 : Ord. No. 2015-108 Closure and abandonment of 30' street right-of-way in

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is agreed to between Robert Larry Patterson and Texarkana Independent School District. Both parties understand that a 30-foot wide roadway lies between the Patterson property owned by Robert Larry Patterson and property owned by Texarkana Independent School District. The parties further understand that the city is going to abandon the roadway and transfer ownership to the adjoining property owners. The parties further understand that currently the Pattersons use the abandon roadway as the driveway to their home at 2015 Kennedy Lane.

Therefore, the parties hereby agree to the following:

- ! The city=s abandoning the 30-foot wide roadway;
- ! That the east fifteen (15) feet of the roadway become the property of Texarkana Independent School District;
- ! That the west fifteen (15) feet of the roadway become the property of Robert Larry Patterson;
- ! That the Pattersons can continue to use TISD=s 15-foot of the roadway as part of their driveway as long as either of them continue to reside at 2015 Kennedy Lane;
- ! That after neither Patterson continues to reside at 2015 Kennedy Lane, then they will not have a right to use the property as their driveway, and no right of use is implied;
- ! That the parties agree to cooperate in achieving the above goals.

Signed this ____ day of August, 2015.


Robert Larry Patterson

TEXARKANA INDEPENDENT SCHOOL DISTRICT

By: 
Casey Nichols

M E M O R A N D U M
CITY OF TEXARKANA, TEXAS
Department of Public Works

TO: City Departments and Utility Representatives
FROM: Dusty Henslee, Stormwater Engineer
SUBJECT: Proposed Street R.O.W. Abandonment
DATE: August 25, 2015

The City of Texarkana, Texas has received a letter from Texarkana Independent School District (TISD) requesting the closing/ abandoning of a 30' Street located in the 2100 Block of Kennedy Lane. There is no Deed of Record found, but there is a reference to a 30' Street in Volume 78, Page 245 of the Deed Records in Bowie County, Texas.

Currently there is an existing driveway that is being utilized by adjacent property owners. An agreement has been signed by both adjacent property owners agreeing to this abandonment.

Please refer to the attachments and provide any comments to me by September 15, 2015 on if you are in favor of the abandonment and if your office will need an easement for any existing utilities.

This item will be on the City Council on October 12, 2015. Your prompt response is appreciated. If you have any questions, please call me at 903-798-3948 or e-mail at dustin.henslee@txkusa.org.

Attachments:
Request Letter
Location Map
ROW Abandonment Exhibit
Property Description
Memorandum Of Understanding

**ADMINISTRATION**

4241 Summerhill Road
 Texarkana, Texas 75503
 903.794.3651
 fax 903.792.2632
www.txkisd.net

August 14, 2015

**Kyle Dooley, P.E.
 Director of Public Works
 City of Texarkana, Texas
 919 Elm Street
 Texarkana, Texas 75501**

Re: Street ROW Abandonment Request

Dear Mr. Dooley:

Texarkana Independent School District (TISD) respectfully request the abandonment of an abandoned street ROW adjacent to the south side of approximately 2100 block of Kennedy Lane adjacent to the 6th Grade Center currently under construction at the middle school campus.

Boundary surveys for this property are indicating a 30' ROW strip that was apparently a dedicated county road ROW from over 80 years ago. No evidence of abandonment could be located in either the deed records of the county or city records. A portion of this ROW has historically been used a driveway for the former Church of the Redeemer and the Patterson residence adjacent to the ROW on the west side.

TISD has discussed this abandonment with the Patterson's and a letter of support of this request is attached. Additionally, TISD is the owner of all of the property on both sides of the remainder of this request. It is noted that the Church of the Redeemer had filed claim to a portion of this ROW in the past and TISD did formalize their claim to that area by securing a judgment through the courts.

Attached are a location map, boundary survey of the ROW abandonment request and the \$500.00 application fee.

Our agent acting on the behalf of TISD is David Williams with MTG Engineers & Surveyors. Please include David and myself on all correspondence related to this matter.

Sincerely,

Casey Nichols
 Executive Director of Support Operations
 Texarkana ISD

Attachements

Attachment: 2015-108 ORD ATTCH No. 5 Memo-Street ROW Abandonment Request in 2100 Block Kennedy Lane (1380 : Ord. No. 2015-108

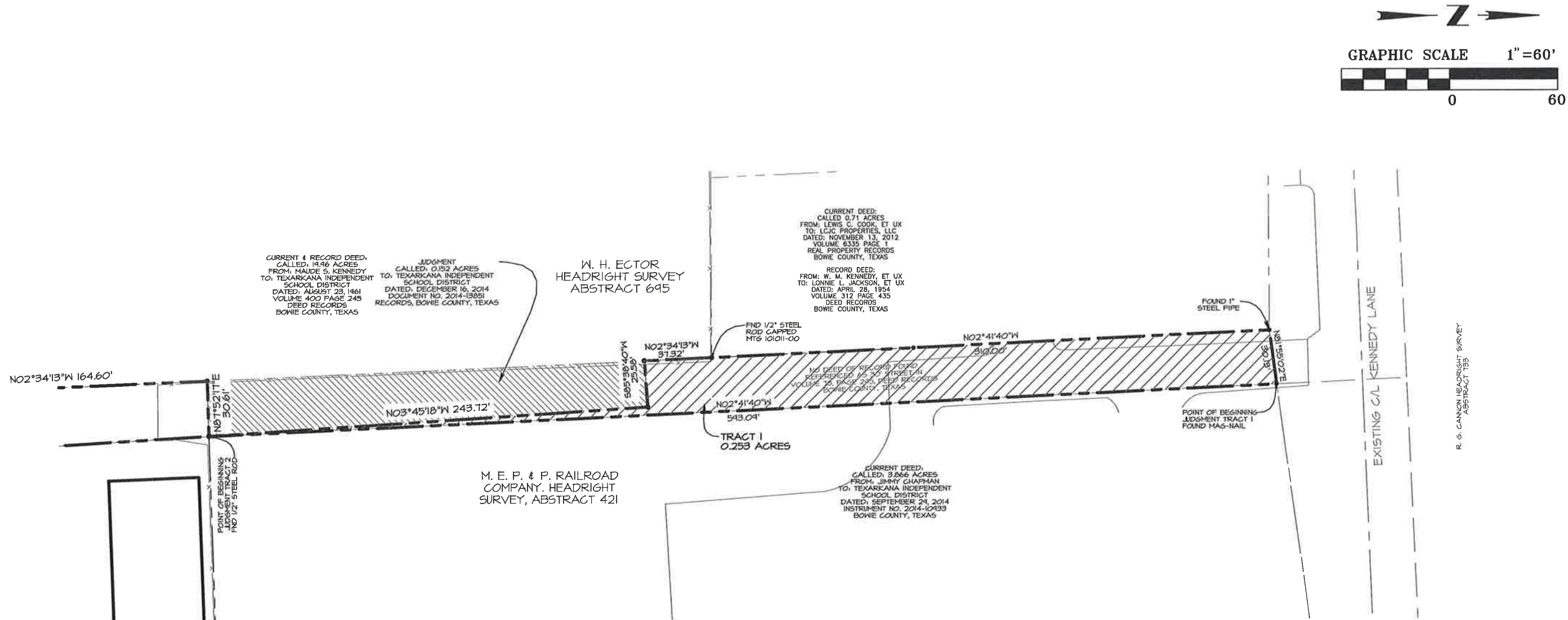
LOCATION MAP ROW ABANDONMENT REQUEST TEXARKANA ISD



0 80 160 320 480 640 Feet



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Tue Jul 28, 2015 4:55PM



ROW ABANDONMENT
EXHIBIT

TMS 6TH GRADE CENTER
TEXARKANA ISD

Date	Revision/Description

Drawn By	Checked By	Project No.	Dwg. Date

MTG
engineers
& surveyors

5430 SUMMERHILL RD. | P.O. BOX 3786
TEXARKANA TEXAS 75501
P 903.838.8533 | F 903.832.4100
www.mtgengineers.com

©MTG 2013 TBPE NO. 354

File No.	Sheet No.

Property Description
 Judgment Tract 1
 0.253 Acres
 Bowie County, Texas

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Therefore, the parties hereby agree to the following:

- ! The city=s abandoning the 30-foot wide roadway;
- ! That the east fifteen (15) feet of the roadway become the property of Texarkana Independent School District;
- ! That the west fifteen (15) feet of the roadway become the property of Robert Larry Patterson;
- ! That the Pattersons can continue to use TISD=s 15-foot of the roadway as part of their driveway as long as either of them continue to reside at 2015 Kennedy Lane;
- ! That after neither Patterson continues to reside at 2015 Kennedy Lane, then they will not have a right to use the property as their driveway, and no right of use is implied;
- ! That the parties agree to cooperate in achieving the above goals.

Signed this ____ day of August, 2015.


Robert Larry Patterson

TEXARKANA INDEPENDENT SCHOOL DISTRICT

By: 
Casey Nichols



Texarkana Water Utilities

801 Wood Street, P.O. Box 2008, Texarkana, Texas 75504

(903) 798-3800 Phone

(903) 791-0724 Fax

Memorandum

To: Dusty Henslee, P.E., Stormwater Engineer, City of Texarkana, Texas

From: J.D. Phillips, P.E., Director of Engineering, TWU *ASD*

Date: August 26, 2015

Subject: *Proposed Street R.O.W. Abandonment - 2100 Block of Kennedy Lane*

The Utility staff has reviewed the request from the Texarkana Independent School District (TISD) for the abandonment of the above referenced thirty foot (30') street right-of-way and has the following comments:

1. The are no water or sanitary sewer lines in the existing street right-of-way.
2. The Utility does not object to the abandonment.

If you should have any questions or require additional information, please do not hesitate to contact me.

xc: William D. King, Jr., Executive Director, TWU
 Gary L. Smith, P.E., Design Engineer, TWU
 David Latham, GIS Manager, TWU

TEX-Henslee, Dustin

From: Brooks, Brandon D <Brandon.Brooks@centerpointenergy.com>
Sent: Tuesday, September 15, 2015 8:57 AM
To: TEX-Henslee, Dustin; Engelkes, Diane L.; Watkins, Ronnie M
Subject: RE: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

No issues.

-----Original Message-----

From: TEX-Henslee, Dustin [<mailto:dustin.henslee@txkusa.org>]
 Sent: Tuesday, September 15, 2015 8:53 AM
 To: Brooks, Brandon D; Engelkes, Diane L.; Watkins, Ronnie M
 Subject: RE: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

Ok. Do you have any objections to closing the street ROW shown in the attachment I sent?

Thanks
 Dusty

-----Original Message-----

From: Brooks, Brandon D [<mailto:Brandon.Brooks@centerpointenergy.com>]
 Sent: Tuesday, September 15, 2015 8:47 AM
 To: TEX-Henslee, Dustin; Engelkes, Diane L.; Watkins, Ronnie M
 Subject: RE: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

Dustin, attached is what we have on Kennedy Ln.

-----Original Message-----

From: TEX-Henslee, Dustin [<mailto:dustin.henslee@txkusa.org>]
 Sent: Tuesday, September 15, 2015 8:26 AM
 To: Engelkes, Diane L.; Watkins, Ronnie M; Brooks, Brandon D
 Subject: FW: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

I am re-forwarding this email about the street abandonment request. Please respond as soon as possible.

Thanks
 Dusty

-----Original Message-----

From: TEX-Henslee, Dustin
 Sent: Thursday, September 10, 2015 9:41 AM
 To: 'dwwiley@aep.com'; TTPD-Shiner, Dan; TTFD-Schlotter, Eric; Cliff Porterfield; Jeffrey Graham; Brandon Brooks; Ronnie Watkins
 Cc: TEX-Dooley, Kyle; TEX-Jaster, Shirley
 Subject: FW: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

Attachment: 2015-108 ORD ATTCH No. 6 City Department and Utility Response to Abandonment Request (1380 : Ord. No. 2015-108 Closure and

This is just a reminder about the attached Street Abandonment request that was sent out on 8-25-15. I need your comments no later than Sept. 15. If you have any questions or comments then please give me a call at 903-798-3953.

Thanks

Dusty Henslee, P.E., CFM, CSI
 Stormwater Engineer
 Public Works Department
 City of Texarkana, Texas
 Office: (903)-798-3948
 Cell: (903)-908-1808
 Fax: (903)-792-6419
 Email: dustin.henslee@txkusa.org

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

-----Original Message-----

From: TEX-Henslee, Dustin
 Sent: Tuesday, August 25, 2015 10:51 AM
 To: TWU-Phillips, JD; 'dwwiley@aep.com'; TTPD-Shiner, Dan; 'diane.engelkes@centerpointenergy.com'; Rick Syphers; TTFD-Schlotter, Eric; Cliff Porterfield; rfavre@swrea.com
 Cc: TEX-Dooley, Kyle
 Subject: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

Please see attached request for Street Abandonment. If this needs to go to someone else then please forward to them and provide me with correct contact for future cases. If you have any questions please contact me at 903-798-3948.

Thanks

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***** This email is from an external sender outside of the CenterPoint Energy network. Be cautious about clicking links or opening attachments from unknown sources. *****

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TEX-Henslee, Dustin

From: Derik W Trowler <dwtrowler@aep.com>
Sent: Thursday, September 10, 2015 4:03 PM
To: TEX-Henslee, Dustin
Cc: Dusty Wiley
Subject: FW: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15
Attachments: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15.pdf

Dusty,

We will not need to retain any easements on this abandonment. Our existing line that served the church is to be removed.

Thanks,

Derik W. Trowler, P.E.
 Senior Engineer



3708 W. 7th St.
 Texarkana, TX 75501
 Office: (903) 223-5761
 Audinet: 8-748-5761
 Cell: (903) 276-5935
[SWEPCO Service Handbook](#)

-----Original Message-----

From: Dusty Wiley
Sent: Thursday, September 10, 2015 1:30 PM
To: Derik W Trowler
Subject: FW: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

We were good at this location, right?

-----Original Message-----

From: TEX-Henslee, Dustin [mailto:dustin.henslee@txkusa.org]
Sent: Thursday, September 10, 2015 9:41 AM
To: Dusty Wiley; TTPD-Shiner, Dan; TTFD-Schlotter, Eric; Cliff Porterfield; Jeffrey Graham; Brandon Brooks; Ronnie Watkins
Cc: TEX-Dooley, Kyle; TEX-Jaster, Shirley
Subject: FW: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

This is just a reminder about the attached Street Abandonment request that was sent out on 8-25-15. I need your comments no later than Sept. 15. If you have any questions or comments then please give me a call at 903-798-3953.

Thanks

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Office: (903)-798-3948
Cell: (903)-908-1808
Fax: (903)-792-6419
Email: dustin.henslee@txkusa.org

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-----Original Message-----

From: TEX-Henslee, Dustin
Sent: Tuesday, August 25, 2015 10:51 AM
To: TWU-Phillips, JD; 'dwwiley@aep.com'; TTPD-Shiner, Dan; 'diane.engelkes@centerpointenergy.com'; Rick Syphers; TTFD-Schlotter, Eric; Cliff Porterfield; rfavre@swrea.com
Cc: TEX-Dooley, Kyle
Subject: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

Please see attached request for Street Abandonment. If this needs to go to someone else then please forward to them and provide me with correct contact for future cases. If you have any questions please contact me at 903-798-3948.

Thanks

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Attachment: 2015-108 ORD ATTCH No. 6 City Department and Utility Response to Abandonment Request (1380 : Ord. No. 2015-108 Closure and

TEX-Henslee, Dustin

From: Porterfield, William C <William.C.Porterfield@windstream.com>
Sent: Thursday, September 10, 2015 10:28 AM
To: TEX-Henslee, Dustin
Subject: FW: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15
Attachments: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15.pdf

Dusty,
 We have not facilities in this abandoned easement area.
 Thanks,
 Cliff

-----Original Message-----

From: Graham, Jeffrey
 Sent: Thursday, September 10, 2015 9:56 AM
 To: Porterfield, William C <William.C.Porterfield@windstream.com>
 Subject: FW: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

We have not facilities in this abandoned easement area.

-----Original Message-----

From: TEX-Henslee, Dustin [<mailto:dustin.henslee@txkusa.org>]
 Sent: Thursday, September 10, 2015 9:41 AM
 To: 'dwwiley@aep.com'; TTPD-Shiner, Dan; TTFD-Schlotter, Eric; Cliff Porterfield; Graham, Jeffrey; Brandon Brooks; Ronnie Watkins
 Cc: TEX-Dooley, Kyle; TEX-Jaster, Shirley
 Subject: FW: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

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Thanks

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 Stormwater Engineer
 Public Works Department
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 Office: (903)-798-3948
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 Fax: (903)-792-6419
 Email: dustin.henslee@txkusa.org

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-----Original Message-----

From: TEX-Henslee, Dustin
Sent: Tuesday, August 25, 2015 10:51 AM
To: TWU-Phillips, JD; 'dwwiley@aep.com'; TTPD-Shiner, Dan; 'diane.engelkes@centerpointenergy.com'; Rick Syphers; TTFD-Schlotter, Eric; Cliff Porterfield; rfavre@swrea.com
Cc: TEX-Dooley, Kyle
Subject: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

Please see attached request for Street Abandonment. If this needs to go to someone else then please forward to them and provide me with correct contact for future cases. If you have any questions please contact me at 903-798-3948.

Thanks

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TEX-Henslee, Dustin

From: TTFD-Schlotter, Eric
Sent: Thursday, September 10, 2015 3:17 PM
To: TEX-Henslee, Dustin
Cc: dw Wiley@aep.com; TTPD-Shiner, Dan; Cliff Porterfield; Jeffrey Graham; Brandon Brooks; Ronnie Watkins; TEX-Dooley, Kyle; TEX-Jaster, Shirley
Subject: Re: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

Fire has no objections.

Eric Schlotter, Fire Chief
 Texarkana, Texas

> On Sep 10, 2015, at 9:41 AM, TEX-Henslee, Dustin <dustin.henslee@txkusa.org> wrote:

>

> All,

>

> This is just a reminder about the attached Street Abandonment request that was sent out on 8-25-15. I need your comments no later than Sept. 15. If you have any questions or comments then please give me a call at 903-798-3953.

>

> Thanks

>

> Dusty Henslee, P.E., CFM, CSI

> Stormwater Engineer

> Public Works Department

> City of Texarkana, Texas

> Office: (903)-798-3948

> Cell: (903)-908-1808

> Fax: (903)-792-6419

> Email: dustin.henslee@txkusa.org

>

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

>

>

>

> -----Original Message-----

> From: TEX-Henslee, Dustin

> Sent: Tuesday, August 25, 2015 10:51 AM

> To: TWU-Phillips, JD; 'dw Wiley@aep.com'; TTPD-Shiner, Dan; 'diane.engelkes@centerpointenergy.com'; Rick Syphers; TTFD-Schlotter, Eric; Cliff Porterfield; rfavre@swrea.com

> Cc: TEX-Dooley, Kyle

> Subject: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

>

> All,

>

> Please see attached request for Street Abandonment. If this needs to go to someone else then please forward to them and provide me with correct contact for future cases. If you have any questions please contact me at 903-798-3948.

>

> Thanks

>
> Dusty Henslee, P.E., CFM, CSI
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> Office: (903)-798-3948
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>
> Email communications through this office may be subject to Texas Public Records laws and may be shared with others.
>
> <Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15.pdf>

TEX-Henslee, Dustin

From: TTPD-Shiner, Dan
Sent: Thursday, September 10, 2015 9:45 AM
To: TEX-Henslee, Dustin
Cc: TEX-Dooley, Kyle; TEX-Jaster, Shirley; TTFD-Schlotter, Eric; 'dwwiley@aep.com'
Subject: RE: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

The Police Department has no objection to the proposed abandonment.

-----Original Message-----

From: TEX-Henslee, Dustin
Sent: Thursday, September 10, 2015 9:41 AM To:; TTPD-Shiner, Dan;
Cc:
Subject: FW: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

This is just a reminder about the attached Street Abandonment request that was sent out on 8-25-15. I need your comments no later than Sept. 15. If you have any questions or comments then please give me a call at 903-798-3953.

Thanks

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 Fax: (903)-792-6419
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From: TEX-Henslee, Dustin
Sent: Tuesday, August 25, 2015 10:51 AM
To: TWU-Phillips, JD; 'dwwiley@aep.com'; TTPD-Shiner, Dan; 'diane.engelkes@centerpointenergy.com'; Rick Syphers; TTFD-Schlotter, Eric; Cliff Porterfield; rfavre@swrea.com
Cc: TEX-Dooley, Kyle
Subject: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

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Thanks

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TEX-Henslee, Dustin

From: Syphers, Rick <Donald.Syphers@cableone.biz>
Sent: Monday, August 31, 2015 3:37 PM
To: TEX-Henslee, Dustin
Subject: RE: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All's good with Cable One Dustin

-----Original Message-----

From: TEX-Henslee, Dustin [<mailto:dustin.henslee@txkusa.org>]
 Sent: Tuesday, August 25, 2015 10:51 AM
 To: TWU-Phillips, JD; 'dwwiley@aep.com'; TTPD-Shiner, Dan; diane.engelkes@centerpointenergy.com; Syphers, Rick; TTFD-Schlotter, Eric; Cliff Porterfield; rfavre@swrea.com
 Cc: TEX-Dooley, Kyle
 Subject: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

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Attachment: 2015-108 ORD ATTCH No. 6 City Department and Utility Response to Abandonment Request (1380 : Ord. No. 2015-108 Closure and

TEX-Henslee, Dustin

From: Roy Favre <rfavre@swrea.com>
Sent: Wednesday, August 26, 2015 9:22 AM
To: TEX-Henslee, Dustin
Cc: Mike Pollard
Subject: RE: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

Good Morning Dusty,

This street appears to be well outside our service area near Texas High School and will not impact us. We have no objections or opinions about this street abandonment. I assume this is SWEPCO 's service area. You might like to contact them if you have not already.

It is quite alright to contact me about these matters. I communicate with my supervisor, Mike Pollard, and share with him our e-mails. In theory anyone in our engineering department can help you with these things if I should happen to be out of pocket. In the event that there is the possibility of a concern I check with other stake-holders in our company before responding.

Roy
cc MP

-----Original Message-----

From: TEX-Henslee, Dustin [<mailto:dustin.henslee@txkusa.org>]
Sent: Tuesday, August 25, 2015 10:51 AM
To: TWU-Phillips, JD; 'dwwiley@aep.com'; TTPD-Shiner, Dan; diane.engelkes@centerpointenergy.com; Rick Syphers; TTFD-Schlotter, Eric; Cliff Porterfield; Roy Favre
Cc: TEX-Dooley, Kyle
Subject: Proposed Street Abandonment 2100 Block Kennedy Lane-08-25-15

All,

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Thanks

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Stormwater Engineer
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City of Texarkana, Texas
Office: (903)-798-3948
Cell: (903)-908-1808
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STREET RIGHT-OF-WAY CLOSING/ABANDONMENT – RELEASE BY ABUTTING OWNER

STATE OF TEXAS
COUNTY OF BOWIE

WHEREAS, the City of Texarkana Texas is considering the matter of closing and abandoning the 30' street right-of-way located in the W H HECTOR HEADRIGHT SURVEY ABSTRACT 695. This street right-of-way is located south of Kennedy Lane, west of Summerhill Rd, and east of Pine Knoll Road.

WHEREAS, the City had given due notice to the property owners whose property abuts on said portion of said street right-of-way;

WHEREAS, it will be to the advantage of the property owners whose property abuts said street right-of-way for abandonment and to the advantage of the public generally to abandon said street right-of-way;

KNOW, THEREFORE, in consideration of benefits to be received by the undersigned and the general public, which I hereby acknowledge, I, the undersigned, being of lawful age, do hereby fully; and forever release, acquit and discharge the said City, its officers, successors and assigns, from any and all actions, causes of action, claims and demands of whatsoever kind of nature on the account of the abandonment and closing of said alley above mentioned.

It is expressly understood and agreed that this release is intended as an agreement to the said closing of said alley and is intended to and does cover all damages, losses and injuries now known or which may become known in the future including all the effects and consequences thereof.

IN WITNESS WHEREOF, we have hereunto set our hands this the ____ day of _____, 2015.

Signature: _____

(printed name) _____

WITNESSES:

STREET RIGHT-OF-WAY CLOSING/ABANDONMENT – RELEASE BY ABUTTING OWNER

STATE OF TEXAS
COUNTY OF BOWIE

WHEREAS, the City of Texarkana Texas is considering the matter of closing and abandoning the 30' street right-of-way located in the W H HECTOR HEADRIGHT SURVEY ABSTRACT 695. This street right-of-way is located south of Kennedy Lane, west of Summerhill Rd, and east of Pine Knoll Road.

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WHEREAS, it will be to the advantage of the property owners whose property abuts said street right-of-way for abandonment and to the advantage of the public generally to abandon said street right-of-way;

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IN WITNESS WHEREOF, we have hereunto set our hands this the ____ day of _____, 2015.

Signature: _____

(printed name) _____

WITNESSES:

ORDINANCE NO. 2015-108

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CLOSING AND ABANDONING A THIRTY FOOT (30') STREET RIGHT-OF-WAY LOCATED IN THE 2100 BLOCK OF KENNEDY LANE WEST OF SUMMERHILL ROAD AND EAST OF PINE KNOLL ROAD AND LOCATED IN THE W H ECTOR HEADRIGHT SURVEY ABSTRACT 695, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been received requesting that the City close and abandon a Thirty Foot (30') Street Right-of-Way located in the 2100 Block of Kennedy Lane west of Summerhill Road and east of Pine Knoll Road, and located in the W H ECTOR Headright Survey Abstract 696 in the City of Texarkana, Bowie County, Texas, as shown on the attached location map hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the City finds it to be in the best interest of the City to close and abandon the hereinabove described property.

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

SECTION 1: That a Thirty Foot (30') Street Right-of-Way located in the 2100 Block of Kennedy Lane west of Summerhill Road and east of Pine Knoll Road and located in the W H ECTOR Headright Survey Abstract 696 in the City of Texarkana, Bowie County, Texas, as shown on the map and described in the Street Abandonment Request attached hereto and incorporated herein as Exhibit "B", be and is hereby abandoned as a street or public thoroughfare of any kind or character whatsoever.

SECTION 2: That the above described property is hereby declared surplus and abandoned and the responsibility of the City to maintain said property is hereby terminated.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **23rd day of November, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

STREET RIGHT-OF-WAY CLOSING/ABANDONMENT – RELEASE BY ABUTTING OWNER

STATE OF TEXAS
COUNTY OF BOWIE

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WHEREAS, the City had given due notice to the property owners whose property abuts on said portion of said street right-of-way;

WHEREAS, it will be to the advantage of the property owners whose property abuts said street right-of-way for abandonment and to the advantage of the public generally to abandon said street right-of-way;

KNOW, THEREFORE, in consideration of benefits to be received by the undersigned and the general public, which I hereby acknowledge, I, the undersigned, being of lawful age, do hereby fully; and forever release, acquit and discharge the said City, its officers, successors and assigns, from any and all actions, causes of action, claims and demands of whatsoever kind of nature on the account of the abandonment and closing of said alley above mentioned.

It is expressly understood and agreed that this release is intended as an agreement to the said closing of said alley and is intended to and does cover all damages, losses and injuries now known or which may become known in the future including all the effects and consequences thereof.

IN WITNESS WHEREOF, we have hereunto set our hands this the ____ day of _____, 2015.

Signature: Robert L. Patterson

(printed name) Robert L. Patterson

WITNESSES:

[Signature]

STREET RIGHT-OF-WAY CLOSING/ABANDONMENT – RELEASE BY ABUTTING OWNER

STATE OF TEXAS
COUNTY OF BOWIE

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It is expressly understood and agreed that this release is intended as an agreement to the said closing of said alley and is intended to and does cover all damages, losses and injuries now known or which may become known in the future including all the effects and consequences thereof.

IN WITNESS WHEREOF, we have hereunto set our hands this the ____ day of _____, 2015.

Signature: 

(printed name) Paul Aberton

WITNESSES:



City of Texarkana, Texas

Version: B

Update Date: 10/6/2015 3:16 PM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Dusty Henslee,
Ordinance No. 2015-109 approving the amendment of the FY16 budget
expenditures to include ONE HUNDRED FIFTY THOUSAND DOLLARS
Subject: (\$150,000) of unspent funds from the FY15 street division budget.

Public **Second** **Council**
Briefing: 10/26/2015 **Hearing:** 10/26/2015 **Briefing:** November 9, **Vote:** 2015 11/23/2015

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

Staff is requesting the transfer of \$150,000 from streets FY15 budget that was unspent to the streets FY16 budget.

\$80,000 of this request was from personnel savings in FY15 which was due to all the vacancies experienced throughout the budget year. Our plan is to use this \$80,000 for the reconstruction of College Drive. Our plan is to reconstruct another 3 blocks in October which will get us to Olive Street and then finish out the reconstruction of College Drive from Olive Street to Texas Blvd in the summer of 2016.

The other \$70,000 that we are requesting to transfer is from unspent demolition funds in FY15. Our plan in FY15 was to use this money for the asbestos abatement of structures. However, the asbestos inspections that were done last year took longer than expected and there was not enough time to accomplish this.

Potential Options:

- Approve amendment
- Disapprove amendment

Fiscal Implications:

This ordinance will be transferring unspent funds from FY15 to FY16 streets budget.

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

City of Texarkana, Texas

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2015-109 ORD ATTCH No. 1 Goals & Perspectives (DOCX)
- b. 2015-109 ORD ATTCH No. 2 Ord. 2014-073 (PDF)
- c. 2015-109 ORD ATTCH No. 3 Ord. 2015-043 (PDF)
- d. 2015-109 ORD ATTCH No. 4 Ord. 2015-079 (PDF)
- e. 2015-109 ORD FY16 Budget Amendment for Streets Division (DOC)

Staff Coordination

Public Works Department	Kyle Dooley	Department Head Review
Completed	09/25/2015 11:30 AM	
Finance Department	Charlie Bassett	Finance Review
Completed	09/25/2015 11:58 AM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	09/25/2015 3:34 PM
Public Information Officer	Lisa Thompson	PIO Review
Completed	09/25/2015 4:11 PM	
City Manager	John Whitson	City Manager Review
Completed	10/06/2015 4:19 PM	
City Council	Jennifer Evans	Meeting
Completed	10/12/2015 6:00 PM	

Meeting History

10/12/15 City Council MOVED FORWARD Next: 10/26/15

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

None

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

ORDINANCE NO. 2014-073

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE BUDGET ESTIMATE OF THE REVENUES AND EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014; ADOPTING THE BUDGET AND APPROPRIATING RESOURCES FOR THE BUDGET BEGINNING OCTOBER 1, 2014; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the budget estimate of the revenues and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2013, and ending September 30, 2014, be amended as shown in the City Budget for the fiscal year beginning October 1, 2014, and ending September 30, 2015.

SECTION 2: That the budget estimate of the revenues and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2014 and ending September 30, 2015, be and is hereby adopted and approved as the budget for such fiscal year.

SECTION 3: That a copy of said final adopted budget shall be filed with the City Secretary, the Texarkana Public Library, and placed on the City's website.

SECTION 4: GENERAL FUND

ANTICIPATED REVENUES/TRANSFERS IN

General Property Taxes	\$10,616,498
Taxes – Other	15,039,812
Franchise Taxes	1,750,624
Fees and Permits	163,871
Charges for Services	954,740
Fines and Forfeitures	1,607,171
Grants and Entitlements	774,699
Intergovernmental Revenue	201,602
Other Revenue	76,235
Interest Income	30,068
Rental Income	15,056
Transfers In	550,650
Fund Balance Appropriated	0
Total General Fund Revenues	\$31,781,026

AUTHORIZED EXPENDITURES/TRANSFERS OUT

General Government

City Council	\$67,011
City Manager	876,130
Administrative Services	0
Public Information Officer	0
City Secretary	0
Human Resources	319,796
Vital Statistics	0
City Attorney	167,000
Municipal Court	634,133
Finance	689,633

Total General Government	\$2,753,703
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Veterans Office	\$11,060
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Non-Operating	\$5,391,751
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Police

Police Administration	\$1,823,496
Patrol Division	5,039,605
Services Division	2,596,289

Total Police	\$9,459,390
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Fire and Emergency Management

Fire Administration	\$238,039
Fire Operations	5,205,656
Building and Life Safety	514,017
Homeland Security	33,000

Total Fire Department	\$5,990,712
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Public Works

Engineering & Infrastructure	\$185,094
Engineering Design	315,582
Street Maintenance	2,682,265
Sign & Signal	418,033
Storm water Management	243,453
Downtown Trans Enhancement	717,500
Community & Public Works	0

Total Community & Public Works	\$4,561,927
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Planning and Community Development

Community Development	\$516,867
Farmers Market	1,500

Total Planning and Community Development	\$518,367
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Inspections and Code Enforcement

Inspection	\$391,569
Environmental Services	158,230
Code Enforcement	298,985
Animal Control	267,285
Environmental Health Service	60,982
Total Inspections and Code Enforcement	\$1,177,051

Parks & Recreation and Community Health

Building Maintenance	\$256,251
Parks & Recreation Administration	218,217
Parks Maintenance	1,035,762
Recreational Programs/Activities	203,207
Senior Citizens Program	84,180
Special Events	20,975
Beverly Community Center	0
Sports Promotion	80,250
Total Parks & Recreation and Community Health	\$1,898,842

Total Expenditures	\$31,762,803
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SECTION 5: NARCOTICS DIVISION OPERATIONS FUND

ANTICIPATED REVENUES

Forfeitures	\$30,000
Investment Earnings	600
Receivable Interest	80
Fund Balance Appropriated	74,058
Total Anticipated Revenues	\$104,738

AUTHORIZED EXPENDITURES

Operations	\$104,738
Total Anticipated Expenditures	\$104,738

SECTION 6: PERSONNEL POLICY FUND

ANTICIPATED REVENUES

Transfer from General Fund	\$502,000
Investment Earnings	2,150
Total Anticipated Revenues	\$504,150

AUTHORIZED EXPENDITURES

Termination Pay	\$175,000
Operations	155,500
Total Anticipated Expenditures	\$330,500

SECTION 7: WORKERS' COMPENSATION FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$393,000
Interest Revenue	1,300
Anticipated Fund Balance Appropriated	150,200
<u>Total Anticipated Revenues</u>	<u>\$544,500</u>

AUTHORIZED EXPENDITURES

Transfer to General Fund	\$200,000
Insurance Premiums	344,500
<u>Total Expenditures</u>	<u>\$544,500</u>

SECTION 8: COURT SECURITY FUND

ANTICIPATED REVENUES

Court Security Fees	\$21,000
Fund Balance Appropriated	1,578
<u>Total Anticipated Revenues</u>	<u>\$22,578</u>

AUTHORIZED EXPENDITURES

Operations	\$22,578
<u>Total Expenditures</u>	<u>\$22,578</u>

SECTION 9: GENERAL PROPERTY & LIABILITY FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$214,205
Investment Earnings	260
Fund Balance Appropriated	16,480
<u>Total Anticipated Revenues</u>	<u>\$230,945</u>

AUTHORIZED EXPENDITURES

Insurance Premiums	\$230,945
<u>Total Anticipated Expenditures</u>	<u>\$230,945</u>

SECTION 10: BI-STATE CENTRAL RECORDS AND COMMUNICATIONS

ANTICIPATED REVENUES

Transfer from City of Texarkana, Arkansas	\$2,239,748
<u>Total Anticipated Revenues</u>	<u>\$2,239,748</u>

AUTHORIZED EXPENDITURES

Operations	\$2,239,748
<u>Total Anticipated Expenditures</u>	<u>\$2,239,748</u>

SECTION 11: CONSERVATION REVOLVING LOAN FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$10,340
Transfers from Other Funds	3,085
Investment & Advertising Revenue	75
<u>Total Anticipated Revenues</u>	<u>\$13,500</u>

AUTHORIZED EXPENDITURES

Operations	\$13,500
<u>Total Expenditures</u>	<u>\$13,500</u>

SECTION 12: COURT TECHNOLOGY FUND

ANTICIPATED REVENUES

Interest Revenue	\$2
Court Technology Fees	27,500
<u>Total Anticipated Revenues</u>	<u>\$27,502</u>

AUTHORIZED EXPENDITURES

Operations	\$22,668
<u>Total Expenditures</u>	<u>\$22,668</u>

SECTION 13: TECHNOLOGY FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$202,974
<u>Total Anticipated Revenues</u>	<u>\$202,974</u>

AUTHORIZED EXPENDITURES

Operations	\$189,541
<u>Total Anticipated Expenditures</u>	<u>\$189,541</u>

SECTION 14: TIRZ FUND

ANTICIPATED REVENUES

City Property Taxes	\$296,295
Bowie County Property Taxes	78,500
Investment Earnings	800
<u>Total Anticipated Revenues</u>	<u>\$375,595</u>

AUTHORIZED EXPENDITURES

Transfer to General Fund	\$ 12,000
Transfer to Debt Service Fund	252,450
Operations	300
<u>Total Authorized Expenditures</u>	<u>\$264,750</u>

SECTION 15: SUPPORTIVE HOUSING GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$314,450
<u>Total Anticipated Revenues</u>	<u>\$314,450</u>

AUTHORIZED EXPENDITURES

Operations	\$314,449
<u>Total Authorized Expenditures</u>	<u>\$314,449</u>

SECTION 16: CDBG REVOLVING LOAN FUND

ANTICIPATED REVENUES

Grant Revenue	\$100,000
<u>Total Anticipated Revenue</u>	<u>\$100,000</u>

AUTHORIZED EXPENDITURES

Operations	\$100,000
<u>Total Authorized Expenditures</u>	<u>\$100,000</u>

SECTION 17: COMMUNITY DEVELOPMENT BLOCK GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$1,161,608
<u>Total Anticipated Revenues</u>	<u>\$1,161,608</u>

AUTHORIZED EXPENDITURES

Operations	\$1,161,608
<u>Total Authorized Expenditures</u>	<u>\$1,161,608</u>

SECTION 18: EPA PETROLEUM GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$162,765
<u>Total Anticipated Revenues</u>	<u>\$162,765</u>

AUTHORIZED EXPENDITURES

Operations	\$162,765
<u>Total Authorized Expenditures</u>	<u>\$162,765</u>

SECTION 19: EPA REVOLVING LOAN GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$837,333
<u>Total Anticipated Revenues</u>	<u>\$837,333</u>

AUTHORIZED EXPENDITURES

Sub-Grants	\$390,000
Project Loans	390,000
Operations	57,333
<u>Total Authorized Expenditures</u>	<u>\$837,333</u>

SECTION 20: EPA MULTI-PURPOSE GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$188,236
<u>Total Anticipated Revenue</u>	<u>\$188,236</u>

AUTHORIZED EXPENDITURES

Operations	\$188,236
<u>Total Authorized Expenditures</u>	<u>\$188,236</u>

SECTION 21: TDHCA HOME PROGRAM GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$411,625
<u>Total Anticipated Revenues</u>	<u>\$411,625</u>

AUTHORIZED EXPENDITURES

Reconstruction Expenditures	\$338,930
Operations	72,695
<u>Total Authorized Expenditures</u>	<u>\$411,625</u>

SECTION 22: PEROT THEATRE OPERATIONS FUND

ANTICIPATED REVENUES

Transfer from Other Funds	\$268,400
Revenue from Operations	32,000
Investment Earnings	375
Fund Balance Appropriated	23,003
<u>Total Anticipated Revenues</u>	<u>\$323,778</u>

AUTHORIZED EXPENDITURES

Transfer to Building Maintenance Fund	\$40,000
Operations	283,778
<u>Total Authorized Expenditures</u>	<u>\$323,778</u>

SECTION 23: HOTEL OCCUPANCY TAX FUND

ANTICIPATED REVENUES

Transfer from Other Funds	\$85,327
Fund Balance Appropriated	55,976
Hotel Occupancy Tax Revenue	1,218,000
Investment Earnings	751
<u>Total Anticipated Revenues</u>	<u>\$1,360,054</u>

AUTHORIZED EXPENDITURES

Transfer to Other Funds	\$842,458
Paid to Sub-Recipients	261,989
Operations	255,607
<u>Total Authorized Expenditures</u>	<u>\$1,360,054</u>

SECTION 24: PEROT THEATRE BUILDING MAINTENANCE FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$27,500
Theatre Enhancement Fees	50,000
Transfers from Other Funds	40,000
Interest	2,500
<u>Total Anticipated Revenues</u>	<u>\$120,000</u>

AUTHORIZED EXPENDITURES

Building Repairs and Enhancements	\$120,000
<u>Total Authorized Expenditures</u>	<u>\$120,000</u>

SECTION 25: HOUSING FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$90,000
Investment Earnings	10,000
<u>Total Anticipated Revenues</u>	<u>\$100,000</u>

AUTHORIZED EXPENDITURES

Housing Match	\$100,000
<u>Total Authorized Expenditures</u>	<u>\$100,000</u>

SECTION 26: LAW ENFORCEMENT BLOCK GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$39,228
Investment Earnings	5
<u>Total Anticipated Revenues</u>	<u>\$39,233</u>

AUTHORIZED EXPENDITURES

Tools and Equipment	\$19,614
County ½ Share of Grant	19,614
<u>Total Authorized Expenditures</u>	<u>\$39,228</u>

SECTION 27: LAW ENFORCEMENT STATE GRANT FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$6,534
Grant Revenue	6,500
Investment Earnings	35
<u>Total Anticipated Revenues</u>	<u>\$13,069</u>

AUTHORIZED EXPENDITURES

Operations	\$13,069
<u>Total Authorized Expenditures</u>	<u>\$13,069</u>

SECTION 28: METROPOLITAN PLANNING ORGANIZATION

ANTICIPATED REVENUES

Grant Revenue	\$228,757
City Contribution	12,243
Total Anticipated Revenues	\$241,000

AUTHORIZED EXPENDITURES

Operations	\$241,000
Total Authorized Expenditures	\$241,000

SECTION 29: ECONOMIC DEVELOPMENT FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$76,625
Franchise Fees	400,000
Investment Earnings	4,200
Total Anticipated Revenues	\$480,825

AUTHORIZED EXPENDITURES

Transfer to General Fund	\$234,500
Economic Incentive Programs	20,246
Operations	151,079
Military Affairs	25,000
Grant/Loan Matching Funds	50,000
Total Authorized Expenditures	\$480,825

SECTION 30: EPA BROWNFIELD GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$79,375
Total Anticipated Revenues	\$79,375

AUTHORIZED EXPENDITURES

Operations	\$79,375
Total Authorized Expenditures	\$79,375

SECTION 31: ROTARY SPLASH PAD FUND

ANTICIPATED REVENUES

Interest Revenue	\$40
Contributions	\$37,624
<u>Total Anticipated Revenues</u>	<u>\$37,664</u>

AUTHORIZED EXPENDITURES

Improvements	\$37,664
<u>Total Authorized Expenditures</u>	<u>\$37,664</u>

SECTION 32: DEBT SERVICE FUND

ANTICIPATED REVENUES

General Property Taxes	\$4,965,555
Penalty and Interest	68,000
Transfers from Other Funds	957,348
Investment Earnings	3,500
<u>Total Anticipated Revenues</u>	<u>\$5,994,403</u>

AUTHORIZED EXPENDITURES

Bond Payments	\$5,738,883
Agent Fees	4,000
<u>Total Authorized Expenditures</u>	<u>\$5,742,883</u>

SECTION 33: PUBLIC HEALTH FUND

ANTICIPATED REVENUES

Grant Revenue	\$979,467
City Contribution	75,000
County Contribution	75,000
Investment Earnings	4,000
Clinic Fees	8,000
<u>Total Anticipated Revenues</u>	<u>\$1,141,467</u>

AUTHORIZED EXPENDITURES

Health Administration	\$171,852
Community and Rural Health Services	95,519
WIC	352,638
Public Health Services	104,238
Diabetes	80,802
Family Planning	203,516
<u>Total Authorized Expenditures</u>	<u>\$1,008,565</u>

SECTION 34: TEXARKANA PUBLIC LIBRARY

ANTICIPATED REVENUES

City Contribution	\$460,239
Other Revenue	451,174
<u>Total Anticipated Revenues</u>	<u>\$911,413</u>

AUTHORIZED EXPENDITURES

Operations	\$911,413
<u>Total Authorized Expenditures</u>	<u>\$911,413</u>

SECTION 35: FEDERAL ASSET FORFEITURE FUND

ANTICIPATED REVENUES

Forfeitures	\$35,000
Investment Earnings	250
<u>Total Anticipated Revenues</u>	<u>\$35,250</u>

AUTHORIZED EXPENDITURES

Tools and Equipment	\$30,000
<u>Total Authorized Expenditures</u>	<u>\$30,000</u>

SECTION 36: EMPLOYEE BENEFITS FUND

ANTICIPATED REVENUES

Employer Contributions	\$2,999,669
Employee Contributions	1,046,721
Investment Earnings	9,123
Contributions from Other Agencies	1,905,508
Other Revenue	121,033
<u>Total Anticipated Revenues</u>	<u>\$6,082,054</u>

AUTHORIZED EXPENDITURES

Health Claims	\$3,941,995
Insurance Premiums	625,118
HRA Funding	623,400
Administrative Expenses	891,541
<u>Total Authorized Expenditures</u>	<u>\$6,082,054</u>

SECTION 37: FLEET SERVICES FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$124,456
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Transfers from Other Funds	1,384,945
Investment Earnings	325
Other Revenue	10,500
<u>Total Anticipated Revenues</u>	<u>\$1,520,226</u>

AUTHORIZED EXPENDITURES

Operations	\$1,520,226
<u>Total Authorized Expenditures</u>	<u>\$1,520,226</u>

SECTION 38: CAPITAL REPLACEMENT FUND

ANTICIPATED REVENUES

Transfer from General Fund	\$1,000,000
Investment Earnings	245
Other Revenue	14,755
<u>Total Anticipated Revenues</u>	<u>\$1,015,000</u>

AUTHORIZED EXPENDITURES

Transfer to Fleet Fund	\$5,000
Vehicles and Equipment	605,950
<u>Total Authorized Expenditures</u>	<u>\$610,950</u>

SECTION 39: FIREMEN'S FUND

ANTICIPATED REVENUES

Employer Contributions	\$788,000
Employee Contributions	545,700
Investment Earnings	3,142,300
<u>Total Anticipated Revenues</u>	<u>\$4,476,000</u>

AUTHORIZED EXPENDITURES

Retirement Payments	\$2,184,000
Agent Fees	253,000
Operations	35,875
<u>Total Authorized Expenditures</u>	<u>\$2,472,875</u>

SECTION 40: MEMBER CITY WATER REVENUE

ANTICIPATED REVENUES

Member City Water Revenue	\$956,798
<u>Total Anticipated Revenues</u>	<u>\$956,798</u>

AUTHORIZED EXPENDITURES

Operations	\$956,798
<u>Total Authorized Expenditures</u>	<u>\$956,798</u>

SECTION 41: BOND FUNDS COMBINED

ANTICIPATED REVENUES

Fund Balance Appropriated	\$1,356,550
Investment Earnings	8,000
<u>Total Anticipated Revenues</u>	<u>\$1,364,550</u>

AUTHORIZED EXPENDITURES

Project Expenditures	\$1,364,550
<u>Total Authorized Expenditures</u>	<u>\$1,364,550</u>

SECTION 42: TEXARKANA WATER UTILITIES – TEXAS REVENUE FUND

ANTICIPATED REVENUES

Water and Sewer Revenue	\$15,805,626
Other Revenue	1,812,830
Investment Earnings	7,709
<u>Total Anticipated Revenues</u>	<u>\$17,626,165</u>

AUTHORIZED EXPENDITURES

Transfers to Bond Funds	\$559,473
Operations	13,015,669
Transfers Out	533,909
Other Expenditures	2,848,616
<u>Total Authorized Expenditures</u>	<u>\$16,957,667</u>

SECTION 43: TEXARKANA WATER UTILITIES – TEXAS BOND RESERVE FUND

ANTICIPATED REVENUES

Investment Earnings	\$2,999
<u>Total Anticipated Revenues</u>	<u>\$2,999</u>

AUTHORIZED EXPENDITURES

Previously scheduled release of portion of reserve to 2005 Bond Fund that pays off in 2017	\$1,025
<u>Total Authorized Expenditures</u>	<u>\$1,025</u>

SECTION 44: TEXARKANA WATER UTILITIES – TEXAS 2004 BOND FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$120
Transfers from Other Funds	191,732
Investment Earnings	228
Total Anticipated Revenues	\$192,080

AUTHORIZED EXPENDITURES

Bond Payments	\$191,757
Agent Fees	323
Total Anticipated Expenditures	\$192,080

SECTION 45: TEXARKANA WATER UTILITIES – 2005 BOND FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$206,405
Investment Earnings	273
Total Anticipated Revenues	\$206,678

AUTHORIZED EXPENDITURES

Bond Payments	\$206,678
Total Anticipated Expenditures	\$206,678

SECTION 46: TEXARKANA WATER UTILITIES – 2013 BOND FUND

ANTICIPATED REVENUES

Appropriated Fund Balance	\$3,553
Transfers from Other Funds	162,361
Investment Earnings	130
Total Anticipated Revenues	\$166,044

AUTHORIZED EXPENDITURES

Bond Payments	\$166,044
Total Authorized Expenditures	\$166,044

SECTION 47: TEXARKANA WATER UTILITIES – TEXAS CAPITAL IMPROVEMENT FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$888,350
Investment Earnings	3,000
Other Fees	300

Fund Balance Appropriated	1,344,628
<u>Total Anticipated Revenues</u>	<u>\$2,236,278</u>

AUTHORIZED EXPENDITURES

Project Expenditures	\$2,236,278
<u>Total Authorized Expenditures</u>	<u>\$2,236,278</u>

SECTION 48: TEXARKANA WATER UTILITIES – TEXAS INFRASTRUCTURE FUND

ANTICIPATED REVENUES

Transfers to Other Funds	\$560,000
Investment Earnings	5,759
Fund Balance Appropriated	754,241
<u>Total Anticipated Revenues</u>	<u>\$1,320,000</u>

AUTHORIZED EXPENDITURES

Project Expenditures	\$1,320,000
<u>Total Authorized Expenditures</u>	<u>\$1,320,000</u>

SECTION 49: TEXARKANA WATER UTILITIES – TEXAS CUSTOMER LOAN FUND

ANTICIPATED REVENUES

Investment Earnings	\$113
<u>Total Anticipated Revenues</u>	<u>\$113</u>

AUTHORIZED EXPENDITURES

	\$0
<u>Total Authorized Expenditures</u>	<u>\$0</u>

SECTION 50: TEXARKANA WATER UTILITIES – 2013 BOND CONSTRUCTION FUND

ANTICIPATED REVENUES

Investment Earnings	\$720
<u>Total Anticipated Revenues</u>	<u>\$720</u>

AUTHORIZED EXPENDITURES

	\$0
<u>Total Authorized Expenditures</u>	<u>\$0</u>

SECTION 51: TEXARKANA WATER UTILITIES – PERSONNEL POLICY FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$70,000
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Investment Earnings	472
Fund Balance Appropriated	7,588
<u>Total Anticipated Revenues</u>	<u>\$78,060</u>

AUTHORIZED EXPENDITURES

Termination Pay	\$40,000
Social Security	3,060
Post-Retirement Benefits	\$35,000
<u>Total Authorized Expenditures</u>	<u>\$78,060</u>

SECTION 52: TEXARKANA WATER UTILITIES – WAGGONER CREEK CAPITAL IMPROVEMENT FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$70,000
Investment Earnings	11,506
Fund Balance Appropriated	2,518,947
<u>Total Anticipated Revenues</u>	<u>\$2,600,453</u>

AUTHORIZED EXPENDITURES

Project Expenditures	\$2,600,453
<u>Total Authorized Expenditures</u>	<u>\$2,600,453</u>

SECTION 53: TEXARKANA WATER UTILITIES – LTWSC CAPITAL IMPROVEMENT FUND

ANTICIPATED REVENUES

Contributions from Other Agencies	\$44,219
Transfers from Other Funds	355,782
Investment Earnings	4,400
Fund Balance Appropriated	860,886
<u>Total Anticipated Revenues</u>	<u>\$1,265,287</u>

AUTHORIZED EXPENDITURES

Project Expenditures	\$1,265,287
<u>Total Authorized Expenditures</u>	<u>\$1,265,287</u>

SECTION 54: TEXARKANA WATER UTILITIES – MILLWOOD WTP DEPRECIATION FUND

ANTICIPATED REVENUES

		<u>Texas</u>
Transfers from Other Funds	\$103,000	\$60,711
Investment Earnings	359	222
Fund Balance Appropriated	943,854	269,061

<u>Total Anticipated Revenues</u>	<u>\$1,047,213</u>	<u>\$329,994</u>
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AUTHORIZED EXPENDITURES

		<u>Texas</u>
Project Expenditures	\$1,047,213	\$329,994
<u>Total Authorized Expenditures</u>	<u>\$1,047,213</u>	<u>\$329,994</u>

**SECTION 55: TEXARKANA WATER UTILITIES – NORTH TEXARKANA WWTP
DEPRECIATION FUND**

ANTICIPATED REVENUES

		<u>Texas</u>
Transfers from Other Funds	\$20,000	\$7,800
Investment Earnings	22	7
Fund Balance Appropriated	32,978	12,863
<u>Total Anticipated Revenues</u>	<u>\$53,000</u>	<u>\$20,670</u>

AUTHORIZED EXPENDITURES

		<u>Texas</u>
Project Expenditures	\$53,000	\$20,670
<u>Total Authorized Expenditures</u>	<u>\$53,000</u>	<u>\$20,670</u>

**SECTION 56: TEXARKANA WATER UTILITIES – SOUTH REGIONAL WWTP
DEPRECIATION FUND**

ANTICIPATED REVENUES

		<u>Texas</u>
Transfers from Other Funds	\$150,000	\$92,745
Investment Earnings	2,420	1,496
Fund Balance Appropriated	375,580	232,221
<u>Total Anticipated Revenues</u>	<u>\$528,000</u>	<u>\$326,462</u>

AUTHORIZED EXPENDITURES

		<u>Texas</u>
Project Expenditures	\$528,000	\$326,462
<u>Total Authorized Expenditures</u>	<u>\$528,000</u>	<u>\$326,462</u>

SECTION 57: TEXARKANA WATER UTILITIES – COMPOSTING FUND

ANTICIPATED REVENUES

		<u>Texas</u>
Transfers from Other Funds	\$200,000	\$123,660
Investment Earnings	1,220	754
Fund Balance Appropriated	154,780	95,701
<u>Total Anticipated Revenues</u>	<u>\$356,000</u>	<u>\$220,115</u>

AUTHORIZED EXPENDITURES

		<u>Texas</u>
Operations	\$356,000	\$220,115
Total Authorized Expenditures	\$356,000	\$220,115

SECTION 58: TEXARKANA WATER UTILITIES – EQUIPMENT ACQUISITION FUND

ANTICIPATED REVENUES

		<u>Texas</u>
Transfers from Other Funds	\$300,000	\$185,490
Investment Earnings	3,700	2,288
Fund Balance Appropriated	385,196	244,516
Total Anticipated Revenues	\$688,896	\$432,294

AUTHORIZED EXPENDITURES

		<u>Texas</u>
Equipment Expenditures	\$688,896	\$432,294
Total Authorized Expenditures	\$688,896	\$432,294

SECTION 59: TEXARKANA WATER UTILITIES – TECHNOLOGY FUND

ANTICIPATED REVENUES

		<u>Texas</u>
Transfers from Other Funds	\$600,000	\$370,980
Investment Earnings	1,697	1,049
Contributions from Other Agencies	263,314	0
Fund Balance Appropriated	481,705	350,707
Total Anticipated Revenues	\$1,346,716	\$722,736

AUTHORIZED EXPENDITURES

		<u>Texas</u>
Technology Expenditures	\$1,346,716	\$722,736
Total Authorized Expenditures	\$1,346,716	\$722,736

SECTION 60: That the City Council hereby approves the funding and purchases that are made pursuant to interlocal agreements as provided by Chapter 271, Subchapter (D) and (F) of the Texas Local Government Code, in this budget and authorizes the City Manager/Chief Executive Officer and his designated employees, at his discretion, to purchase, sign contracts and documents authorizing the payment of funds, and to expend public funds that have been expressly designated, approved, and appropriated in this budget, as set out in the 2014-2015 fiscal year Capital Replacement Fund.

SECTION 61: Operating funds encumbered on the financial records as of September 30, 2014, are hereby re-appropriated to Fiscal Year 2015.

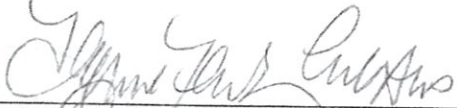
SECTION 62: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

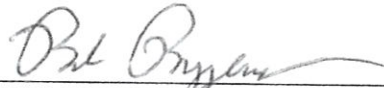
SECTION 63: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 64: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment in the Office of the City Secretary.

PASSED AND APPROVED and ordered published by the City Council of the City of Texarkana, Texas, in Regular Council Session on this the 11th day of August, 2014.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:56 pm

ORDINANCE NO. 2015 - 043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE AMENDMENT OF THE FY15 BUDGET EXPENDITURES TO INCLUDE THE UNSPENT BALANCE OF FY14 DEMOLITION FUNDS FOR THE STREET DIVISION BUDGET; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Council approved Ordinance 2014-096, which appropriated \$84,077 to the demolition of condemned residential structures for FY14; and

WHEREAS, \$12,271 of the appropriated FY14 funds were expended on residential demolition, leaving an unspent balance of \$71,806; and

WHEREAS, the City Council approved \$200,000 in the FY15 budget for residential demolition;

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

SECTION 1: That appropriations from the unassigned fund balance, a total amount of \$71,806 for residential demolition in FY15, bringing the overall line item total for residential demolition to \$271,806 for FY15, is hereby amended and approved.

SECTION 2: That a copy of said amended final adopted budget shall be placed on the City's website.

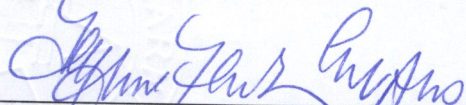
SECTION 3: It is further provided that in case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

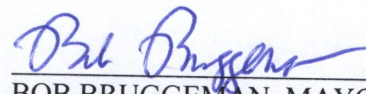
SECTION 4: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment on the City's website.

PASSED AND APPROVED in Regular Council Session on this the 8th day of June, 2015.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:16 p.m.

ORDINANCE NO. 2015-079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADOPTING THE BUDGET AND APPROPRIATING RESOURCES FOR THE BUDGET BEGINNING OCTOBER 1, 2015; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the budget estimate of the revenues and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2015 and ending September 30, 2016, be and is hereby adopted and approved as the budget for such fiscal year.

SECTION 2: That a copy of said final adopted budget shall be filed with the City Secretary, the Texarkana Public Library, and placed on the City's website.

SECTION 3: GENERAL FUND

ANTICIPATED REVENUES/TRANSFERS IN

General Property Taxes	\$10,940,920
Taxes – Other	15,386,783
Franchise Taxes	1,570,720
Fees and Permits	671,955
Charges for Services	823,920
Fines and Forfeitures	2,073,905
Grants and Entitlements	104,000
Intergovernmental Revenue	189,800
Other Revenue	100,375
Interest Income	29,795
Rental Income	26,630
Transfers In	30,900
Fund Balance Appropriated	103,011
Total General Fund Revenues	\$32,052,714

AUTHORIZED EXPENDITURES/TRANSFERS OUT

General Government	
City Council	\$62,743

City Manager	885,763
Human Resources	421,318
Municipal Court	556,390
Finance	691,939
Total General Government	\$2,618,153
Non-Operating	\$7,513,535
Police	
Police Administration	\$352,469
Patrol Division	4,807,072
Services Division	3,040,195
Total Police	\$8,199,736
Fire and Emergency Management	
Fire Administration	\$5,980,815
Total Fire Department	\$5,980,815
Public Works	
Engineering & Infrastructure	\$187,301
Engineering Design	324,849
Street Maintenance	3,046,977
Sign & Signal	407,982
Stormwater Management	469,097
Total Public Works	\$4,436,206
Planning and Community Development	
Community Development	\$365,833
Farmers Market	39,422
Total Planning and Community Development	\$405,255
Inspections and Code Enforcement	
Inspection	\$548,117
Environmental Services	278,747
Animal Control	263,539
Total Inspections and Code Enforcement	\$1,090,403
Parks & Recreation and Community Health	
Parks & Recreation Administration	\$210,656
Parks Maintenance	1,261,128
Recreational Programs/Activities	284,333
Special Events	19,278
Sports Promotion	33,215
Total Parks & Recreation and Community Health	\$1,808,610
Total Expenditures	\$32,052,713

SECTION 4: NARCOTICS DIVISION OPERATIONS FUND

ANTICIPATED REVENUES

Forfeitures	\$15,000
Investment Earnings	475
Receivable Interest	85
Fund Balance Appropriated	99,440
<u>Total Anticipated Revenues</u>	<u>\$115,000</u>

AUTHORIZED EXPENDITURES

Operations	\$115,000
<u>Total Anticipated Expenditures</u>	<u>\$115,000</u>

SECTION 5: PERSONNEL POLICY FUND

ANTICIPATED REVENUES

Transfer from General Fund	\$502,000
Investment Earnings	2,000
Appropriated Fund Balance	\$743,650
<u>Total Anticipated Revenues</u>	<u>\$1,247,650</u>

AUTHORIZED EXPENDITURES

Termination Pay	\$300,000
OPEB Trust	\$800,000
Operations	\$147,650
<u>Total Anticipated Expenditures</u>	<u>\$1,247,650</u>

SECTION 6: WORKERS' COMPENSATION FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$391,000
Interest Revenue	1,600
<u>Total Anticipated Revenues</u>	<u>\$392,600</u>

AUTHORIZED EXPENDITURES

Insurance Premiums	\$320,000
<u>Total Expenditures</u>	<u>\$320,000</u>

SECTION 7: COURT SECURITY FUND

ANTICIPATED REVENUES

Court Security Fees	\$27,000
Interest Revenue	1,100
Fund Balance Appropriated	34,875
<u>Total Anticipated Revenues</u>	<u>\$62,975</u>

AUTHORIZED EXPENDITURES

Operations	\$62,975
<u>Total Expenditures</u>	<u>\$62,975</u>

SECTION 8: GENERAL PROPERTY & LIABILITY FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$175,000
Investment Earnings	200
<u>Total Anticipated Revenues</u>	<u>\$175,200</u>

AUTHORIZED EXPENDITURES

Insurance Premiums	\$175,000
<u>Total Anticipated Expenditures</u>	<u>\$175,000</u>

SECTION 9: BI-STATE CENTRAL RECORDS AND COMMUNICATIONS

ANTICIPATED REVENUES

Transfer from City of Texarkana, Arkansas	\$2,289,230
<u>Total Anticipated Revenues</u>	<u>\$2,289,230</u>

AUTHORIZED EXPENDITURES

Operations	\$2,289,230
<u>Total Anticipated Expenditures</u>	<u>\$2,289,230</u>

SECTION 10 CONSERVATION REVOLVING LOAN FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$30,426
Transfers from Other Funds	3,085
Investment & Advertising Revenue	85
<u>Total Anticipated Revenues</u>	<u>\$33,596</u>

AUTHORIZED EXPENDITURES

Operations	\$33,596
<u>Total Expenditures</u>	<u>\$33,596</u>

SECTION 11: COURT TECHNOLOGY FUND

ANTICIPATED REVENUES

Interest Revenue	\$75
Court Technology Fees	36,000
<u>Total Anticipated Revenues</u>	<u>\$36,075</u>

AUTHORIZED EXPENDITURES

Operations	\$ 30,061
<u>Total Expenditures</u>	<u>\$30,061</u>

SECTION 12: TECHNOLOGY FUND

ANTICIPATED REVENUES

Interest Revenue	\$500
Transfers from Other Funds	186,229
<u>Total Anticipated Revenues</u>	<u>\$186,729</u>

AUTHORIZED EXPENDITURES

Operations	\$175,000
<u>Total Anticipated Expenditures</u>	<u>\$175,000</u>

SECTION 13: TIRZ FUND

ANTICIPATED REVENUES

City Property Taxes	\$467,000
Bowie County Property Taxes	275,000
Investment Earnings	1,750
<u>Total Anticipated Revenues</u>	<u>\$743,750</u>

AUTHORIZED EXPENDITURES

Transfer to General Fund	\$ 12,000
Transfer to Debt Service Fund	255,238
Operations	300
<u>Total Authorized Expenditures</u>	<u>\$267,538</u>

SECTION 14: DONATION FUND

ANTICIPATED REVENUES

Contributions From Others	\$30,000
<u>Total Anticipated Revenues</u>	<u>\$30,000</u>

AUTHORIZED EXPENDITURES

Operations	\$30,000
<u>Total Authorized Expenditures</u>	<u>\$30,000</u>

SECTION 15: TIRZ 2 FUND

ANTICIPATED REVENUES

Contributions From Others	\$5,000
<u>Total Anticipated Revenues</u>	<u>\$5,000</u>

AUTHORIZED EXPENDITURES

Operations	\$0
<u>Total Authorized Expenditures</u>	<u>\$0</u>

SECTION 16: CDBG REVOLVING LOAN FUND

ANTICIPATED REVENUES

Loan Interest	\$5,000
<u>Total Anticipated Revenue</u>	<u>\$5,000</u>

AUTHORIZED EXPENDITURES

Operations	\$500
Total Authorized Expenditures	\$500

SECTION 17: COMMUNITY DEVELOPMENT BLOCK GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$325,600
Total Anticipated Revenues	\$325,600

AUTHORIZED EXPENDITURES

Operations	\$325,600
Total Authorized Expenditures	\$325,600

SECTION 18: EPA PETROLEUM GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$4,991
Total Anticipated Revenues	\$4,991

AUTHORIZED EXPENDITURES

Operations	\$4,991
Total Authorized Expenditures	\$4,991

SECTION 19: EPA REVOLVING LOAN GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$827,745
Total Anticipated Revenues	\$827,745

AUTHORIZED EXPENDITURES

Sub-Grants	\$390,000
Project Loans	390,000
Operations	47,745
Total Authorized Expenditures	\$827,745

SECTION 20: EPA MULTI-PURPOSE GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$145,182
Total Anticipated Revenue	\$145,182

AUTHORIZED EXPENDITURES

Operations	\$145,182
<u>Total Authorized Expenditures</u>	<u>\$145,182</u>

SECTION 21: TDHCA HOME PROGRAM GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$61,681
Fund Balance Appropriated	\$19,448
<u>Total Anticipated Revenues</u>	<u>\$81,129</u>

AUTHORIZED EXPENDITURES

Operations	\$81,129
<u>Total Authorized Expenditures</u>	<u>\$81,129</u>

SECTION 22: PEROT THEATRE OPERATIONS FUND

ANTICIPATED REVENUES

Transfer from Other Funds	\$272,397
Revenue from Operations	25,000
Investment Earnings	400
Fund Balance Appropriated	26,235
<u>Total Anticipated Revenues</u>	<u>\$324,032</u>

AUTHORIZED EXPENDITURES

Transfer to Building Maintenance Fund	\$40,000
Operations	284,032
<u>Total Authorized Expenditures</u>	<u>\$324,032</u>

SECTION 23: HOTEL OCCUPANCY TAX FUND

ANTICIPATED REVENUES

Contributions From Others	\$10,525
Transfer from Other Funds	78,835
Hotel Occupancy Tax Revenue	1,094,000
Investment Earnings	500
<u>Total Anticipated Revenues</u>	<u>\$1,183,860</u>

AUTHORIZED EXPENDITURES

Transfer to Other Funds	\$835,228
Paid to Sub-Recipients	136,435
Operations	207,500
<u>Total Authorized Expenditures</u>	<u>\$1,179,163</u>

SECTION 24: PEROT THEATRE BUILDING MAINTENANCE FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$17,000
Theatre Enhancement Fees	40,000
Transfers from Other Funds	40,000
Interest	3,000
<u>Total Anticipated Revenues</u>	<u>\$100,000</u>

AUTHORIZED EXPENDITURES

<u>Building Repairs and Enhancements</u>	<u>\$100,000</u>
<u>Total Authorized Expenditures</u>	<u>\$100,000</u>

SECTION 25: COC HOMELESS ASSISTANCE GRANT FUND

ANTICIPATED REVENUES

<u>Grant Revenue</u>	<u>\$326,317</u>
<u>Total Anticipated Revenue</u>	<u>\$326,317</u>

AUTHORIZED EXPENDITURES

<u>Operations</u>	<u>\$326,317</u>
<u>Total Authorized Expenditures</u>	<u>\$326,317</u>

SECTION 26: HOUSING FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$436,150
Investment Earnings	850
<u>Total Anticipated Revenues</u>	<u>\$437,000</u>

AUTHORIZED EXPENDITURES

<u>Housing Match</u>	<u>\$437,000</u>
<u>Total Authorized Expenditures</u>	<u>\$437,000</u>

SECTION 27: LAW ENFORCEMENT BLOCK GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$29,608
Investment Earnings	5
<u>Total Anticipated Revenues</u>	<u>\$29,613</u>

AUTHORIZED EXPENDITURES

Tools and Equipment	\$16,284
County ½ Share of Grant	13,324
<u>Total Authorized Expenditures</u>	<u>\$29,608</u>

SECTION 28: LAW ENFORCEMENT STATE GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	7,000
Investment Earnings	50
<u>Total Anticipated Revenues</u>	<u>\$7,050</u>

AUTHORIZED EXPENDITURES

Operations	\$7,000
<u>Total Authorized Expenditures</u>	<u>\$7,000</u>

SECTION 29: METROPOLITAN PLANNING ORGANIZATION

ANTICIPATED REVENUES

Grant Revenue	\$216,600
City Contribution	11,400
<u>Total Anticipated Revenues</u>	<u>\$228,000</u>

AUTHORIZED EXPENDITURES

Operations	\$228,000
<u>Total Authorized Expenditures</u>	<u>\$228,000</u>

SECTION 30: ECONOMIC DEVELOPMENT FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$1,600
Franchise Fees	380,000
Investment Earnings	8,000
<u>Total Anticipated Revenues</u>	<u>\$389,600</u>

AUTHORIZED EXPENDITURES

Transfer to Technology Fund	\$547
Economic Incentive Programs	150,000
Operations	139,053
Military Affairs	25,000
Grant/Loan Matching Funds	75,000
<u>Total Authorized Expenditures</u>	<u>\$389,600</u>

SECTION 31: EPA BROWNFIELD GRANT FUND

ANTICIPATED REVENUES

Grant Revenue	\$73,157
<u>Total Anticipated Revenues</u>	<u>\$73,157</u>

AUTHORIZED EXPENDITURES

Operations	\$73,157
<u>Total Authorized Expenditures</u>	<u>\$73,157</u>

SECTION 32: ROTARY SPLASH PAD FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$80
Contributions	30,000
<u>Total Anticipated Revenues</u>	<u>\$30,080</u>

AUTHORIZED EXPENDITURES

Improvements	\$30,080
<u>Total Authorized Expenditures</u>	<u>\$30,080</u>

SECTION 33: DEBT SERVICE FUND

ANTICIPATED REVENUES

General Property Taxes	\$4,576,022
Penalty and Interest	55,000
Transfers from Other Funds	1,028,394
Investment Earnings	2,800
<u>Total Anticipated Revenues</u>	<u>\$5,662,216</u>

AUTHORIZED EXPENDITURES

Bond Payments	\$5,507,416
Agent Fees	3,500
<u>Total Authorized Expenditures</u>	<u>\$5,510,916</u>

SECTION 34: PUBLIC HEALTH FUND

ANTICIPATED REVENUES

Grant Revenue	\$862,523
City Contribution	75,000
County Contribution	75,000
Investment Earnings	0

Clinic Fees	10,500
<u>Total Anticipated Revenues</u>	<u>\$1,023,023</u>

AUTHORIZED EXPENDITURES

Health Administration	\$86,468
Community and Rural Health Services	146,391
WIC	387,416
Public Health Services	96,673
Diabetes	0
Family Planning	264,176
<u>Total Authorized Expenditures</u>	<u>\$981,124</u>

SECTION 35: TEXARKANA PUBLIC LIBRARY

ANTICIPATED REVENUES

City Contribution	\$460,239
Other Revenue	420,985
<u>Total Anticipated Revenues</u>	<u>\$881,224</u>

AUTHORIZED EXPENDITURES

Operations	\$881,224
<u>Total Authorized Expenditures</u>	<u>\$881,224</u>

SECTION 36: FEDERAL ASSET FORFEITURE FUND

ANTICIPATED REVENUES

Forfeitures	\$35,000
Investment Earnings	350
<u>Total Anticipated Revenues</u>	<u>\$35,350</u>

AUTHORIZED EXPENDITURES

Tools and Equipment	\$20,000
<u>Total Authorized Expenditures</u>	<u>\$20,000</u>

SECTION 37: EMPLOYEE BENEFITS FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$180,471
Employer Contributions	2,678,849
Employee Contributions	1,112,994
Investment Earnings	5,000
Contributions from Other Agencies	1,709,632
Other Revenue	49,000
<u>Total Anticipated Revenues</u>	<u>\$5,735,946</u>

AUTHORIZED EXPENDITURES

Health Claims	\$4,410,590
Insurance Premiums	1,110,429
Administrative Expenses	214,927
Total Authorized Expenditures	\$5,735,946

SECTION 38: FLEET SERVICES FUND

ANTICIPATED REVENUES

Transfers from Other Funds	1,505,950
Investment Earnings	700
Other Revenue	15,200
Total Anticipated Revenues	\$1,521,850

AUTHORIZED EXPENDITURES

Operations	\$1,516,542
Total Authorized Expenditures	\$1,516,542

SECTION 39: CAPITAL REPLACEMENT FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$599,550
Transfer from General Fund	\$1,200,000
Investment Earnings	2,000
Other Revenue	25,000
Total Anticipated Revenues	\$1,826,550

AUTHORIZED EXPENDITURES

Transfer to Fleet Fund	\$5,000
Vehicles and Equipment	1,821,550
Total Authorized Expenditures	\$1,826,550

SECTION 40: FIREMEN'S FUND

ANTICIPATED REVENUES

Employer Contributions	\$795,000
Employee Contributions	550,000
Investment Earnings	2,315,500
Total Anticipated Revenues	\$3,660,500

AUTHORIZED EXPENDITURES

Retirement Payments	\$2,315,000
Agent Fees	260,000
Operations	46,300
<u>Total Authorized Expenditures</u>	<u>\$2,621,300</u>

SECTION 41: MEMBER CITY WATER REVENUE

ANTICIPATED REVENUES

Member City Water Revenue	\$895,068
<u>Total Anticipated Revenues</u>	<u>\$895,068</u>

AUTHORIZED EXPENDITURES

Operations	\$895,068
<u>Total Authorized Expenditures</u>	<u>\$895,068</u>

SECTION 42: BOND FUNDS COMBINED

ANTICIPATED REVENUES

Fund Balance Appropriated	\$2,132,166
Investment Earnings	9,000
<u>Total Anticipated Revenues</u>	<u>\$2,141,166</u>

AUTHORIZED EXPENDITURES

Project Expenditures	\$2,141,166
<u>Total Authorized Expenditures</u>	<u>\$2,141,166</u>

SECTION 43: TEXARKANA WATER UTILITIES – TEXAS REVENUE FUND

ANTICIPATED REVENUES

Water and Sewer Revenue	\$15,442,050
Other Revenue	1,711,144
Investment Earnings	2,411
<u>Total Anticipated Revenues</u>	<u>\$17,155,605</u>

AUTHORIZED EXPENDITURES

Transfers to Bond Funds	\$560,974
Operations	13,530,513
Transfers Out	542,365
Other Expenditures	2,236,471
<u>Total Authorized Expenditures</u>	<u>\$16,870,323</u>

SECTION 44 TEXARKANA WATER UTILITIES – TEXAS BOND RESERVE FUND

ANTICIPATED REVENUES

Investment Earnings	\$2,839
<u>Total Anticipated Revenues</u>	<u>\$2,839</u>

AUTHORIZED EXPENDITURES

	\$0
<u>Total Authorized Expenditures</u>	<u>\$0</u>

SECTION 45: TEXARKANA WATER UTILITIES – TEXAS 2004 BOND FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$0
Transfers from Other Funds	192,487
Investment Earnings	228
<u>Total Anticipated Revenues</u>	<u>\$192,715</u>

AUTHORIZED EXPENDITURES

Bond Payments	\$191,600
Agent Fees	323
<u>Total Anticipated Expenditures</u>	<u>\$191,923</u>

SECTION 46: TEXARKANA WATER UTILITIES – 2005 BOND FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$204,557
Investment Earnings	147
<u>Total Anticipated Revenues</u>	<u>\$204,704</u>

AUTHORIZED EXPENDITURES

Bond Payments	\$204,704
<u>Total Anticipated Expenditures</u>	<u>\$204,704</u>

SECTION 47: TEXARKANA WATER UTILITIES – 2013 BOND FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$284
Transfers from Other Funds	163,930
Investment Earnings	130
<u>Total Anticipated Revenues</u>	<u>\$164,344</u>

AUTHORIZED EXPENDITURES

Bond Payments	\$164,344
<u>Total Authorized Expenditures</u>	<u>\$164,344</u>

SECTION 48: TEXARKANA WATER UTILITIES – TEXAS CAPITAL IMPROVEMENT FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$388,350
Investment Earnings	7,500
Other Fees	300
Fund Balance Appropriated	1,876,528
<u>Total Anticipated Revenues</u>	<u>\$2,272,678</u>

AUTHORIZED EXPENDITURES

Project Expenditures	\$2,272,678
<u>Total Authorized Expenditures</u>	<u>\$2,272,678</u>

SECTION 49: TEXARKANA WATER UTILITIES – TEXAS INFRASTRUCTURE FUND

ANTICIPATED REVENUES

Transfers From Other Funds	\$566,300
Investment Earnings	6,000
Fund Balance Appropriated	347,700
<u>Total Anticipated Revenues</u>	<u>\$920,000</u>

AUTHORIZED EXPENDITURES

Project Expenditures	\$920,000
<u>Total Authorized Expenditures</u>	<u>\$920,000</u>

SECTION 50: TEXARKANA WATER UTILITIES – TEXAS CUSTOMER LOAN FUND

ANTICIPATED REVENUES

Fund Balance Appropriated	\$19,880
Investment Earnings	\$120
<u>Total Anticipated Revenues</u>	<u>\$20,000</u>

AUTHORIZED EXPENDITURES

Operating Expenditures	\$20,000
<u>Total Authorized Expenditures</u>	<u>\$20,000</u>

SECTION 51: TEXARKANA WATER UTILITIES – 2013 BOND CONSTRUCTION FUND

ANTICIPATED REVENUES

Investment Earnings	\$84
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<u>Total Anticipated Revenues</u>	<u>\$84</u>
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AUTHORIZED EXPENDITURES

	\$0
<u>Total Authorized Expenditures</u>	<u>\$0</u>

SECTION 52: TEXARKANA WATER UTILITIES – PERSONNEL POLICY FUND

ANTICIPATED REVENUES

Transfers from Other Funds	\$75,000
Investment Earnings	340
<u>Fund Balance Appropriated</u>	<u>3,845</u>
<u>Total Anticipated Revenues</u>	<u>\$79,185</u>

AUTHORIZED EXPENDITURES

Termination Pay	\$40,000
Social Security	3,060
<u>Post-Retirement Benefits</u>	<u>\$36,125</u>
<u>Total Authorized Expenditures</u>	<u>\$79,185</u>

SECTION 53: TEXARKANA WATER UTILITIES – WAGGONER CREEK CAPITAL IMPROVEMENT FUND

ANTICIPATED REVENUES

Contributions From Other Agencies	\$147,774
Investment Earnings	13,250
<u>Fund Balance Appropriated</u>	<u>2,439,429</u>
<u>Total Anticipated Revenues</u>	<u>\$2,600,453</u>

AUTHORIZED EXPENDITURES

<u>Project Expenditures</u>	<u>\$2,600,453</u>
<u>Total Authorized Expenditures</u>	<u>\$2,600,453</u>

SECTION 54: TEXARKANA WATER UTILITIES – LTWSC CAPITAL IMPROVEMENT FUND

ANTICIPATED REVENUES

Contributions from Other Agencies	\$64,742
Transfers from Other Funds	520,908
Investment Earnings	3,300
<u>Fund Balance Appropriated</u>	<u>764,345</u>
<u>Total Anticipated Revenues</u>	<u>\$1,353,295</u>

AUTHORIZED EXPENDITURES

Project Expenditures	\$1,353,295
Total Authorized Expenditures	\$1,353,295

SECTION 55: TEXARKANA WATER UTILITIES – MILLWOOD WTP DEPRECIATION FUND

ANTICIPATED REVENUES

		<u>Texas</u>
Transfers from Other Funds	\$280,967	\$168,609
Fund Balance Appropriated	\$944,233	\$263,464
Total Anticipated Revenues	\$1,225,200	\$432,073

AUTHORIZED EXPENDITURES

		<u>Texas</u>
Project Expenditures	\$1,225,200	\$432,073
Total Authorized Expenditures	\$1,225,200	\$432,073

SECTION 56: TEXARKANA WATER UTILITIES – NORTH TEXARKANA WWTP DEPRECIATION FUND

ANTICIPATED REVENUES

		<u>Texas</u>
Transfers from Other Funds	\$20,000	\$7,800
Investment Earnings	12	5
Fund Balance Appropriated	59,988	23,395
Total Anticipated Revenues	\$80,000	\$31,200

AUTHORIZED EXPENDITURES

		<u>Texas</u>
Project Expenditures	\$80,000	\$31,200
Total Authorized Expenditures	\$80,000	\$31,200

SECTION 57: TEXARKANA WATER UTILITIES – SOUTH REGIONAL WWTP DEPRECIATION FUND

ANTICIPATED REVENUES

		<u>Texas</u>
Transfers from Other Funds	\$150,000	\$94,425
Investment Earnings	1,990	1,253
Fund Balance Appropriated	330,392	207,981
Total Anticipated Revenues	\$482,382	\$303,659

AUTHORIZED EXPENDITURES

		<u>Texas</u>
Project Expenditures	\$482,382	\$303,659
Total Authorized Expenditures	\$482,382	\$303,659

SECTION 58: TEXARKANA WATER UTILITIES – COMPOSTING FUND

ANTICIPATED REVENUES

		Texas
Transfers from Other Funds	\$200,000	\$125,900
Investment Earnings	1,627	1,024
Fund Balance Appropriated	409,373	257,701
Total Anticipated Revenues	\$611,000	\$384,625

AUTHORIZED EXPENDITURES

		Texas
Operations	\$611,000	\$384,625
Total Authorized Expenditures	\$611,000	\$384,625

SECTION 59: TEXARKANA WATER UTILITIES – EQUIPMENT ACQUISITION FUND

ANTICIPATED REVENUES

		Texas
Transfers from Other Funds	\$100,000	\$62,950
Investment Earnings	3,400	2,140
Fund Balance Appropriated	207,190	137,095
Total Anticipated Revenues	\$310,590	\$202,185

AUTHORIZED EXPENDITURES

		Texas
Equipment Expenditures	\$310,590	\$202,185
Total Authorized Expenditures	\$310,590	\$202,185

SECTION 60: TEXARKANA WATER UTILITIES – TECHNOLOGY FUND

ANTICIPATED REVENUES

		Texas
Transfers from Other Funds	\$350,000	\$220,325
Investment Earnings	2,310	1,454
Contributions from Other Agencies	78,825	57,644
Fund Balance Appropriated	538,053	293,897
Total Anticipated Revenues	\$969,188	\$573,320

AUTHORIZED EXPENDITURES

		Texas
Technology Expenditures	\$969,188	\$573,320
Total Authorized Expenditures	\$969,188	\$573,320

SECTION 61: That the City Council hereby approves the funding and purchases that are made pursuant to interlocal agreements as provided by Chapter 271, Subchapter (D) and (F) of the Texas Local Government Code, in this budget and authorizes the City Manager/Chief Executive Officer and his designated employees, at his discretion, to purchase, sign contracts and documents authorizing the payment of funds, and to expend public funds that have been expressly designated, approved, and

appropriated in this budget, as set out in the 2015-2016 fiscal year Capital Replacement Fund.

SECTION 62: Operating funds encumbered on the financial records as of September 30, 2015, are hereby re-appropriated to Fiscal Year 2016.

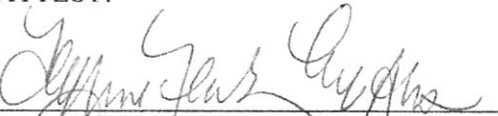
SECTION 63: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

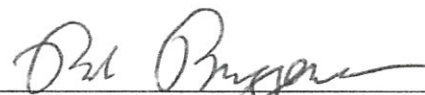
SECTION 64: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 65: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment in the Office of the City Secretary.

PASSED AND APPROVED and ordered published by the City Council of the City of Texarkana, Texas, in Regular Council Session on this the 14th day of September, 2015.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:36 p.m.

ORDINANCE NO. 2015 - 109

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE AMENDMENT OF THE FY16 BUDGET EXPENDITURES TO INCLUDE ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) OF UNSPENT FUNDS FROM FY15 STREET DIVISION BUDGET; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Council approved Ordinance 2014-073, which appropriated \$2,682,265 to the FY15 streets division budget; and

WHEREAS, City Council approved Ordinance 2015-043, which appropriated \$71,806 to the streets division budget for the demolition of condemned residential structures for FY15; and

WHEREAS, \$150,000 of the appropriated FY15 funds were still available at the end of FY15 due to personnel vacancies and unforeseen time extensions for asbestos inspections and abatements of substandard structures.

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

SECTION 1: That appropriations from the unassigned fund balance, \$80,000 for reconstruction of three blocks of College Drive, and \$70,000 for asbestos testing and abatement of substandard structures, for a total amount of \$150,000, bringing the overall streets division budget to \$3,196,977 for FY16, is hereby amended and approved.

SECTION 2: That a copy of said amended final adopted budget shall be placed on the City's website.

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

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

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment on the City's website.

PASSED AND APPROVED in Regular Council Session on this the **23rd** day of **November, 2015**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR