



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • NOVEMBER 9, 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	Absent	
Tina Veal-Gooch	Ward 3	Present	
Brian Matthews	Ward 4	Present	
Christy P. Paddock	Ward 5	Present	
Josh Davis	Ward 6	Absent	

Staff Present: City Manager John Whitson, Vicky Coopwood, Charlie Bassett, Shirley Jaster, Robby Robertson, Lynn Henry, Eric Schlotter, Kyle Dooley, Lisa Thompson, David Orr, Mashell Daniel, J.D. Phillips, and Karey Parker.

Legal Counsel: Jeff Lewis

II. INVOCATION AND PLEDGE BY COUNCIL MEMBER DR. BRIAN MATTHEWS

Mayor Bruggeman invited representatives from Boy Scout Troop #16 to lead the Pledge of Allegiance.

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

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:

November 15 th	Toys for Tots Softball Tournament	Wallace Park
November 26 th	Turkey Trot 5K Run	Spring Lake Park
December 3 rd	16 th Annual Bramlett Beans & Cornbread	Southwest Center

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

Mayor Bruggeman welcomed students from Liberty Eylau School District to the meeting. Mayor Bruggeman announced that the Community Wide Yard Sale, that was postponed due to the weather, has been rescheduled to Saturday, November 14th from 8:00 a.m. to 3:00 p.m. at Spring Lake Park. For more information or to reserve a booth, please call (903) 798.3978.

Appointments to Boards & Commissions

Council Member Veal-Gooch nominated Council Member Davis for reappointment to continue serving on the Bowie Central Appraisal District board as he is serving currently as board president. Council Member Veal-Gooch also nominated Marshall Wood for reappointment to the Riverbend Water Resources District board.

Mayor Bruggeman reaffirmed the appointment of Bruce Powers to the Housing Authority board. Mayor Bruggeman appointed Connie Smith as a resident commissioner to the Housing Authority board.

The city council unanimously confirmed the appointments.

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".

Mary Bruce addressed council concerning changing Sunset Street from a dead-end street to a through street to accommodate traffic.

Jo Ann Duman addressed council concerning a resolution in support of Riverbend Water Resources District.

Ann Redelfs addressed council concerning a resolution in support of Riverbend Water Resources District.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:20 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on October 26, 2015 at 6:00 PM.

Public Hearing and Action Items

2. Motion to move Resolution No. 2015-119 up for council vote.

(6:31 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Tina Veal-Gooch, Ward 3
AYES:	Matlock, Veal-Gooch, Matthews, Paddock
ABSENT:	Ray, Davis
EXCUSED:	Bruggeman

3. 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

Steve Mayo, Kelly Mitchell, Fred Milton and George Frost spoke at this public hearing and provided council information.

(6:31 p.m.)

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

4. Resolution No. 2015-124 expressing "No" confidence in the SRBA as currently constituted; opposing SRBA's intent and strategy to be designated as a wholesale water provider; requesting SRBA's support of the City of Texarkana and Riverbend Water Resource District be the local sponsor of water rights in Lake Wright Patman; inviting SRBA to brief the city council on all matters related to studies of the Sulphur River Basin including Lake Wright Patman.

Public Hearing: November 9, 2015

Second Briefing:

Council Vote: November 9, 2015

Steve Mayo addressed council at this public hearing. Kelly Mitchell addressed council at this public hearing.

(6:33 p.m.)

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

5. Resolution No. 2015-128 amending the Master Fee List changing the permit fee for outdoor burning (not recreational).

Public Hearing: November 9, 2015
Second Briefing:
Council Vote: November 9, 2015

Eric Schlotter spoke at this public hearing. Council Member Veal-Gooch explained the reason why this agenda item was being addressed. No public comments were made at this hearing.

RESULT:	FAILED/LACK OF MOTION
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VI. FIRST BRIEFINGS

1. Resolution No. 2015-122 approving the City's investment policy.

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

Charlie Bassett briefed this item.

RESULT:	MOVED FORWARD	Next: 11/23/2015 6:00 PM
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VII. PUBLIC HEARINGS

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

There were no public comments made at this hearing.
(6:50 p.m.)

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

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

No public comments were made at this hearing.

RESULT:	MOVED FORWARD	Next: 11/23/2015 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

No public comments were made at this hearing.

RESULT:	MOVED FORWARD	Next: 11/23/2015 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

No public comments were made at this hearing.

RESULT: MOVED FORWARD**Next: 11/23/2015 6:00 PM**

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

No public comments were made at this hearing.

RESULT: MOVED FORWARD**Next: 11/23/2015 6:00 PM**

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

No public comments were made at this hearing.

RESULT: MOVED FORWARD**Next: 11/23/2015 6:00 PM**

7. Motion to move Ordinance No. 2015-116 up for council vote.

(6:59 p.m.)

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

8. 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

No public comments were made at this hearing.
(6:59 p.m.)

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

9. Motion to move Resolution No. 2015-117 up for council vote.

(7:02 p.m.)

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

10. 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

No public comments were made at this hearing.
(7:02 p.m.)

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

11. 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

No public comments were made at this hearing.

RESULT:**MOVED FORWARD****Next: 11/23/2015 6:00 PM**

VIII. SECOND BRIEFING WITH UPDATES

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

Kyle Dooley provided council additional information.

RESULT:**MOVED FORWARD****Next: 11/23/2015 6:00 PM**

IX. SECOND BRIEFING WITHOUT UPDATES - NONE

X. ITEMS FOR DISCUSSION

Staff Updates

The City of Texarkana, Texas Investment Report for the Quarter Ended September 30, 2015 is now available for viewing on the City's website:

<http://tx-texarkana.civicplus.com/ArchiveCenter/ViewFile/Item/635>

The U.S. Department of Housing and Urban Development - Community Planning Department requires each Community Development Block Grant (CDBG) Entitlement Community to complete an annual Comprehensive Assessment Performance Evaluation Report (CAPER) no later than 90 days after the close of the program year (Program Year-End Date: September 30, 2015). The Public Comment Hearing will be held on November 23rd for the 2014 Community Development Block Grant (CDBG) annual Comprehensive Assessment Performance Evaluation Report (CAPER). The 15 day public comment period will be held from November 10th through the 25th, 2015.

David Orr provided a brief overview and comments regarding the Comprehensive Assessment Performance Evaluation Report.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council had no comments.

2. City Staff

Staff had no comments.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:23 p.m.)

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



Vicky Coopwood
Asst. City Secretary



Bob Bruggeman
Mayor



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>

Minutes Acceptance: Minutes of Oct 26, 2015 6:00 PM (Consent Items)

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

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

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

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
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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
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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
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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
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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, Texas

Version: C

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

Briefing Sheet

Lead Department: City Manager **Action Officer:** John Whitson, City Manager
Resolution No. 2015-119 supporting Riverbend Water Resource District, the
City of Texarkana, Texas and surrounding member cities as sponsors of Lake
Subject: 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)
- d. 2015-119 RES Supporting Riverbend, Texarkana as sponsors of Lake Wright Patman signed (PDF)

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 of Texarkana, Texas

City Manager 4:12 PM	John Whitson	City Manager Review Completed	10/22/2015
City Council 6:00 PM	Jennifer Evans	Meeting Completed	10/26/2015

Meeting History

10/26/15	City Council	MOVED FORWARD	Next: 11/09/15
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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.

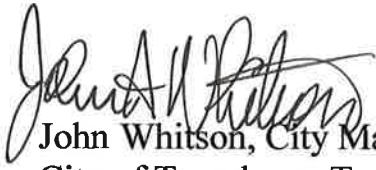
The City of Texarkana and its surrounding member entities, through Riverbend, are particularly interested in obtaining local sponsorship of any reallocation from Lake Wright Patman above the 228.64 level. As we look at the future needs for the entire region, even those needs independent of state water 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:

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.

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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

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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

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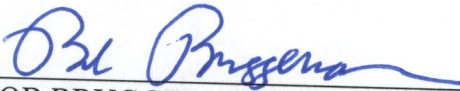
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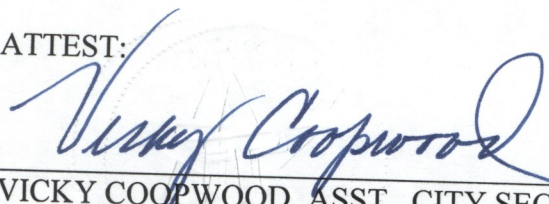
Section 3. This Resolution shall be in full force and effect from and after its passage and approval.

TEXARKANA:

PASSED AND APPROVED in Regular Council Session on this the 9th day of November, 2015.


BOB BRUGGEMAN, MAYOR

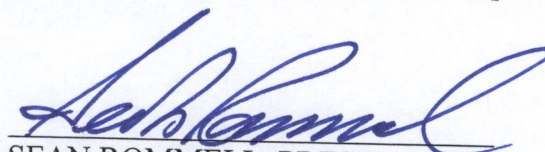
ATTEST:


VICKY COOPWOOD, ASST. CITY SECRETARY

6:38 p.m.

RIVERBEND:

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


SEAN ROMMELL, PRESIDENT

ATTEST:

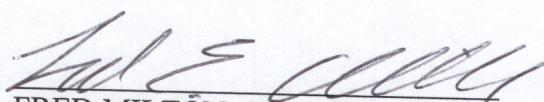

FRED MILTON, SECRETARY

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

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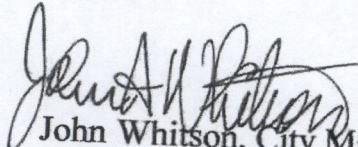
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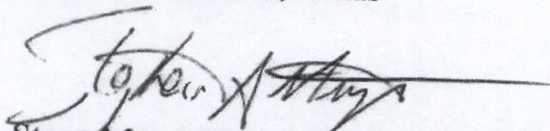
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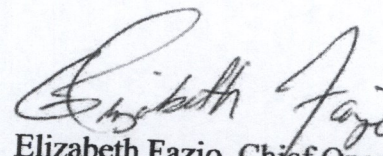
have been a part of the water supply involving Lake Wright Patman since 1953. With proper planning and coordination, it is anticipated that the participation by these entities in Lake Wright Patman will continue for the foreseeable future.

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

Version: E

Update Date: 11/24/2015 5:34 PM

Briefing Sheet

Lead Department: City Manager **Action Officer:** John Whitson, City Manager
Resolution No. 2015-124 expressing "No" confidence in the SRBA as currently
constituted; opposing SRBA's intent and strategy to be designated as a
wholesale water provider; requesting SRBA's support of the City of Texarkana
and Riverbend Water Resource District be the local sponsor of water rights in
Lake Wright Patman; inviting SRBA to brief the city council on all matters
Subject: related to studies of the Sulphur River Basin including Lake Wright Patman.

Briefing: 11/9/2015 **Public Hearing:** 11/9/2015 **Second Briefing:** 11/9/2015 **Council Vote:** 11/9/2015

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

In 1985 the 69th Texas Legislature, during the 1st Called Session, created the Sulphur River Basin Authority (SRBA) via SB 5 (see http://www.lrl.state.tx.us/LASDOCS/69CS1/SB5/SB5_69CS1.pdf#page=1 and/or ATTH 02). The SRBA was created to be a conservation and reclamation district for the watershed of the Sulphur River and its tributaries. The SRBA is to provide for the control and coordination of water use in the basin by providing for the preservation of the rights of the people of the different sections of the basin in the beneficial use of water including providing the necessary water supplies for cities, towns, and industrial districts throughout the basin.

Lake Wright Patman is the largest single body of water in the basin and the City of Texarkana is the only governmental entity awarded rights to use the water in Lake Wright Patman. SRBA has been conducting studies of the basin in coordination with the United States Army Corps of Engineers identifying future water needs and assessing water supplies to meet those needs. The Dallas/Fort Worth Metroplex (METROPLEX) local governments and water districts have engaged the SRBA to identify water supplies within the Sulphur River Basin that potentially could help meet future water demands in the METROPLEX.

At no time during the studies conducted to date has the SRBA offered to conduct stakeholder meetings for study updates wherein all the stakeholders would expect to have the opportunity to seek additional or clarifying information and to provide additional input.

In order for the city council to be fully informed of all studies that include the consideration of the waters and rights to the water, current and future, in Lake Wright Patman the city council needs immediate access to all research, interim reports, past briefings, and minutes of any and all meetings related to the conduct of these studies. The SRBA charge to preserve the rights of the people of the

City of Texarkana, Texas

different sections of the basin should include keeping all the stakeholders in the basin fully informed of all studies and actions that potentially impact water rights within the basin.

Potential Options:

- Adopt the Proposed Resolution
- Adopt an Amended Resolution
- Deny the Proposed Resolution

Fiscal Implications:

None

Staff Recommendation:

Adopt the Proposed Resolution

Advisory Board/Committee Review:

The proposed resolution has been coordinated with the Riverbend Staff and the City's Regional Water Liaison.

Board/Committee Recommendation:

City staff, the City's Regional Water Liaison, and Riverbend Staff recommend adoption of the proposed resolution.

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2015-124 RES Requesting SRBA Records and Support of Local Sponsorship (DOCX)
- b. 2015-124 ATTH 01 Resolution 2014-049 (PDF)
- c. 2015-124 ATTH 02 SB5 of the 69th Texas Legislature 1st Called Session 1985 (PDF)
- d. 2015-124 Goals & Perspectives (DOCX)
- e. 2015-124 ATTH 03 Exhibit "A" to Resolution 2015-124 (Sec. 3) (PDF)
- f. 2015-124 RES Requesting SRBA Records and Support of Local Sponsorship signed (PDF)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed
	11/05/2015 9:32 AM		
Water Utilities	JD Phillips	Review	Completed 11/05/2015
10:46 AM			
Assistant City Manager		Shirley Jaster	Assistant City Manager
Review	Completed	11/05/2015 10:49 AM	

City of Texarkana, Texas

City Attorney	Jeffery C. Lewis	Review	Completed	11/05/2015
11:04 AM				
Public Information Officer		Lisa Thompson	PIO Review	Completed
	11/05/2015 11:22 AM			
City Manager	John Whitson	City Manager Review	Completed	11/05/2015
3:57 PM				
City Council	Jennifer Evans	Meeting	Completed	11/09/2015
6:00 PM				

Meeting History

RESOLUTION NO. 2015-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, EXPRESSING NO CONFIDENCE IN SULPHUR RIVER BASIN AUTHORITY (SRBA) AS CURRENTLY CONSTITUTED; OPPOSING SRBA'S INTENT AND STRATEGY TO BE DESIGNATED AS A WHOLESALE WATER PROVIDER; REQUESTING THAT SRBA AFFIRM IT DOES NOT SEEK WATER RIGHTS IN LAKE WRIGHT PATMAN; REQUESTING THAT SRBA SUPPORT TEXARKANA AND RIVERBEND WATER RESOURCES DISTRICT AS LOCAL SPONSORS FOR ANY NEW WATER SUPPLY REALLOCATED OR DEVELOPED OUT OF LAKE WRIGHT PATMAN; REQUESTING THAT SRBA INVOLVE TEXARKANA AND RIVERBEND IN ALL MATTERS RELATING TO LAKE WRIGHT PATMAN; REQUESTING AND INVITING SRBA TO A CITY COUNCIL MEETING FOR A BRIEFING AND PUBLIC HEARING AND BRIEFING ON LAKE WRIGHT PATMAN AND BASIN STUDIES; EXERCISING THE CITY COUNCIL'S RIGHT OF PUBLIC INSPECTION AND REQUESTING THAT SRBA MAKE AVAILABLE FOR INSPECTION ITS RECORDS AND RULES; AUTHORIZING THE CITY MANAGER, REGIONAL WATER LIAISON, AND CITY ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT AND PURPOSE OF THIS RESOLUTION AND RESOLUTION NO. 2015-119; DIRECTING THAT THIS RESOLUTION BE SUBMITTED TO THE TEXAS SUNSET ADVISORY COMMISSION; 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, 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, the largest reservoir in the Sulphur River Basin, 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 local sponsor and Wholesale Water Provider under contract with the U.S. Government for water from Lake Wright Patman; 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 subject to the rights or permits held by municipalities or other persons, and with membership consisting of Texarkana together with 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, and Wake Village; 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, 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, by Resolution 2015-119, the City Council, together with Riverbend, concurred with and affirmed the request made to the U.S. Army Corps of Engineers on September 10, 2015; and

WHEREAS, the Texas Legislature created the Sulphur River Basin Authority (“SRBA”) in 1985 as a conservation and reclamation district for the watershed of the Sulphur River and its tributaries with, among other duties, a statutory mandate “to provide for the control and coordination of water use in the basin as a unit; ... to provide by adequate organization and administration for the preservation of the rights of the people of the different sections of the basin in the beneficial use of water; ... [and] to provide for the conservation of water essential for domestic and other water uses of the people of the basin, including necessary water supplies for cities, towns, and industrial districts....” [see Act of May 29, 1985, 69th Leg., 1st C.S., ch. 3, 1985 Tex. Gen. Laws 3798, §§ 17 (b)(1), (b)(2), and (b)(4)]; and

WHEREAS, the Texas Legislature, when creating SRBA, mandated that “[p]lans and works provided by the authority or under authorization of the authority should give primary consideration to the necessary and potential needs for water by or within the various areas within the watershed of the basin.” [see Act of May 29, 1985, 69th Leg., 1st C.S., ch. 3, 1985 Tex. Gen. Laws 3798, § 17 (c)]; and

WHEREAS, the Texas Legislature, when creating SRBA, mandated that “[t]he authority shall keep its accounts, contracts, documents, minutes, and other records at its principal office” and, with certain exceptions, “shall permit reasonable public inspection of its records during regular business hours under rules adopted by the board” [see Act of May 29, 1985, 69th Leg., 1st C.S., ch. 3, 1985 Tex. Gen. Laws 3798, §§ 13 (c), (d), and (e)]; and

WHEREAS, the Texas Legislature, when creating SRBA, permitted the adoption and enforcement of rules reasonably required to carry out the provisions of the enabling act, yet mandated that the SRBA board “comply, as appropriate, with the requirements of the Administrative Procedure and Texas Register Act”, and mandated that the board “print its rules and furnish copies to any person on written request” [see Act of May 29, 1985, 69th Leg., 1st

C.S., ch. 3, 1985 Tex. Gen. Laws 3798, § 31]; and

WHEREAS, the Board of Directors of SRBA, absent any coordination with Texarkana's City Council, entered into an "Advanced Funding Agreement For Water Resources Planning in the Sulphur River Basin" dated May 28, 2013, with five Region C governmental entities (Dallas, Irving, North Texas Municipal Water District, Tarrant Regional Water District, and Upper Trinity Regional Water District), which included Lake Wright Patman in a work plan; and

WHEREAS, in the "2016 Initially Prepared Region C Water Plan", Region C's plans include development of additional water supply from Lake Wright Patman, intends for SRBA to be designated a wholesale water provider, and intends for SRBA to be the strategic water developer to sell that water to Region C and others; and

WHEREAS, the City Council became aware of a letter to the Texas Water Development Board ("TWDB"), dated September 1, 2015, and signed by Michael Russell, President of the SRBA Board of Directors, stating that "SRBA's current contracts and functions clearly indicate that SRBA expects to be a Wholesale Water Provider (WWP)", and that "SRBA should be designated as a WWP"; and

WHEREAS, public attention has been directed to matters of administration and transparency of SRBA, including the 84th Texas Legislature enacting SB 523, placing SRBA under "Sunset" review, and the SRBA Board of Directors neither authorizing nor being aware of its Board President's September 1 letter to TWDB; and

WHEREAS, the City Council of Texarkana has grave concerns regarding the ability of SRBA to carry out efficiently, in compliance with the Texas Open Meetings Act and the Texas Public Information Law, its statutory mandates to provide for the control and coordination of water use in the basin as a unit, to provide by adequate organization and administration for the preservation of the rights of the people of the different sections of the basin in the beneficial use of water, and to provide for the conservation of water essential for domestic and other water uses of the people of the basin, including necessary water supplies for cities, towns, and industrial districts; and

WHEREAS, the City Council of Texarkana questions the priorities of SRBA, specifically with regard to the statutory mandate contained in Section 17(c) of the authority's enabling law for SRBA to give primary consideration to the necessary and potential needs for water by or within the various areas within the watershed of the basin, as it appears to the City Council that SRBA's priorities, and certainly its funding, lie outside of the watershed of the basin; and

WHEREAS, the City Council of Texarkana cannot reconcile the statutory mandates of SRBA with the reported statement attributed to an SRBA director that the authority is "happy to do something for anyone who wants to pay for it", and the reported statement attributed to the SRBA Board President that information is not public until the SRBA board has either approved or disproved it; and

WHEREAS, SRBA's funding agreement, its prominent role in Region C's plan, the letter of its Board President to TWDB expecting designation as WWP and interpretation of SRBA contracts

and functions (an interpretation which Texarkana rejects), leads the City Council to conclude that SRBA has been influenced to usurp Texarkana's historic function as local sponsor and water rights holder of water in Lake Wright Patman; and

WHEREAS, the City Council of Texarkana, by Resolution No. 2014-049 dated April 28, 2014, reserved its option to support or oppose any water strategy that affects Texarkana's ability to supply adequate water to its current or future constituents or customers; and

WHEREAS, the City Council of Texarkana has been made aware during a public meeting of concerns that Resolution No. 2014-049 has been co-opted as a resolution of approval of SRBA's intentions or actions, which the City Council neither intended nor stated; and

WHEREAS, because of SRBA's efforts to usurp Texarkana's historic function as local sponsor and water rights holder of water in Lake Wright Patman, the misuse of the City Council's Resolution No. 2014-049, the public attention directed to matters of administration and transparency of SRBA, and the suggestion of payment being a condition for SRBA to perform its statutory mandates, the City Council must take extraordinary action to express no confidence in SRBA as currently constituted and make other requests to SRBA to ensure the best interests of Texarkana's citizens and all persons who rely on water from Lake Wright Patman.

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

SECTION 1: The City Council expresses no confidence in SRBA as currently constituted and opposes SRBA's strategy to be designated as a Wholesale Water Provider. The City Council rejects any use or interpretation of its Resolution No. 2014-049 as approval of SRBA.

SECTION 2: With respect to new water supply reallocated or developed out of Lake Wright Patman, the City Council requests that SRBA affirm it does not request to be a Wholesale Water Provider, will not seek to contract with the U.S. Government for storage space for water in Lake Wright Patman, and will not apply for permits from the State of Texas to impound, divert, and appropriate from the public resources of the State public water from the Sulphur River Basin impounded or to be impounded in Lake Wright Patman.

SECTION 3: The City Council requests that the SRBA Board of Directors of SRBA approve the draft resolution attached as Exhibit "A" to this resolution, supporting Texarkana and Riverbend.

SECTION 4: The City Council requests that the SRBA Board of Directors include, involve, and coordinate with Texarkana and Riverbend on all matters relating or pertaining to Lake Wright Patman; and the City Council demands that the SRBA Board of Directors direct its employees, agents, contracted engineers, and consultants to include, involve, and coordinate with Texarkana and Riverbend on all matters relating or pertaining to Lake Wright Patman.

SECTION 5: The City Council requests and invites the SRBA Board of Directors and all persons that the Board compensates with public monies to a City Council meeting for a public

hearing and briefing on all completed or ongoing studies relating or pertaining to reallocation of Lake Wright Patman, raising the level of Lake Wright Patman, the Sulphur River Basin Feasibility Study, and any other basin-wide study, with the meeting to be scheduled not less than thirty days prior for adequate notice to be given to allow for attendance by all persons who rely on water from Lake Wright Patman, all municipalities and governmental entities who receive water from Lake Wright Patman, and Riverbend Water Resource District.

SECTION 6: The City Council exercises the right of public inspection of SRBA's records during the authority's regular business hours at the authority's principal office and requests that the SRBA Board of Directors make available, and direct its employees, agents, contracted engineers, and consultants make available, its documents and underlying data from its database of information involving the entire Sulphur River Watershed, including documents relating or pertaining to reallocation of Lake Wright Patman, the Sulphur River Basin Feasibility Study, and any other basin-wide study.

SECTION 7: The City Council directs this resolution to SRBA to be treated as Texarkana's written request that SRBA furnish Texarkana with a copy of SRBA's rules, if any, issued pursuant to Section 31 of SRBA's enabling legislation.

SECTION 8: The City Council authorizes its City Manager, Regional Water Liaison, and City Attorney to take any and all actions necessary to effectuate the intent and purpose of this Resolution and Resolution No. 2015-119.

SECTION 9: The City Council directs the City Manager to submit an attested copy of this resolution upon execution to the Texas Sunset Advisory Committee.

SECTION 10: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **9th day of November, 2015.**

BOB BRUGGEMAN, MAYOR

ATTEST:

VICKY COOPWOOD, ASST. CITY SECRETARY

RESOLUTION NO. 2014 - 049**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, TO SUPPORT A RESOLUTION OF REGION C AND REGION D WATER PLAN INTERREGIONAL CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, there has been an interregional conflict between Region C and Region D Regional Water Plans since at least 2011; and

WHEREAS, multiple efforts such as District Court action, Court of Appeals action, a legislative study commission and mediation that have been unable to bring the conflict to a successful conclusion; and

WHEREAS, the Sulphur River Basin Authority will have engineering study data to aid the Region D and Region C in making decisions regarding current projects and alternate strategies by 2015; and

WHEREAS, the City Council of Texarkana, Texas has received considerable input from its citizens; and

WHEREAS, it is in the best financial interest of Region C and Region D that the conflict be settled.

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

SECTION 1: That the City of Texarkana, Texas reserves the option, in the future, to support or oppose any water strategy, within Region C or Region D, that affects the City of Texarkana, Texas ability to supply adequate water to its current or future constituents or customers; and

SECTION 2: That the City of Texarkana, Texas supports a solution to the conflict between the Region C and Region D Regional Water Plans that allows a timely and prudent financial path forward; and

SECTION 3: That the City of Texarkana, Texas opposes the proposed staff recommendation of the Executive Administrator, Kevin Patteson, with regard to: (i) instructing Region C to retain Marvin Nichols in Region C's regional water plans and further opposes (ii) the proposed instructions to Region D to delete references from Region D's regional water plan regarding Marvin Nichols (see Attachment 5 to the Executive Administrator's recommendations) and further opposes (iii) the proposed instruction that objections to Marvin Nichols should not be included in future Region D regional water plans.

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 28th day of April, 2014.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

7:54pm

Revisions To Be Made In The Region D 2011 Regional Water Plan

Delete the following portions of the Plan

Page vi, Table of Contents, Section 7.0 Title beginning with “and the inconsistency . . .” to the end of the title

Page 7-1, Section 7.1, last paragraph, last four sentences beginning “This chapter will also address . . .”

Page 7-3, Section 7.3, second sentence in the paragraph beginning (“The Marvin Nichols I Reservoir”

Page 7-3, Section 7.4, the next-to-last sentence beginning with the phrase “although the Marvin Nichols I Reservoir . . .” to the end of the sentence.

Page 7-11, Section 7.7, Conclusion paragraph and Note.

Page 8-6, Section 8.4, paragraph beginning “Sulphur River”

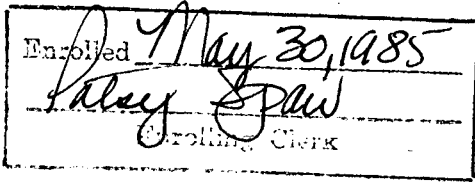
Page 8-16, Section 8.8, third paragraph beginning “It is the position”

Pages 8-32 – 8-33, Section 8.12.1, last paragraph beginning “Therefore, the North East Texas”

Page 8-35, Section 8.12.4, third paragraph beginning “The North East Texas”

Page 8-36, Section 8.13.1, last paragraph beginning “Based on the reasons set forth. . . ,” and ending on page 8-37 with “. . . of the Texas Water Code.”

Page 8-49, Section 8.13.15, NOTE



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1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operations, and financing of the Sulphur River Basin Authority;
4 authorizing certain public agencies to contract with the authority;
5 and providing civil penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. CREATION. (a) Pursuant to Article XVI, Section
8 59, of the Texas Constitution, a conservation and reclamation
9 district is created to be known as Sulphur River Basin Authority.

10 (b) The authority is a governmental agency and a body
11 politic and corporate.

12 (c) The authority created under this section may not levy
13 any taxes or create any debt payable out of taxation.

14 (d) The authority may exercise all the rights and powers of
15 an independent agency, body politic and corporate, to construct,
16 maintain, and operate inside the state and in the watershed of the
17 Sulphur River and its tributaries inside or outside the boundaries
18 of the authority any works considered essential to the operation of
19 the authority and for its administration in controlling, storing,
20 preserving, and distributing the water of the Sulphur River and its
21 tributary streams, including the storm water and floodwater. The
22 authority may exercise the power of control and regulation over the
23 water of the Sulphur River and its tributaries as may be exercised
24 by the state, subject to the constitution and the laws of this
25 state.

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SECTION 2. DEFINITIONS. In this Act:

(1) "Authority" means the Sulphur River Basin Authority.

(2) "Basin" means the watersheds of the Sulphur River within the boundaries of the authority as defined in Section 3 of this Act.

(3) "Board" means the board of directors of the authority.

(4) "Commission" means the Texas Water Commission.

(5) "Department" means Texas Department of Water Resources.

(6) "Development board" means the Texas Water Development Board.

(7) "Person" means an individual, corporation, organization, public agency, business trust, estate, trust, partnership, association, and any other legal entity.

(8) "Public agency" means any government or governmental subdivision or agency.

(9) "State" means the State of Texas or any of its agencies, departments, boards, political subdivisions, or other entities.

(10) "United States" includes any department, bureau, and other agency of the United States.

(11) "Waste" means sewage, industrial waste, municipal waste, recreational waste, agricultural waste, waste heat, solid waste, or any other waste.

SECTION 3. BOUNDARIES. (a) The authority is composed of the territory in each county in Texas, other than Fannin County, that is located in whole or in part within the watershed of the Sulphur River and its tributaries with confluences with the Sulphur

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1 River upstream from the eastern boundary of Texas, as those
2 watersheds and tributaries are defined by maps now on file with the
3 Texas Department of Water Resources.

4 (b) The legislature finds that all of the land included in
5 the authority will be benefited by the improvements to be acquired
6 and constructed by the authority.

7 SECTION 4. AUTHORITY PURPOSES. The purpose of this Act is
8 to authorize the authority to provide for the conservation and
9 development of the state's natural resources within the basin of
10 Sulphur River, including:

11 (1) the control, storage, preservation, and distribution of
12 the state's water for domestic and municipal uses, industrial uses,
13 irrigation, mining and recovery of minerals, stock raising,
14 underground water recharge, electric power generation, navigation,
15 recreation and pleasure, and other beneficial uses and purposes;

16 (2) the reclamation and irrigation of land needing
17 irrigation;

18 (3) the reclamation and drainage of overflowed land and
19 other land needing drainage;

20 (4) the maintenance and enhancement of the quality of the
21 water;

22 (5) the conservation and development of the forests, water,
23 and hydroelectric power;

24 (6) the navigation of inland water; and

25 (7) the provision of systems, facilities, and procedures for
26 the collection, transportation, handling, treatment, and disposal

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1 of waste of all types.

2 SECTION 5. CONSTRUCTION OF ACT. This Act shall be liberally
3 construed to achieve its purposes, and any particular grant of
4 power included in this Act shall be held to specify but not to
5 limit general powers. This Act is sufficient authority for the
6 performance of all acts and procedures authorized by this Act,
7 without reference to any other law or any restrictions or
8 limitations included in any other law.

9 SECTION 6. BOARD OF DIRECTORS. (a) The authority shall be
10 governed by a board of directors composed of six members. The
11 members of the board shall be appointed by the governor with the
12 advice and consent of the senate. Two members of the board shall
13 be appointed from each of the following regions:

14 (1) Region 1: Bowie and Red River counties;

15 (2) Region 2: Cass, Franklin, Hunt, Morris, and Titus
16 counties; and

17 (3) Region 3: Delta, Hopkins, and Lamar counties.

18 (b) Each member of the board must be a qualified elector and
19 a resident of a county in the region for which he is appointed.

20 (c) Except for the initial members of the board, each member
21 of the board shall serve for a term of six years and until his
22 successor has qualified. Of the six initial members appointed by
23 the governor, the governor shall designate two members to serve for
24 terms that expire on February 1, 1987, two members to serve for
25 terms that expire on February 1, 1989, and two members to serve for
26 terms that expire on February 1, 1991.

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1 (d) Each member of the board shall qualify by taking the
2 constitutional oath of office and by executing a bond in an amount
3 determined by the board conditioned on the faithful performance of
4 his duties.

5 (e) All vacancies on the board shall be filled in the manner
6 provided by this section for making the original appointment.

7 (f) The governor may remove a director from office for
8 inefficiency, neglect of duty, misconduct in office, or absence
9 from three consecutive regular meetings of the board. Before a
10 director is removed from office, the board shall call and hold a
11 hearing on the charges against him, and the director who is the
12 subject of the proposed removal is entitled to appear at the
13 hearing and present evidence to show why he should not be removed
14 from office. Not later than the 30th day before the date of the
15 hearing, the board shall give the accused director notice of the
16 charges against him and the time and place for the hearing. An
17 affirmative vote of not less than four of the directors is required
18 to approve a recommendation for removal. A recommendation for
19 removal shall be forwarded to the governor for his consideration
20 and action as provided by this subsection.

21 (g) A majority of the members of the board constitutes a
22 quorum for the transaction of business.

23 (h) The board shall adopt and may amend necessary rules for
24 the conduct of the authority's business.

25 (i) The board shall elect a president, one or more
26 vice-presidents, a secretary, a treasurer, and other officers as

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1 the members of the board consider necessary. The president and
2 vice-president must be members of the board, but other officers are
3 not required to be members of the board. The offices of the
4 secretary and treasurer may be combined, and the offices of
5 assistant secretary and assistant treasurer may be combined.

6 SECTION 7. INTEREST IN CONTRACT. A director who has a
7 financial interest in a contract of the authority for the purchase,
8 sale, lease, rental, or supply of property, including supplies,
9 materials, and equipment, or the construction of facilities shall
10 disclose that fact to the other members of the board and may not
11 vote on or participate in discussions during board meetings on the
12 acceptance of the contract. A financial interest of a director
13 does not affect the validity of a contract if disclosure is made
14 and the director with the financial interest does not vote on the
15 question of entering into the contract.

16 SECTION 8. DIRECTOR'S COMPENSATION. (a) A director is
17 entitled to receive \$25 a day and reimbursement for actual and
18 necessary expenses incurred:

19 (1) for each day he spends attending meetings of the board;
20 and

21 (2) for each day he spends attending to the business of the
22 authority that is authorized by the board.

23 (b) A director is not entitled to receive a per diem
24 allowance for more than 50 days in any single calendar year.

25 SECTION 9. COMMITTEES. The board may appoint or establish
26 committees from the membership of the board as necessary or

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1 desirable to assist in conducting the business of the authority.
2 Subject to the applicable rules of law on delegation of powers, the
3 board may assign or delegate or provide for the assignment or
4 delegation of any powers, duties, and functions to its committees
5 as the board may provide by rule or resolution.

6 SECTION 10. EXECUTIVE DIRECTOR. (a) The board may employ
7 an executive director and set his salary and other compensation by
8 majority vote of the qualified directors.

9 (b) The executive director is the chief executive officer of
10 the authority.

11 (c) Under policies established by the board, the executive
12 director is responsible to the board for:

13 (1) administering the directives of the board;

14 (2) keeping the authority's records, including minutes of
15 the meetings of the board and the executive committee;

16 (3) coordinating with state, federal, and local agencies;

17 (4) developing plans and programs for the approval of the
18 board or the executive committee;

19 (5) hiring, supervising, training, and discharging the
20 authority's employees, as authorized by the board or the executive
21 committee;

22 (6) contracting for or retaining technical, scientific,
23 legal, fiscal, and other professional services, as authorized by
24 the board; and

25 (7) performing any other duties assigned by the board.

26 (d) The board may discharge the executive director on a

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majority vote of the qualified directors.

SECTION 11. DIRECTORS' AND EMPLOYEES' BONDS. (a) The executive director, the treasurer, and other officers, agents, and employees of the authority who have responsibilities that involve the collection, custody, or payment of any money of the authority shall execute a fidelity bond. The board shall approve the form, amount, and surety of the bond.

(b) The authority shall pay the premiums on the bonds required under this Act.

SECTION 12. PRINCIPAL OFFICE. The authority shall maintain its principal office inside its boundaries.

SECTION 13. RECORDS. (a) The authority shall keep complete and accurate accounts of its business transactions in accordance with generally accepted methods of accounting.

(b) The authority shall keep complete and accurate minutes of its meetings.

(c) The authority shall keep its accounts, contracts, documents, minutes, and other records at its principal office.

(d) Except as otherwise required by law, the authority shall not disclose any records that it has relating to trade secrets or economics of operation of any business or industry.

(e) Except as provided by Subsection (d) of this section, the authority shall permit reasonable public inspection of its records during regular business hours under rules adopted by the board.

SECTION 14. SEAL. The authority shall adopt a seal.

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1 SECTION 15. SUIT. (a) The authority may sue and be sued in
2 the name of the authority.

3 (b) Service of process may be accomplished by serving the
4 president or vice-president of the board or the executive director.

5 (c) All courts of this state shall take judicial notice of
6 the establishment of the district.

7 SECTION 16. GENERAL POWERS AND DUTIES. (a) The authority
8 shall administer this Act and shall use its facilities and powers
9 to accomplish the purposes of this Act.

10 (b) The authority may exercise the powers, rights, and
11 privileges necessary or convenient for accomplishing the purposes
12 of this Act.

13 (c) The powers granted to the authority by this Act are
14 cumulative of all powers granted by other laws that are applicable
15 to the authority. However, the powers granted to the authority by
16 this Act are not intended to restrict the powers of any
17 conservation and reclamation district previously created within the
18 basin or area of the authority under Article XVI, Section 59, of
19 the Texas Constitution. It is the legislature's intent that the
20 authority and those districts exercise their respective powers in a
21 cooperative manner.

22 (d) A district previously created under Article XVI, Section
23 59, or Article III, Sections 52(b)(1) and (2), of the Texas
24 Constitution may coordinate its plans with the authority and may
25 enter into joint undertakings for the purposes for which the
26 districts are created. However, those acts must be approved by a

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majority of the board of directors of the district and authority.

SECTION 17. CONTROL AND USE OF WATERS. (a) Subject to the constitution and other laws of this state and the continuing right of supervision of the state through the commission, the authority may exercise authority over the storm water and floodwater of the basin, subject to applicable provisions of the Water Code.

(b) The authority may exercise the powers of control and use of the state's water in the manner and for the following purposes:

(1) to provide for the control and coordination of water use in the basin as a unit;

(2) to provide by adequate organization and administration for the preservation of the rights of the people of the different sections of the basin in the beneficial use of water;

(3) to provide for conserving storm water, floodwater, and unappropriated flow of the basin, including the storage, control, transportation, treatment, and distribution of that water, and the prevention of the escape of water without the maximum of public service and for the prevention of devastation of land from recurrent overflows, and the protection of life and property in the river basin from uncontrolled floodwater;

(4) to provide for the conservation of water essential for domestic and other water uses of the people of the basin, including necessary water supplies for cities, towns, and industrial districts;

(5) to provide for the irrigation of land in the basin where irrigation is required for agricultural purposes or is considered

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1 helpful to more profitable agricultural production and for the
2 equitable distribution of storm water, floodwater, and
3 unappropriated flow water to the regional potential requirements
4 for all uses;

5 (6) to provide for the encouragement and development of
6 drainage systems and provisions for drainage of land in the valleys
7 of the basin needing drainage for profitable agricultural and
8 livestock production and industrial activities, and other drainage
9 of land for the most advantageous use;

10 (7) to provide for the conservation of soil against
11 destructive erosion, thereby preventing the increased flood menace
12 incident to erosion;

13 (8) to control and make available for use storm water,
14 floodwater, and unappropriated flow water as authorized by the
15 commission, in the development of commercial and industrial
16 enterprises in all sections of the watershed area of the authority;

17 (9) to provide for the control, storage, and use of storm
18 water, floodwater, and unappropriated flow water in the development
19 and distribution of hydroelectric power, where this use may be
20 economically coordinated with other and superior uses, and
21 subordinated to the uses declared by law to be superior;

22 (10) to provide for each purpose and use for which storm
23 water, floodwater, and unappropriated flow water when controlled
24 and conserved may be used in the performance of a useful service as
25 contemplated and authorized by the provisions of the constitution
26 and laws of this state;

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1 (11) to control, store, and preserve the water of the basin
2 inside the boundaries of the authority for any useful purpose;

3 (12) to use, distribute, and sell water for any beneficial
4 purpose inside and outside the authority; and

5 (13) to acquire water and water rights inside and outside
6 the authority.

7 (c) Plans and works provided by the authority or under
8 authorization of the authority should give primary consideration to
9 the necessary and potential needs for water by or within the
10 various areas within the watershed of the basin.

11 (d) The authority shall adopt and implement a program of
12 water conservation consistent with rules and criteria duly adopted
13 and enforceable by the department for similarly situated
14 authorities. A program of water conservation means the use of
15 practices, techniques, and technologies that will reduce the
16 consumption of water, reduce the loss or waste of water, improve
17 efficiency in the use of water, or increase the recycling and reuse
18 of water so that a water supply is made available for future uses.

19 SECTION 18. FORESTATION AND REFORESTATION. The authority
20 may forest and reforest and aid in the foresting and reforesting of
21 the watershed area of the basin.

22 SECTION 19. GROUNDWATER. (a) The authority may conduct
23 surveys and studies of the groundwater supplies in the authority
24 for the purpose of determining the location and quantity of
25 groundwater available, and to develop and ascertain other data and
26 information that in the judgment of the board may be necessary to

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1 fully develop water uses from the groundwater in the authority.

2 (b) Subject to the requirements of applicable laws and with
3 the approval and under the supervision of the commission, the
4 authority may appropriate storm water and floodwater to recharge
5 underground freshwater-bearing sand and aquifers in the basin.

6 SECTION 20. WATER QUALITY CONTROL. The authority is a river
7 authority for the purposes and definitions of Chapter 30, Water
8 Code, the Clean Air Financing Act (Article 4477-5a, Vernon's Texas
9 Civil Statutes), and the Solid Waste Resource Recovery Financing
10 Act (Article 4477-7a, Vernon's Texas Civil Statutes) as they apply
11 to the authority. If one of those Acts conflicts with this Act,
12 this Act prevails.

13 SECTION 21. SOLID WASTE. The authority may purchase,
14 acquire, construct, maintain, and provide facilities, equipment,
15 and disposal sites to furnish solid waste collection,
16 transportation, treatment, and disposal services inside the
17 authority, may charge for the services, and may enter into
18 contracts for those services with any person.

19 SECTION 22. PARKS AND RECREATIONAL FACILITIES. The
20 authority may acquire land adjacent to or in the basin, for park
21 and recreational purposes, and may acquire, construct, and maintain
22 park and recreational facilities on that land.

23 SECTION 23. PERMITS AND LICENSES. (a) The authority shall
24 apply for any permits, licenses, franchises, and other grants of
25 authority required from the commission.

26 (b) The authority may apply for any permits, licenses,

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1 franchises, and financial assistance it may need from the
2 department or any federal, state, or local governmental agency.

3 SECTION 24. SERVICE CONTRACTS AND CHARGES. (a) The
4 authority may enter into service contracts and may adopt
5 resolutions and orders establishing rates and providing for the
6 collection of fees and charges for the sale or use of water, the
7 services of water transmission, treatment, and storage facilities,
8 solid and liquid waste collection, treatment and disposal
9 facilities and services, the use of park and recreational
10 facilities, the sale of power and electric energy, and any other
11 services or facilities sold, furnished, or supplied by the
12 authority.

13 (b) The fees and charges shall be sufficient to produce
14 revenues adequate to:

15 (1) pay expenses necessary for the operation and maintenance
16 of the property and facilities of the authority;

17 (2) pay the principal of and interest on any bonds or other
18 obligations issued by the authority when due and payable and to
19 fulfill any reserve or other fund obligations of the authority in
20 connection with the bonds or other obligations; and

21 (3) pay any other expenses the board may consider necessary
22 and proper for the operations of the authority.

23 SECTION 25. EMINENT DOMAIN. (a) The authority may acquire
24 land inside and outside the authority to carry out the powers,
25 rights, privileges, authority, and functions authorized by this Act
26 by condemnation when the board determines, after notice and

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1 hearing, that it is necessary.

2 (b) The right of eminent domain shall be exercised by the
3 authority in the manner provided by Chapter 21, Property Code,
4 except that the authority is not required to give bond for appeal
5 or bond for costs in a condemnation suit or other suit to which it
6 is a party and is not required to deposit double the amount of any
7 award in any suit.

8 (c) If the authority, in the exercise of the power of
9 eminent domain, makes necessary the relocation, raising, lowering,
10 rerouting, or change in grade, or alteration of the construction of
11 any highway, railroad, electric transmission or distribution line,
12 telephone or telegraph properties and facilities, or pipeline, all
13 necessary relocations, raising, lowering, rerouting, change in
14 grade, or alteration of construction shall be accomplished at the
15 sole expense of the authority. "Sole expense" means the actual
16 cost of relocation, raising, lowering, rerouting, or change in
17 grade or alteration of construction to provide comparable
18 replacement without enhancement of facilities, after deducting the
19 net salvage value derived from the old facility.

20 SECTION 26. ACQUISITION AND DISPOSITION OF PROPERTY. (a)
21 The authority may purchase, lease, acquire by gift, maintain, use,
22 and operate property of any kind inside or outside the authority,
23 appropriate for the exercise of its powers or accomplishment of its
24 purposes.

25 (b) The authority also may sell any property or interest in
26 property owned by the authority by installments or otherwise,

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1 including sales in any manner prescribed or authorized by Chapter
2 224, Acts of the 56th Legislature, Regular Session, 1959 (Article
3 1109j, Vernon's Texas Civil Statutes), Chapter 30, Water Code, and
4 the Clean Air Financing Act (Article 4477-5a, Vernon's Texas Civil
5 Statutes). The authority may also lease, exchange, or otherwise
6 dispose of any property or interest in property.

7 SECTION 27. FACILITIES. The authority may acquire,
8 construct, extend, improve, maintain, reconstruct, use, and operate
9 any facilities inside or outside the authority necessary or
10 convenient to the exercise of its powers, rights, duties, and
11 functions or accomplishments of its purposes.

12 SECTION 28. USE OF PUBLIC EASEMENTS. The authority may use
13 any public roadways, streets, alleys, or public easements inside or
14 outside the boundaries of the authority in the exercise of its
15 powers or the accomplishment of its purposes without the necessity
16 of securing a franchise.

17 SECTION 29. CONTRACTS GENERALLY. (a) The authority may
18 enter into contracts and execute instruments that are necessary or
19 convenient to the exercise of its powers, rights, duties, and
20 functions or the accomplishment of its purposes.

21 (b) Notwithstanding any other law, the authority may
22 undertake and carry out any activities, enter into contracts, loan
23 agreements, leases, or installment sales agreements, and acquire,
24 purchase, construct, own, operate, maintain, repair, improve, or
25 extend, and loan, lease, sell, or otherwise dispose of, as the
26 parties may agree, any facilities, plants, buildings, structures,

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1 equipment, and appliances, property or any interest in property,
2 and any or all money or proceeds of bonds and other obligations.
3 This may be accomplished by such methods as loan payments, rentals,
4 sales, and installment sales.

5 (c) All persons are authorized to contract with the
6 authority in any manner authorized by this Act, Chapter 30, Water
7 Code, the Clean Air Financing Act (Article 4477-5a, Vernon's Texas
8 Civil Statutes), and the Solid Waste Resource Recovery Financing
9 Act (Article 4477-7a, Vernon's Texas Civil Statutes), with respect
10 to water, waste, pollution control, or any other facilities and any
11 services provided by the authority. A public agency also may enter
12 into and execute such a contract with the authority and may
13 determine, agree, and pledge that all or any part of its payments
14 under the contract is payable from the source described in Section
15 30.030(c), Water Code, subject only to the authorization of the
16 contract, pledge, and payments by the governing body of the public
17 agency. A public agency also may use and pledge any other
18 available revenues or resources for payment of amounts due under
19 those contracts, as an additional source or sources of payment or
20 as the sole source or sources of payment.

21 (d) A public agency may fix, charge, and collect fees,
22 rates, charges, rentals, and other amounts for any services or
23 facilities provided by any utility operated by it, or provided
24 pursuant to or in connection with any contract with the authority,
25 from its inhabitants or from any users or beneficiaries of the
26 utility, services, or facilities, including specifically water

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1 charges and garbage collection or handling fees and other fees or
2 charges, and may use and pledge those funds to make payments to the
3 authority required under the contract, and may covenant to do so in
4 amounts sufficient to make all or any part of those payments to the
5 authority when due. If the parties agree in the contract, those
6 payments constitute an expense of operation of any facilities or
7 utility operated by the public agency.

8 SECTION 30. BIDS AND CONTRACT CONDITIONS. (a) A
9 construction, maintenance, operation, or repair contract, a
10 contract for the purchase of material, equipment, or supplies, or a
11 contract for services other than technical, scientific, legal,
12 fiscal, or other professional services, that will require an
13 estimated expenditure of more than \$10,000, or is for a term of six
14 months or more, shall be awarded to the lowest and best bidder. A
15 notice to bidders shall be published once each week for three
16 consecutive weeks before the date set for awarding the contract.
17 If the board finds that an extreme emergency exists, the board may
18 award contracts necessary to protect and preserve the public health
19 and welfare or the property of the authority without using the
20 bidding procedures.

21 (b) The notice of bids is sufficient if it states the time
22 and place at which the bids will be opened, the general nature of
23 the work to be done, the material, equipment, or supplies to be
24 purchased, or the nonprofessional services to be rendered, and
25 states the terms on which copies of the plans, specifications, or
26 other pertinent information may be obtained.

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1 (c) Notice shall be published in a newspaper with general
2 circulation in the authority and may also be published in any other
3 appropriate publication.

4 (d) A person who desires to bid on the construction of any
5 work or project that is advertised for bids shall, on written
6 application to the authority, be furnished with a copy of the plans
7 and specifications or other engineering and architectural documents
8 showing the work to be done and all of the details of the work to
9 be done. The authority may make a charge to cover the cost of
10 making the copy. Bids must be in writing, and sealed and delivered
11 to the authority, and must be accompanied by a certified check on a
12 responsible bank in this state or, at the discretion of the
13 authority, a bid bond from a company approved by the authority, for
14 at least one percent of the total amount bid. The check or bond is
15 forfeited to the authority if the successful bidder fails or
16 refuses to enter into a proper contract or fails or refuses to
17 furnish bond as required by law. Any or all bids may be rejected
18 by the authority, and the authority may waive any irregularity in
19 the bids.

20 (e) Bids shall be opened at the place specified in the
21 published notice and shall be announced by the authority. The
22 place where the bids are opened and announced shall be open to the
23 public. The award of the contract shall be made by the board.

24 (f) The contract price of all construction contracts of the
25 authority may be paid in partial payment as the work progresses,
26 but the payments shall not exceed 90 percent of the amount due at

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1 the time of the payment as shown by the report of the engineer of
2 the authority. During the progress of the work, the executive
3 director shall inspect the construction or have the construction
4 inspected by the authority's engineer or his assistants. On
5 certification of the executive director and the authority's
6 engineer of the completion of the contract in accordance with its
7 terms, and in the case of any construction contract for which
8 notice to bidders is required by this Act, on approval of the
9 board, the board shall draw a warrant on its depository to pay the
10 balance due on the contract.

11 (g) The person, firm, or corporation with whom the contract
12 is made shall provide the performance and payment bonds required by
13 law.

14 (h) This section does not prohibit the authority from
15 purchasing or acquiring land or interests in land from any person,
16 or from acquiring, constructing, or improving pollution control or
17 waste collection and disposal facilities as provided by Chapter 30,
18 Water Code, the Clean Air Financing Act (Article 4477-5a, Vernon's
19 Texas Civil Statutes), or other applicable laws, or purchasing or
20 acquiring surplus property from a governmental entity by negotiated
21 contract and without necessity for advertising for bids.

22 (i) An officer, agent, or employee of the authority who is
23 financially interested in a contract shall disclose that fact to
24 the board before the board votes on the acceptance of the contract.

25 SECTION 31. AUTHORITY RULES. (a) The authority may adopt
26 and enforce rules reasonably required to carry out this Act.

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1 (b) In adopting rules, the board shall comply, as
2 appropriate, with the requirements of the Administrative Procedure
3 and Texas Register Act (Article 6252-13a, Vernon's Texas Civil
4 Statutes).

5 (c) The board shall print its rules and furnish copies to
6 any person on written request.

7 SECTION 32. PENALTIES. (a) A person who violates a rule or
8 order of the authority is subject to a civil penalty of not less
9 than \$50 nor more than \$1,000 for each day of violation.

10 (b) The authority may sue to recover the penalty in a
11 district court in the county in which the violation occurred.
12 Penalties shall be paid to the authority.

13 (c) The authority may sue for injunctive relief in a
14 district court in the county in which the violation of any rule or
15 orders occurred or is threatened.

16 (d) The authority may sue for injunctive relief and
17 penalties in the same proceeding.

18 SECTION 33. COURT REVIEW. (a) A person who is adversely
19 affected by a rule or order of the authority may sue the authority
20 in a district court to set aside the rule or order before the 31st
21 day after the day on which the rule or order takes effect.

22 (b) Venue for suits under Subsection (a) of this section is
23 in any county located wholly or partially in the authority.

24 SECTION 34. SURVEYS AND ENGINEERING INVESTIGATIONS. The
25 authority may make surveys and engineering investigations to
26 develop information for its use, and the board may make and

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1 determine plans necessary to accomplish the purposes for which the
2 authority is created and may carry out the plans.

3 SECTION 35. ACCESS. (a) To provide for the safety and
4 welfare of persons and their property or for the protection and
5 security of the property and facilities of the authority, the board
6 may adopt rules with respect to the property of the authority and
7 any water reservoir or dam, the construction, operation, or
8 management of which is participated in by the authority, to control
9 and regulate ingress, egress, and use, and the operation of land
10 and water vehicles.

11 (b) All public roads, streets, and state highways now
12 traversing the areas to be covered by any impounded water shall
13 remain open as a way of public passing to and from the lakes
14 created, unless changed by the authority.

15 SECTION 36. USE OF BED AND BANKS OF SULPHUR RIVER AND ITS
16 TRIBUTARIES. Subject to the approval of the commission, the
17 authority may use the beds and banks of the Sulphur River and its
18 tributary streams for any purposes necessary to accomplish the
19 plans of the authority for storing, controlling, conserving,
20 transporting, and distributing storm water, floodwater, and
21 appropriated flow waters for useful purposes.

22 SECTION 37. WORK WITH DEVELOPMENT BOARD. The authority has
23 and may exercise all the powers vested in political subdivisions
24 under Title 2, Water Code, including the powers necessary to enable
25 the authority to participate in the programs administered by the
26 department for the acquisition and development of facilities, the

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1 sale or lease of facilities, financial assistance to political
2 subdivisions, and other programs.

3 SECTION 38. GENERAL PROVISIONS. (a) The board may provide
4 for any expenditures it considers essential or useful in the
5 maintenance, operation, and administration of the authority.

6 (b) The authority may perform any other acts or things
7 necessary or convenient to the exercise of the powers, rights,
8 privileges, or functions conferred by this Act or other laws.

9 SECTION 39. LIMITATIONS ON AUTHORITY AND SUPERVISION BY
10 COMMISSION. (a) The powers and duties granted and prescribed by
11 this Act are taken subject to all legislative declarations of
12 public policy in the maximum use of the storm water, floodwater,
13 and unappropriated flow water of the basin for the purposes for
14 which the authority is created and subject to the continuing right
15 of supervision of the state through the commission.

16 (b) The commission shall approve or refuse to approve the
17 adequacy of any plan or plans for flood control or conservation
18 improvement purposes devised by the authority for the achievement
19 of the plans and purposes intended in the creation of the authority
20 and that contemplate improvements supervised by the commission
21 under general law.

22 SECTION 40. DISBURSEMENT OF FUNDS. The authority's money
23 may be disbursed only by check, draft, order, or other instrument,
24 signed by the person or persons authorized in the board's rules, or
25 by resolution of the board.

26 SECTION 41. FEES AND CHARGES. The authority shall establish

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1 fees and charges that may not be higher than necessary to fulfill
2 the obligations imposed by this Act.

3 SECTION 42. LOANS AND GRANTS. (a) The authority may borrow
4 money and accept grants and donations for its corporate purposes
5 from private sources, the United States, the state, local
6 governments, or any other person. The authority may enter into any
7 agreement in connection with the loan, grant, or donation that is
8 not in conflict with the constitution and laws of this state.

9 (b) The sources of any funds accepted by the authority are
10 public information.

11 SECTION 43. FUNDS FOR SURVEYS AND DATA COLLECTION. The
12 authority may apply to the state, the United States, or any other
13 person for funds necessary to secure engineering surveys and the
14 compilation and collection of data relating to regional and general
15 conditions entering into and influencing the character and the
16 extent of the improvements necessary to accomplish the storage,
17 control, transportation, treatment, conservation, and equitable
18 distribution to the greatest public advantage of the storm water,
19 floodwater, and normal flow that is stored and controlled, and to
20 accomplish or carry out any of the other purposes of this Act. The
21 authority shall request an amount it considers sufficient, and may
22 make the necessary agreements with the party providing the funds,
23 and may appropriate the amount of the estimated equitable
24 contribution of the costs of developing essential engineering data.

25 SECTION 44. TRUST FUNDS. Money collected by or donated,
26 granted, loaned, or advanced to the authority is declared to be

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1 trust funds for the purposes provided by this Act.

2 SECTION 45. INVESTMENT OF FUNDS. (a) Funds in the treasury
3 that are not required for current payment of obligations of the
4 authority or for sinking funds and that the board considers
5 available for investment may be invested or reinvested by the
6 authority in:

7 (1) direct obligations of or obligations the principal and
8 interest of which are guaranteed by the United States;

9 (2) direct obligations of or participation certificates
10 guaranteed by the Federal Intermediate Credit Banks, Federal Land
11 Banks, Federal National Mortgage Association, Federal Home Loan
12 Banks, and Banks for Cooperatives;

13 (3) certificates of deposit of any bank or trust company the
14 deposits of which are fully secured by a pledge of securities of
15 any of the institutions specified in this subsection;

16 (4) any other securities eligible for investment under other
17 laws; or

18 (5) any combination of the investments listed in this
19 subsection.

20 (b) The type and maturity of investments made under this
21 section shall be determined by the board which, in the case of
22 funds established in connection with the authorization of bonds or
23 other obligations, shall include appropriate provisions relating to
24 those investments in the resolution relating to the issuance of
25 those bonds. Income and profits on such investments shall be
26 applied as directed by the board.

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1 SECTION 46. AUDIT. (a) The fiscal year of the authority
2 ends on August 31 of each year.

3 (b) On or before January 1 following the close of each
4 fiscal year, the state auditor shall audit the books and accounts
5 of the authority for the preceding fiscal year.

6 (c) The audit shall state the amount of money received by
7 the authority under this Act during the preceding fiscal year, and
8 how, to whom, and for what purpose the money was spent.

9 (d) A copy of the audit report shall be filed with the
10 authority, the governor, the lieutenant governor, the speaker of
11 the house of representatives, the attorney general, the commission,
12 and the comptroller of public accounts.

13 (e) After completing the audit report, the state auditor
14 shall prepare a statement showing the actual cost of the audit and
15 shall certify the statement to the governor for his approval.
16 After the statement is approved by the governor, it shall be
17 delivered to the authority. The authority shall pay for the cost
18 of the audit by depositing the money for the audit with the state
19 treasurer, who shall place the money in the general revenue fund.

20 (f) This section does not prohibit the authority from
21 employing the professional services of accountants for any
22 purposes.

23 SECTION 47. DEPOSITORY BANKS. (a) The board shall
24 designate one or more banks inside or outside the authority to
25 serve as depository for the funds of the authority.

26 (b) All money of the authority shall be deposited in the

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1 depository bank or banks except that bond proceeds or proceeds of
2 other obligations, money pledged to pay those obligations, money
3 placed in special funds, and money remitted to a bank of payment
4 for the payment of the principal of and interest on obligations,
5 may be handled as provided in a trust indenture or resolution.

6 (c) To the extent that funds in the depository banks or a
7 trustee bank are not invested or insured by the Federal Deposit
8 Insurance Corporation, they shall be secured in the manner provided
9 by law for the security of county funds.

10 (d) Before designating a depository bank or banks, the board
11 shall issue a notice stating the time and place at which the board
12 will meet to designate the depositories and inviting the banks to
13 submit applications to be designated depositories. The term of
14 service for depositories shall be prescribed by the board. The
15 notice shall be published one time in a newspaper or newspapers of
16 general circulation in the authority and specified by the board, or
17 in lieu of publication, a copy of the notice may be mailed to each
18 bank inside the boundaries of the authority.

19 (e) At the time stated in the notice, the board shall
20 consider the applications and the management and conditions of the
21 banks filing them, and shall designate as depositories the bank or
22 banks that offer the most favorable terms and conditions for the
23 handling of the funds of the authority and that the board finds
24 have proper management and are in condition to warrant handling of
25 authority funds. Membership on the board of an officer or director
26 of a bank does not disqualify the bank from being designated as

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1 depository.

2 (f) If no applications are received by the time stated in
3 the notice, the board shall designate a bank or banks inside or
4 outside the authority as depository on terms and conditions the
5 board considers advantageous to the authority.

6 SECTION 48. BONDS. (a) For the purpose of carrying out any
7 power or authority provided by this Act, including the expense of
8 preparing the master plan and the payment of engineering and other
9 expenses, the authority may issue its bonds or other obligations in
10 one general class secured by a pledge of all or part of the
11 revenues accruing to the authority, including without limitations
12 those revenues received from sale of water or other products,
13 rendition of service, tolls, charges, and from all other sources
14 other than ad valorem taxes.

15 (b) The bonds shall be authorized by resolution of the
16 board, issued in the name of the authority, signed by the president
17 or any vice-president, and attested by the secretary. The bonds
18 shall bear the seal of the authority. If authorized by the board,
19 the signatures of the president or any vice-president, and the
20 secretary or of both may be printed or lithographed on the
21 obligations, and the seal of the authority may be impressed on the
22 obligations or may be printed or lithographed on the obligations.

23 (c) The obligations shall be in the form prescribed by the
24 board, shall be in any denomination or denominations, shall mature
25 serially or otherwise and not to exceed 50 years from their date,
26 shall bear interest according to law, and may be sold at a price

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1 and under terms determined by the board to be the most advantageous
2 reasonably obtainable. The board may make the bonds callable
3 before maturity at the times and prices prescribed in the bonds,
4 and the bonds may be made registrable as to principal or as to both
5 principal and interest. The obligations may be further secured by
6 a trust indenture with a corporate trustee.

7 (d) Obligations may be issued in more than one series, and
8 from time to time, as required for carrying out the purposes of
9 this Act. A pledge of revenue may reserve the right, under
10 specified conditions, to issue additional obligations that will be
11 on a parity with or subordinate to the obligations then being
12 issued.

13 (e) The authority is an "issuer" for the purpose of Chapter
14 656, Acts of the 68th Legislature, Regular Session, 1983 (Article
15 717q, Vernon's Texas Civil Statutes), and that law applies to the
16 authority.

17 (f) The resolution authorizing the obligations or the trust
18 indenture further securing the obligations may specify additional
19 provisions that constitute a contract between the authority and the
20 owners of those obligations. The board may provide for the
21 additional provisions, including a corporate trustee or receiver
22 provided by the authority to take possession of facilities of the
23 authority in the event of default on the part of the authority in
24 fulfilling the covenants.

25 SECTION 49. REFUNDING BONDS. The authority may issue
26 refunding bonds to refund outstanding obligations issued under this

S.B. No. 5

1 Act. Refunding bonds may be issued by the authority as provided by
2 Chapter 503, Acts of the 54th Legislature, Regular Session, 1955
3 (Article 717k, Vernon's Texas Civil Statutes), and Chapter 784,
4 Acts of the 61st Legislature, Regular Session, 1969 (Article
5 717k-3, Vernon's Texas Civil Statutes). Obligations issued at any
6 time by the authority also may be refunded in the manner provided
7 by any other applicable law.

8 SECTION 50. APPROVAL AND REGISTRATION OF BONDS. (a) After
9 any bonds, including refunding bonds, are authorized by the
10 authority, the bonds and the record relating to their issuance
11 shall be submitted to the attorney general for his examination as
12 to the validity of those bonds. If obligations are to be issued to
13 finance in whole or in part water-using facilities, before giving
14 his approval the attorney general shall be furnished a resolution
15 from the commission certifying that the authority has the necessary
16 water rights authorizing it to impound and appropriate the water to
17 be used by the project. If the obligations recite that they are
18 secured by a pledge of the proceeds of a contract made between the
19 authority and any public agency, a copy of the contract and the
20 proceedings of the public agency authorizing the contract also
21 shall be submitted to the attorney general.

22 (b) If the attorney general finds that the bonds have been
23 authorized and the contracts have been made as provided by the
24 constitution and laws of this state, he shall approve the
25 obligations and the contracts and the obligations then shall be
26 registered by the comptroller of public accounts.

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1 (c) After approval and registration, the bonds and contracts
2 are valid and binding and are incontestable for any cause.

3 SECTION 51. BONDS AS INVESTMENTS OR SECURITY FOR DEPOSITS.

4 (a) Authority bonds are legal and authorized investments for:

5 (1) banks;

6 (2) savings banks;

7 (3) trust companies;

8 (4) savings and loan associations;

9 (5) insurance companies;

10 (6) fiduciaries;

11 (7) trustees;

12 (8) guardians; and

13 (9) sinking funds of cities, counties, school districts, and
14 other political subdivisions of the state and other public funds of
15 the state and its agencies, including the permanent school fund.

16 (b) Authority bonds are eligible to secure deposits of
17 public funds of the state and cities, counties, school districts,
18 and other political subdivisions of the state. The bonds are
19 lawful and sufficient security for deposits to the extent of their
20 value.

21 SECTION 52. LEGISLATIVE FINDINGS. The legislature finds and
22 determines that the boundaries of the Sulphur River Basin Authority
23 form a closure. If any mistake is made in the description of the
24 boundaries in the legislative process, or a mistake is otherwise
25 made, it in no way affects the organization, existence, and
26 validity of the authority, or the right of the authority to issue

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1 any types of bonds, including refunding bonds, for the purpose for
2 which the authority is created, or to pay the principal of or
3 interest on the obligations, or in any other manner affects the
4 legality or operation of the authority or its governing body.

5 SECTION 53. EMERGENCY. The importance of this legislation
6 and the crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended,
10 and that this Act take effect and be in force from and after its
11 passage, and it is so enacted.

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President of the Senate

Speaker of the House

I hereby certify that S.B. No. 5 passed the Senate on May 29, 1985, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 5 passed the House on May 29, 1985, by the following vote: Yeas 139, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 29, 1985

Honorable Tom Craddick, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: Senate Bill No. 5, as engrossed
First Called Session
By: Howard

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 5, as engrossed (relating to the creation, administration, powers, duties, operations, and financing of the Sulphur River Basin Authority; authorizing certain public agencies to contract with the authority) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House as to its probable fiscal impact on units of local government.


Jim Oliver
Director

Source: LBB Staff: JO, JH, LV

AN ACT relating to the creation, administration, powers, duties, operations, and financing of the Sulphur River Basin Authority; authorizing certain public agencies to contract with the authority; and providing civil penalties.

Filed with the Secretary of the Senate

MAY 29 1985

Read, referred to Committee on

INTERGOVERNMENTAL RELATIONS

MAY 29 1985

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAY 29 1985

Senate and Constitutional Rules to permit consideration suspended by

unanimous consent.years, nays.To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of years, nays.

MAY 29 1985

Read second time and ordered engrossed.
passed to third reading.

Caption ordered amended to conform to body of bill.

MAY 29 1985

Senate and Constitutional 3-Day Rules suspended by vote of

MAY 29 1985

30 years, 1 nays to place bill on third reading and final passage.Read third time and passed by a viva-voce vote.years, nays.

OTHER ACTION:

Betty King
Secretary of the Senate

Engrossed

May 29, 1985 Sent to House

ENGROSSING CLERK

MAY 29 1985

motion to suspend all necessary rules and that the constitutional rule requiring bills to be read on three several days be suspended and the SB #5 be placed on its second reading and passage to third reading and on its third read and final passage prevailed by record vote of 139 yeas 4 nays 1 pnv.

MAY 29 1985

Received from the Senate

MAY 29 1985

Read first time and referred to Committee on

Natural Resources

MAY 29 1985

Reported favorably amended, sent to Printer at

Printed and DistributedSent to Committee on Calendar

MAY 29 1985

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of years, nays.Present, not voting.

MAY 29 1985

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of 134 yeas 5 nays 1 present not voting.

MAY 29 1985

Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of 139 yeas 2 nays 1 present not voting.

Caption ordered amended to conform to body of bill.

MAY 30 1985

Returned to Senate.

Betty Murray
Chief Clerk of the House

MAY 30 1985 RETURNED FROM HOUSE

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

**Resolution Related to SRBA's Concurrence and Endorsement of the
Request Made by Texarkana and Riverbend to the U.S. Army Corps
of Engineers For Local Sponsorship of Existing or New Water
Reallocated or Developed Out of Lake Wright Patman**

WHEREAS, the Texas Legislature created Sulphur River Basin Authority ("SRBA") in 1985 to provide for the conservation and development of the State's natural resources within the Sulphur River Basin; and

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, 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, 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 its 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, SRBA has reviewed the request attached as Exhibit A to this Resolution, made on September 10, 2015, to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, by Texarkana and its surrounding member entities through Riverbend, that Texarkana and Riverbend remain local sponsors for any existing or new water reallocated or developed out of Lake Wright Patman; and

WHEREAS, the Board of Directors of SRBA is of the opinion that the request made by Texakana and Riverbend 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 Board of Directors concurs with and endorses the request.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF DIRECTORS OF THE SULPHUR RIVER BASIN AUTHORITY:

Section 1. SRBA concurs with and endorses the request attached as Exhibit A to this Resolution to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, by the City of Texarkana, Texas, and its surrounding member entities through Riverbend Water Resources District, 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.

Section 2. SRBA shall make available, and directs its agents, contracted engineers, and consultants to make available, its documents and underlying data from its database of information involving the entire Sulphur River Watershed, including documents relating or pertaining to reallocation of Lake Wright Patman, the Sulphur River Basin Feasibility Study, and any other basin-wide study, to the City Manager and Regional Water Liaison of Texarkana and the Executive Director of Riverbend.

Section 3. With regard to any existing or new water reallocated or developed out of Lake Wright Patman, SRBA does not request to be a Wholesale Water Provider, will not seek to contract with the U.S. Government for storage space for water in Lake Wright Patman, and will not apply for permits from the State of Texas to impound, divert, and appropriate from the public resources of the State public water from the Sulphur River Basin impounded or to be impounded in Lake Wright Patman.

Section 4. This Resolution supersedes any conflicting resolutions, parts of resolutions, documents, or communications from SRBA, its officers, agents, engineers, and consultants, and such conflicting resolutions, parts of resolutions, documents, or communications are specifically rescinded to the extent of such conflict.

Section 5. The Secretary / Treasurer of Sulphur River Basin Authority is directed to attach an executed copy of this Resolution to the Minutes of this Meeting.

PASSED, ADOPTED AND APPROVED this _____ day of November, 2015.

Michael Russell, President

ATTEST:

Nancy Rose, Secretary/Treasurer

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

RESOLUTION NO. 2015-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, EXPRESSING NO CONFIDENCE IN SULPHUR RIVER BASIN AUTHORITY (SRBA) AS CURRENTLY CONSTITUTED; OPPOSING SRBA'S INTENT AND STRATEGY TO BE DESIGNATED AS A WHOLESALE WATER PROVIDER; REQUESTING THAT SRBA AFFIRM IT DOES NOT SEEK WATER RIGHTS IN LAKE WRIGHT PATMAN; REQUESTING THAT SRBA SUPPORT TEXARKANA AND RIVERBEND WATER RESOURCES DISTRICT AS LOCAL SPONSORS FOR ANY NEW WATER SUPPLY REALLOCATED OR DEVELOPED OUT OF LAKE WRIGHT PATMAN; REQUESTING THAT SRBA INVOLVE TEXARKANA AND RIVERBEND IN ALL MATTERS RELATING TO LAKE WRIGHT PATMAN; REQUESTING AND INVITING SRBA TO A CITY COUNCIL MEETING FOR A BRIEFING AND PUBLIC HEARING AND BRIEFING ON LAKE WRIGHT PATMAN AND BASIN STUDIES; EXERCISING THE CITY COUNCIL'S RIGHT OF PUBLIC INSPECTION AND REQUESTING THAT SRBA MAKE AVAILABLE FOR INSPECTION ITS RECORDS AND RULES; AUTHORIZING THE CITY MANAGER, REGIONAL WATER LIAISON, AND CITY ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT AND PURPOSE OF THIS RESOLUTION AND RESOLUTION NO. 2015-119; DIRECTING THAT THIS RESOLUTION BE SUBMITTED TO THE TEXAS SUNSET ADVISORY COMMISSION; 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, 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, the largest reservoir in the Sulphur River Basin, 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 local sponsor and Wholesale Water Provider under contract with the U.S. Government for water from Lake Wright Patman; 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 subject to the rights or permits held by municipalities or other persons, and with membership consisting of Texarkana together with 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, and Wake Village; 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, 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, by Resolution 2015-119, the City Council, together with Riverbend, concurred with and affirmed the request made to the U.S. Army Corps of Engineers on September 10, 2015; and

WHEREAS, the Texas Legislature created the Sulphur River Basin Authority ("SRBA") in 1985 as a conservation and reclamation district for the watershed of the Sulphur River and its tributaries with, among other duties, a statutory mandate "to provide for the control and coordination of water use in the basin as a unit; ... to provide by adequate organization and administration for the preservation of the rights of the people of the different sections of the basin in the beneficial use of water; ... [and] to provide for the conservation of water essential for domestic and other water uses of the people of the basin, including necessary water supplies for cities, towns, and industrial districts..." [see Act of May 29, 1985, 69th Leg., 1st C.S., ch. 3, 1985 Tex. Gen. Laws 3798, §§ 17 (b)(1), (b)(2), and (b)(4)]; and

WHEREAS, the Texas Legislature, when creating SRBA, mandated that "[p]lans and works provided by the authority or under authorization of the authority should give primary consideration to the necessary and potential needs for water by or within the various areas within the watershed of the basin." [see Act of May 29, 1985, 69th Leg., 1st C.S., ch. 3, 1985 Tex. Gen. Laws 3798, § 17 (c)]; and

WHEREAS, the Texas Legislature, when creating SRBA, mandated that "[t]he authority shall keep its accounts, contracts, documents, minutes, and other records at its principal office" and, with certain exceptions, "shall permit reasonable public inspection of its records during regular business hours under rules adopted by the board" [see Act of May 29, 1985, 69th Leg., 1st C.S., ch. 3, 1985 Tex. Gen. Laws 3798, §§ 13 (c), (d), and (e)]; and

WHEREAS, the Texas Legislature, when creating SRBA, permitted the adoption and enforcement of rules reasonably required to carry out the provisions of the enabling act, yet mandated that the SRBA board "comply, as appropriate, with the requirements of the Administrative Procedure and Texas Register Act", and mandated that the board "print its rules and furnish copies to any person on written request" [see Act of May 29, 1985, 69th Leg., 1st

C.S., ch. 3, 1985 Tex. Gen. Laws 3798, § 31]; and

WHEREAS, the Board of Directors of SRBA, absent any coordination with Texarkana's City Council, entered into an "Advanced Funding Agreement For Water Resources Planning in the Sulphur River Basin" dated May 28, 2013, with five Region C governmental entities (Dallas, Irving, North Texas Municipal Water District, Tarrant Regional Water District, and Upper Trinity Regional Water District), which included Lake Wright Patman in a work plan; and

WHEREAS, in the "2016 Initially Prepared Region C Water Plan", Region C's plans include development of additional water supply from Lake Wright Patman, intends for SRBA to be designated a wholesale water provider, and intends for SRBA to be the strategic water developer to sell that water to Region C and others; and

WHEREAS, the City Council became aware of a letter to the Texas Water Development Board ("TWDB"), dated September 1, 2015, and signed by Michael Russell, President of the SRBA Board of Directors, stating that "SRBA's current contracts and functions clearly indicate that SRBA expects to be a Wholesale Water Provider (WWP)", and that "SRBA should be designated as a WWP"; and

WHEREAS, public attention has been directed to matters of administration and transparency of SRBA, including the 84th Texas Legislature enacting SB 523, placing SRBA under "Sunset" review, and the SRBA Board of Directors neither authorizing nor being aware of its Board President's September 1 letter to TWDB; and

WHEREAS, the City Council of Texarkana has grave concerns regarding the ability of SRBA to carry out efficiently, in compliance with the Texas Open Meetings Act and the Texas Public Information Law, its statutory mandates to provide for the control and coordination of water use in the basin as a unit, to provide by adequate organization and administration for the preservation of the rights of the people of the different sections of the basin in the beneficial use of water, and to provide for the conservation of water essential for domestic and other water uses of the people of the basin, including necessary water supplies for cities, towns, and industrial districts; and

WHEREAS, the City Council of Texarkana questions the priorities of SRBA, specifically with regard to the statutory mandate contained in Section 17(c) of the authority's enabling law for SRBA to give primary consideration to the necessary and potential needs for water by or within the various areas within the watershed of the basin, as it appears to the City Council that SRBA's priorities, and certainly its funding, lie outside of the watershed of the basin; and

WHEREAS, the City Council of Texarkana cannot reconcile the statutory mandates of SRBA with the reported statement attributed to an SRBA director that the authority is "happy to do something for anyone who wants to pay for it", and the reported statement attributed to the SRBA Board President that information is not public until the SRBA board has either approved or disproved it; and

WHEREAS, SRBA's funding agreement, its prominent role in Region C's plan, the letter of its Board President to TWDB expecting designation as WWP and interpretation of SRBA contracts

and functions (an interpretation which Texarkana rejects), leads the City Council to conclude that SRBA has been influenced to usurp Texarkana's historic function as local sponsor and water rights holder of water in Lake Wright Patman; and

WHEREAS, the City Council of Texarkana, by Resolution No. 2014-049 dated April 28, 2014, reserved its option to support or oppose any water strategy that affects Texarkana's ability to supply adequate water to its current or future constituents or customers; and

WHEREAS, the City Council of Texarkana has been made aware during a public meeting of concerns that Resolution No. 2014-049 has been co-opted as a resolution of approval of SRBA's intentions or actions, which the City Council neither intended nor stated; and

WHEREAS, because of SRBA's efforts to usurp Texarkana's historic function as local sponsor and water rights holder of water in Lake Wright Patman, the misuse of the City Council's Resolution No. 2014-049, the public attention directed to matters of administration and transparency of SRBA, and the suggestion of payment being a condition for SRBA to perform its statutory mandates, the City Council must take extraordinary action to express no confidence in SRBA as currently constituted and make other requests to SRBA to ensure the best interests of Texarkana's citizens and all persons who rely on water from Lake Wright Patman.

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

SECTION 1: The City Council expresses no confidence in SRBA as currently constituted and opposes SRBA's strategy to be designated as a Wholesale Water Provider. The City Council rejects any use or interpretation of its Resolution No. 2014-049 as approval of SRBA.

SECTION 2: With respect to new water supply reallocated or developed out of Lake Wright Patman, the City Council requests that SRBA affirm it does not request to be a Wholesale Water Provider, will not seek to contract with the U.S. Government for storage space for water in Lake Wright Patman, and will not apply for permits from the State of Texas to impound, divert, and appropriate from the public resources of the State public water from the Sulphur River Basin impounded or to be impounded in Lake Wright Patman.

SECTION 3: The City Council requests that the SRBA Board of Directors of SRBA approve the draft resolution attached as Exhibit "A" to this resolution, supporting Texarkana and Riverbend.

SECTION 4: The City Council requests that the SRBA Board of Directors include, involve, and coordinate with Texarkana and Riverbend on all matters relating or pertaining to Lake Wright Patman; and the City Council demands that the SRBA Board of Directors direct its employees, agents, contracted engineers, and consultants to include, involve, and coordinate with Texarkana and Riverbend on all matters relating or pertaining to Lake Wright Patman.

SECTION 5: The City Council requests and invites the SRBA Board of Directors and all persons that the Board compensates with public monies to a City Council meeting for a public

hearing and briefing on all completed or ongoing studies relating or pertaining to reallocation of Lake Wright Patman, raising the level of Lake Wright Patman, the Sulphur River Basin Feasibility Study, and any other basin-wide study, with the meeting to be scheduled not less than thirty days prior for adequate notice to be given to allow for attendance by all persons who rely on water from Lake Wright Patman, all municipalities and governmental entities who receive water from Lake Wright Patman, and Riverbend Water Resource District.

SECTION 6: The City Council exercises the right of public inspection of SRBA's records during the authority's regular business hours at the authority's principal office and requests that the SRBA Board of Directors make available, and direct its employees, agents, contracted engineers, and consultants make available, its documents and underlying data from its database of information involving the entire Sulphur River Watershed, including documents relating or pertaining to reallocation of Lake Wright Patman, the Sulphur River Basin Feasibility Study, and any other basin-wide study.

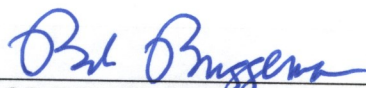
SECTION 7: The City Council directs this resolution to SRBA to be treated as Texarkana's written request that SRBA furnish Texarkana with a copy of SRBA's rules, if any, issued pursuant to Section 31 of SRBA's enabling legislation.

SECTION 8: The City Council authorizes its City Manager, Regional Water Liaison, and City Attorney to take any and all actions necessary to effectuate the intent and purpose of this Resolution and Resolution No. 2015-119.

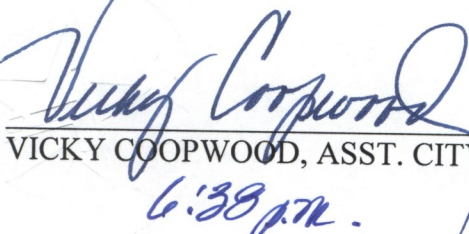
SECTION 9: The City Council directs the City Manager to submit an attested copy of this resolution upon execution to the Texas Sunset Advisory Committee.

SECTION 10: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **9th day of November, 2015.**


BOB BRUGGEMAN, MAYOR

ATTEST:


VICKY COOPWOOD, ASST. CITY SECRETARY

6:38 p.m.

EXHIBIT A

EXHIBIT "A"

**Resolution Related to SRBA's Concurrence and Endorsement of the
Request Made by Texarkana and Riverbend to the U.S. Army Corps
of Engineers For Local Sponsorship of Existing or New Water
Reallocated or Developed Out of Lake Wright Patman**

WHEREAS, the Texas Legislature created Sulphur River Basin Authority ("SRBA") in 1985 to provide for the conservation and development of the State's natural resources within the Sulphur River Basin; and

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, 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, 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 its 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, SRBA has reviewed the request attached as Exhibit A to this Resolution, made on September 10, 2015, to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, by Texarkana and its surrounding member entities through Riverbend, that Texarkana and Riverbend remain local sponsors for any existing or new water reallocated or developed out of Lake Wright Patman; and

WHEREAS, the Board of Directors of SRBA is of the opinion that the request made by Texakana and Riverbend 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 Board of Directors concurs with and endorses the request.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF DIRECTORS OF THE SULPHUR RIVER BASIN AUTHORITY:

Section 1. SRBA concurs with and endorses the request attached as Exhibit A to this Resolution to Col. Calvin C. Hudson, II, Commander, U.S. Army Corps of Engineers, Fort Worth District, by the City of Texarkana, Texas, and its surrounding member entities through Riverbend Water Resources District, 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.

Section 2. SRBA shall make available, and directs its agents, contracted engineers, and consultants to make available, its documents and underlying data from its database of information involving the entire Sulphur River Watershed, including documents relating or pertaining to reallocation of Lake Wright Patman, the Sulphur River Basin Feasibility Study, and any other basin-wide study, to the City Manager and Regional Water Liaison of Texarkana and the Executive Director of Riverbend.

Section 3. With regard to any existing or new water reallocated or developed out of Lake Wright Patman, SRBA does not request to be a Wholesale Water Provider, will not seek to contract with the U.S. Government for storage space for water in Lake Wright Patman, and will not apply for permits from the State of Texas to impound, divert, and appropriate from the public resources of the State public water from the Sulphur River Basin impounded or to be impounded in Lake Wright Patman.

Section 4. This Resolution supersedes any conflicting resolutions, parts of resolutions, documents, or communications from SRBA, its officers, agents, engineers, and consultants, and such conflicting resolutions, parts of resolutions, documents, or communications are specifically rescinded to the extent of such conflict.

Section 5. The Secretary / Treasurer of Sulphur River Basin Authority is directed to attach an executed copy of this Resolution to the Minutes of this Meeting.

PASSED, ADOPTED AND APPROVED this ____ day of November, 2015.

Michael Russell, President

ATTEST:

Nancy Rose, Secretary/Treasurer

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.

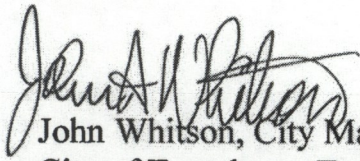
The City of Texarkana and its surrounding member entities, through Riverbend, are particularly interested in obtaining local sponsorship of any reallocation from Lake Wright Patman above the 228.64 level. As we look at the future needs for the entire region, even those needs independent of state water 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

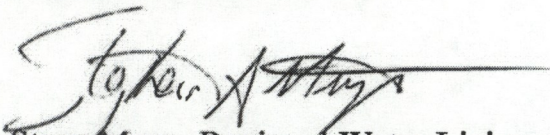
have been a part of the water supply involving Lake Wright Patman since 1953. With proper planning and coordination, it is anticipated that the participation by these entities in Lake Wright Patman will continue for the foreseeable future.

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.

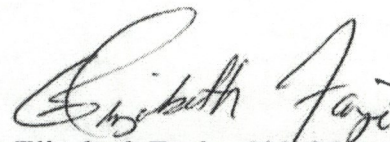
Sincerely,



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

Version: B

Update Date: 11/6/2015 4:01 PM

Briefing Sheet

Lead Department: Fire Department **Action Officer:** Eric Schlotter, Fire Chief
Subject: Resolution No. 2015-128 amending the Master Fee List changing the permit fee for outdoor burning (not recreational).
Briefing: 11/9/2015 **Public Hearing:** 11/9/2015 **Second Briefing:** 11/9/2015 **Council Vote:** 11/9/2015

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

"NOT APPLICABLE"

Executive Summary and Background Information:

This item was created at the request of Council. Resolution 2015-128 amends item #90 of the Master Fee List. Item 90 of the Master Fee List is a permit fee for outdoor burning. The current adopted fee is \$1,000.00. There was not a fee for burning permits prior to the adoption of the Master Fee List. The intent of the fee is to deter outdoor burning rather than just to offset costs.

Potential Options:

- Take no action which leaves the fee as established
- Reduce the fee
- Remove the fee from the Master Fee List
- Stop issuing burning permits and totally ban outdoor burning in the City

Fiscal Implications:

5 permits were issued in FY 2015 which generated \$5,000.00 in revenue. Reducing or eliminating the Fee would reduce revenue.

Staff Recommendation:

Staff recommends leaving the fee as adopted.

Advisory Board/Committee Review:**Board/Committee Recommendation:****Advisory Board/Committee Meeting Date and Minutes:**

"NOT APPLICABLE"

Attachments

- 2015-128 RES Goals & Perspectives (DOCX)
- 2015-128 Resolution amending the FY16 Master Fee List (DOC)
- 2015-056 RES Master Fee List 060815 signed (PDF)

City of Texarkana, Texas

Staff Coordination

Fire Department	Eric Schlotter	Department Head Review	Completed
	11/05/2015 3:06 PM		
Assistant City Manager		Shirley Jaster	Assistant City Manager
Review	Completed	11/05/2015 3:12 PM	
Public Information Officer		Lisa Thompson	PIO Review
	11/05/2015 4:50 PM		Completed
City Manager	John Whitson	City Manager Review	Completed
4:52 PM			11/05/2015
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			11/09/2015

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:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2015-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE FY16 MASTER FEE LIST CHANGING THE PERMIT FEE FOR OUTDOOR BURNING (NOT RECREATIONAL); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Council approved Resolution 2015-056, which adopted the FY16 Master Fee List; and

WHEREAS, City Council reviews the Master Fee List annually during the budget process; and

WHEREAS, City Council has the authority to adjust fees in the Master Fee List at any time.

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

SECTION 1: That the FY16 rate for item number 90 of the Master Fee List, Permit: Open Burning (not recreational) shall be changed from \$1,000.00 to \$(____).

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 **9th** day of **November, 2015**.

BOB BRUGGEMAN, MAYOR

ATTEST:

VICKY COOPWOOD, ASST. CITY SECRETARY

RESOLUTION NO. 2015 - 056

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, ADOPTING THE FY16 MASTER FEE LIST
INCLUDING ESTABLISHING CERTAIN NEW FEES; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Municipal services generally serve the total city population; and

WHEREAS, these general municipal services are expected to be delivered on a scheduled or demand basis but paid for from general funds collected broadly via property taxes or sales taxes; and

WHEREAS, there are a number of municipal services that are provided on a demand basis or provided to a very restricted segment of the general population; and

WHEREAS, the guiding principle for funding these demand basis services or services targeting a very restricted segment of the population should be paid for by those who receive or request the specific service; and

WHEREAS, user fees are often established by local governments throughout Texas and the nation using the uniform basis of collected revenues offsetting the expenses incurred delivering the service, thus not requiring taxpayer subsidy; and

WHEREAS, Texarkana does provide a number of municipal services that are used by segments of the city and thus lend themselves to being provided subject to the beneficiary paying related user fees; and

WHEREAS, city staff has prepared a list of services that are generally used by the whole collective of the city and therefore should be paid for by those who directly benefit from the service provided.

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

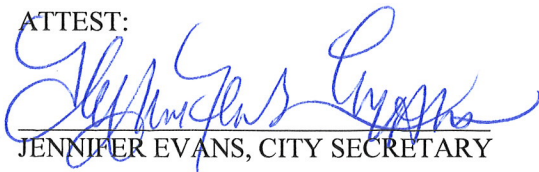
SECTION 1: That the City Council has reviewed the Master List of Fees and has determined that the services listed are used by segments of the city and should appropriately be paid for by the charging and collection of related user fees.

SECTION 2: That the Master Fee List will be reviewed annually and adjustments made to further align the user fee revenues with the costs of providing the designated services or city council directed percentages of the total costs of providing the designated service.

SECTION 3: That this Resolution shall be in full force and effect from and after adoption of this resolution.

PASSED AND APPROVED in Regular Council Session on this the **8th day of June, 2015**.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:41 p.m.

FY16 Master Fee List - Version 3 (adopted 8 JUN 15)

Fees effective 8 JUN 15

No refunds of FY15 Fees paid prior to 8 JUN 15 are authorized.

*** Indicates that Authorizing Ordinances have not been enacted - Therefore, these fees will not be assessed prior to adoption of the appropriate ordinance(s)**

Building Permit Fees will be Based on the FY Schedule of Fees in which the construction work is scheduled to begin

Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
1	Extraordinary Event Cost Recovery Fee			An invoice may be sent by the City to any individual, organization or entity to recapture the cost of staff time, materials and supplies, and other costs related to an event, item or activity which is not considered a service provided to the general population in the normal and ordinary course of the City's operation.	All Departments/Offices		
2	Returned Checks	\$30.00	Each check	NSF –Non-Sufficient Funds	All Departments/Offices		
3	Coin Operated Machine Permit	\$15.00	Per Coin Operated Machine	Maximum \$250.00	City Secretary	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
4	Annual Special Event Permit	\$100.00	Each		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
5	Daily Special Event Permit	\$30.00	Each		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
6	Transient Dealer Precious Metal Permit	\$250.00	Each	For 30 Days	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
7	Alcoholic Beverage Permit: Beer Off-Premise (BF)	\$60.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
8	Alcoholic Beverage Permit: Wine & Beer Off-Premise (BQ)	\$60.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
9	Alcoholic Beverage Permit: Beer On-Premise (BE)	\$75.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
10	Alcoholic Beverage Permit: Wine & Beer Retailer (BG)	\$175.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
11	Alcoholic Beverage Permit: Wine & Beer Retailer On-Premise Late Hours (BL)	\$250.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
12	Alcoholic Beverage Permit: Brewpub License (BP)	\$500.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
13	Alcoholic Beverage Permit: Package Store (P)	\$500.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
14	Alcoholic Beverage Permit: Wine Only Package Store (Q)	\$75.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
15	Alcoholic Beverage Permit: General Class B Wholesaler (X)	\$300.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
16	Alcoholic Beverage Permit: Importer's License (BI)	\$20.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
17	Alcoholic Beverage Permit: Importer's Carrier's License (BJ)	\$20.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
18	Alcoholic Beverage Permit: Beer Manufacturer's License (BA)	\$750.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
19	Alcoholic Beverage Permit: Brewer (B)	\$1,500.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900

Attachment: 2015-056 RES Master Fee List 060815 signed (1401 : 2015-128 RES amending the FY16

FY16 Master Fee List - Version 3 (adopted 8 JUN 15)

Fees effective 8 JUN 15

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Building Permit Fees will be Based on the FY Schedule of Fees in which the construction work is scheduled to begin

Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
20	Alcoholic Beverage Permit: Local Distributor (to sell to private clubs) (LP)	\$100.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
21	Alcoholic Beverage Permit: Branch Distributor (BC)	\$75.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
22	Alcoholic Beverage Permit: Wholesaler (W)	\$1,875.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
23	Alcoholic Beverage Permit: General Distributors (BB)	\$300.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
24	Alcoholic Beverage Permit: Food and Beverage Certificate (FB)	\$100.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
25	Alcoholic Beverage Permit: Caterer's Permit (CB)	\$500.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
26	Alcoholic Beverage Permit: Mixed Beverage Permit (MB or RM) - Original	\$3,000.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
27	Alcoholic Beverage Permit: Mixed Beverage Permit (MB or RM) - 1st Renewal	\$2,250.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
28	Alcoholic Beverage Permit: Mixed Beverage Permit (MB or RM) - 2nd Renewal	\$1,500.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
29	Alcoholic Beverage Permit: Mixed Beverage Permit (MB or RM) - 3rd and all Subsequent Renewals	\$750.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
30	Alcoholic Beverage Permit: Public Storage (K)	\$100.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
31	Alcoholic Beverage Permit: Beverage Cartage (PE)	\$20.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
32	Alcoholic Beverage Permit: Private Carrier (O)	\$30.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
33	Alcoholic Beverage Permit: Package Store Tasting (PS)	\$25.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
34	Alcoholic Beverage Permit: Mixed Beverage Restaurant (RM)	\$750.00	Each	Bi-Annual Permit at same time as state permit application/renewal (collect 3rd year and after issuance of license)	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
35	Alcoholic Beverage Permit: Mixed Beverage Late Hours (LB)	\$150.00	Each	Bi-Annual Permit at same time as state permit application/renewal	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
36	Motor Vehicle Junk Yard or Business Permit	\$50.00	Each	Annual Note: \$1.00 Fee to Replace Lost Permit	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
37	Open Records Information: Copies (letter & legal)	\$0.10	Per Page		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
38	Open Records Information: Copies over 50 pages	\$0.10	Per Page	Plus Labor charge prorated and overhead charge	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
39	Open Records Information: Copies (Oversize 11" x 17")	\$0.50	Each		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
40	Open Records Information: Computer	\$0.10	Per Page		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900

Attachment: 2015-056 RES Master Fee List 060815 signed (1401 : 2015-128 RES amending the FY16

FY16 Master Fee List - Version 3 (adopted 8 JUN 15)

Fees effective 8 JUN 15

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Building Permit Fees will be Based on the FY Schedule of Fees in which the construction work is scheduled to begin

Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
41	Open Records Information: Diskette	\$1.00	Each		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
42	Open Records Information: VHS video	\$2.50	Each		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
43	Open Records Information: Audio Cassette	\$1.00	Each		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
44	Open Records Information: CD	\$1.00	Per clock hour		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
45	Open Records Information: Maps/D Size	\$2.00	Sheet paper		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
46	Open Records Information: Maps/D Size	\$3.00	Sheet film		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
47	Open Records Information: Maps/E Size	\$3.00	Sheet paper		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
48	Open Records Information: Maps/E Size	\$4.00	Sheet film		Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
49	Open Records Information: Other			Note: Any other charges for public information not listed will be as defined in Chapter III, Subchapter C of the Texas Administrative Code. When applicable, labor cost will be added to open records requests and will be billed at \$15/hour plus a 20% overhead charge.	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
50	Airport Operations, Maintenance and Improvement Fee - Residential 1 *		Monthly	Collected via Utility Statement when water use less than 6,000 gallons (Residential)	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
51	Airport Operations, Maintenance and Improvement Fee - Residential 2 *		Monthly	Collected via Utility Statement when water use exceeds 6,000 gallons (Residential)	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
52	Airport Operations, Maintenance and Improvement Fee - Commercial 1 *		Monthly	Collected via Utility Statement when water use is less than 4,000 gallons (Commercial)	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
53	Airport Operations, Maintenance and Improvement Fee - Commercial 2 *		Monthly	Collected via Utility Statement when water use exceeds 4,000 gallons (Commercial)	Administration	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3900
54	Dog & Cat Registration (Unaltered) *	\$30.00	Per Pet		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3971
55	Dog & Cat Registration (Altered) *	\$10.00	Per Pet		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3971
56	Dog & Cat Late Registration or Fail to Register *	\$15.00	Per Pet		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3971
57	Dog & Cat Registration - Replacement Tag *	\$5.00	Per Pet		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3971
58	Reclaim Impounded Animal	\$90.00	Per Pet		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3972
59	Birth Certificates	\$23.00	Each		Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905
60	Death Certificates	\$21.00	Each		Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
61	Death Certificates (additional copies)	\$4.00	Each		Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905
62	Abstract Poly Envelope	\$2.00	Each		Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905
63	Long Poly Envelope	\$3.00	Each		Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905
64	Mail Request: Shipping & Handling Fee	\$2.00	Each		Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905
65	Credit/debit card payment	\$2.50	Each Transaction	In Addition to certificate fees	Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905
66	Garage Sale Permit	\$5.00	Each	3-day/max 2 per year	Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905
67	Estate Sale	\$20.00	Each	3-days/Max 2 per year	Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905
68	Itinerate Vendor Permit	\$100.00	Each	\$10.00 each additional permit for same sales group. 1-year permit	Vital Statistics Office	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3905
69	Incident Report Copies	\$5.00	Per Report	Fire Department calls only	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
70	Fire Inspection Service: Nursing Home	\$150.00	Annual Fee	Includes two inspections performed semi-annually	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
71	Fire Inspection Service: Day Care	\$75.00	Annual Fee	Includes two inspections performed semi-annually	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
72	Fire Inspection Service: Group Home	\$75.00	Annual Fee	Includes two inspections performed semi-annually	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
73	Fire Inspection Service: Hospital	\$350.00	Annual Fee	Includes two inspections performed semi-annually	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
74	Fire Inspection Service: Hotel/Motel - Base	\$25.00	Annual Fee	Includes two inspections, performed semi-annually, \$25 base fee plus \$5 per room inspected	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
75	Fire Inspection Service: Hotel/Motel - Per Room	\$5.00	Annual Fee	Includes two inspections, performed semi-annually, \$25 base fee plus \$5 per room inspected	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
76	Fire Inspection Service: First Re-Inspection	\$0.00	Each		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
77	Fire Inspection Service: 2nd and subsequent re-inspections.	\$100.00	Each		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
78	Fire Inspection Service: After Hours Inspection (Minimum 2 hr.)	\$75.00	Per hour		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
79	Water Fill / Truck Only	\$25.00	Per Order		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
80	Fire Inspection Service: Home Safety Inspection	No Charge			Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
81	Fire Inspection Service: Foster Home Inspection	No Charge			Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
82	Permit: Fire Alarm Commercial	\$100.00	Annual Fee		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
83	False Alarm Fee - Commercial: 4-6 Alarms	\$50.00	Each Alarm	Per 12-month period	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
84	False Alarm Fee - Commercial: 7 and more	\$75.00	Each Alarm	Per 12-month period	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
85	False Alarm Fee - Residential: 4-6 Alarms	\$35.00	Each Alarm	Per 12-month period	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
86	False Alarm Fee - Residential: 7 and more	\$45.00	Each Alarm	Per 12-month period	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
87	Permit: Fixed Fire Extinguishing System	\$75.00	Each		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
88	Permit: Sprinkler/Standpipe	\$75.00	Each		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
89	Permit: Installation/Removal of UST's	\$100.00	Each		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
90	Permit: Open Burning (not recreational)	\$1,000.00	Each		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
91	Permit: Recreational Burning	\$50.00	Each		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
92	Permit: Fireworks	\$100.00	Each		Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
93	Response: Hazardous Materials	110%	Replacement	Current Replacement cost of materials used	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
94	Response: Technical Rescue	110%	Replacement	Current Replacement cost of materials used	Fire Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3994
95	Inspection Service: Pool (each body of water)	\$100.00	Annual Fee		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
96	Inspection Service: Pool Late Fee (each body of water)	\$50.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
97	Inspection Service: Pool 1st Re-inspection (each body of water)	\$100.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
98	Inspection Service: Pool Subsequent Re-inspections (each body of water/each additional inspection - incremental increase in fee)	\$100.00	Each	Increasing in \$100.00 increments for each additional re-inspection	Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
99	Inspection Service: Pool Complaint (each body of water)	\$50.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
100	Inspection Service: Pool Reinstatement (each body of water)	\$100.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
101	Health Service Inspection: Food Service w/1-5 employees	\$275.00	Annual Fee		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
102	Health Service Inspection: Food Service w/6-10 employees	\$300.00	Annual Fee		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
103	Health Service Inspection: Food Service w/11 or more employees	\$325.00	Annual Fee		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
104	Health Service Inspection: Food Service each Public & Private School	\$275.00	Annual Fee		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
105	Health Service Inspection: Food Service for each Non-Profit	\$75.00	Annual Fee	Complaint Inspection, reinstatement & re-inspection fees apply	Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
106	Health Service Inspection: Day Care Food Service	\$100.00	Annual Fee	Per Day Care	Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
107	Health Service Inspection: Day Care Non-Food Service	\$50.00	Annual Fee	Per Day Care	Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
108	Health Service Inspection: Foster Home	\$40.00	Bi-annual		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
109	Health Service Inspection: Adoption	\$40.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
110	Health Service Inspection: Temporary Event	\$50.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
111	Health Service Inspection: Seasonal Permit	\$100.00	Each	There was an error in the current fee schedule that had swapped Mobile Fee with Seasonal Fee, this is to correct that error.	Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
112	Health Service Inspection: Mobile Food Unit	\$200.00	Annual Fee	There was an error in the current fee schedule that had swapped Mobile Fee with Seasonal Fee, this is to correct that error.	Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
113	Health Service Inspection: Late fee	\$100.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
114	Health Service Inspection: Complaint Inspection	\$50.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
115	Health Service Inspection: 1st Re-inspection	\$100.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
116	Health Service Inspection: Subsequent Re-inspections		Each	Increasing in \$100.00 increments for each additional re-inspection	Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
117	Health Service Inspection: Reinstatement	\$150.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
118	Health Service Inspection: Duplicate Permit	\$20.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
119	Copy: Texas Food Establishment Rules (picked up)	\$25.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
120	Copy: Texas Food Establishment Rules (mailed)	\$30.00	Each		Environmental Services Unit	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3263
121	Immunization: Child Administrative Fee	\$12.00	Per Visit	No Family Maximum - No charge for Texas Medicaid Children	Health Clinic	Bowie County Health Clinic, 902 W. 12 th Street	903-798-3250
122	Immunization: Adult Administrative Fee	\$15.00	Per Visit		Health Clinic	Bowie County Health Clinic, 902 W. 12 th Street	903-798-3250
123	Copy: Shot Record	\$2.00	Each		Health Clinic	Bowie County Health Clinic, 902 W. 12 th Street	903-798-3250
124	Immunization: Private Purchase Flu vaccine	\$20.00	Per Shot	Price subject to change	Health Clinic	Bowie County Health Clinic, 902 W. 12 th Street	903-798-3250
125	Immunization: Private Purchase Pneumonia vaccine	\$75.00	Per Shot	Price subject to change	Health Clinic	Bowie County Health Clinic, 902 W. 12 th Street	903-798-3250

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FY16 Master Fee List - Version 3 (adopted 8 JUN 15)

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Building Permit Fees will be Based on the FY Schedule of Fees in which the construction work is scheduled to begin

Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
126	Health Service: Pregnancy Testing	\$10.00	Limited basis	Further Assistance Available	Health Clinic	Bowie County Health Clinic, 902 W. 12 th Street	903-798-3250
127	Health Service: Tuberculosis Skin Test for Employment	\$15.00	Per Test		Health Clinic	Bowie County Health Clinic, 902 W. 12 th Street	903-798-3250
128	Health Service: Health Card Renewal	\$10.00	Per Card		Health Clinic	Bowie County Health Clinic, 902 W. 12 th Street	903-798-3250
129	Health Service: Blood Sugar (Finger Stick)	\$10.00	Per Test		Health Clinic	Bowie County Health Clinic, 902 W. 12 th Street	903-798-3250
130	Notary Fee	\$5.00	Per Service		Human Resources Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3917
131	Residential Building Permit	\$0.50	Per Square Foot	1. New SF, DD, MH and MF including units available for individual ownership; 2. Additions including but not limited to: bedrooms, bathrooms, screened porch, sunrooms and etc...; 3. Attached Accessory Structure including but not limited to: deck, garage, open porch and etc... 4. All space measured including heated and unheated space.	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
132	Residential Re-Inspection Fee	\$25.00	All Trades	Does not include "Missed Appointment"	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
133	Non-Residential Building Permit	See Separate Schedule	Each	Use the on-line file to determine permit fee and the fee will be based on the fiscal year in which the construction work is scheduled to begin.	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
134	Application Plan Review Fee: Residential	\$50.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
135	Application Plan Review Fee: Non-Residential	\$300.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
136	Residential: Re-Review Plan or Change	\$50.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
137	Non-Residential: Re-Review Plan or Change	\$150.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
138	Non-Residential: Re-Inspection Fee	\$50.00	Each Trade	Increases at \$25 rate per failed inspection, thus increasing to \$75, \$100, \$125 and etc... Does not include "Missed Appointment"	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
139	Inspections Outside City Limits - Inside ETJ	\$150.00	Each	Per Request from owner/contractor	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
140	Residential Irrigation Fee (Permit Only)	\$75.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
141	Non-Residential: Irrigation Fee	\$150.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
142	Demolition Permit	\$150.00	Each	Performance Bond/cashiers check Required	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
143	Non-Residential: Temporary Electrical Power	\$75.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
144	Work Performed without Permit		Each	Double Fee	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
145	Record Retrieval	\$60.00	Each Request	Pulling closed files, plans and etc...	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
146	Replacement of Certificate of Occupancy Card	\$25.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
147	Re-stamp Previously Approved Plans	\$25.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
148	Permit Renewal of Expired Plans	0.25%	Each	.25% of original permit fee	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
149	Failure to Pick-up Permit within 60 days of Approval			Forfeit Fees	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
150	Refund Fee for Non-expired Permits	\$75.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
151	Refund Fee for Expired Permits			Forfeit Fees	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
152	Weekend/After Office Hours Inspection Fee	\$75.00	Per Hour	Minimum of 3 hours	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
153	Miscellaneous Inspection	\$75.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
154	Construction or Work Site Trailer	\$250.00	Per Trailer	Includes piers, tie-downs, steps, decks, electrical, plumbing, and mechanical	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
155	Minimum Inspection Miscellaneous Permit Fee	\$25.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
156	Builders & Mechanical Contractors (Plumbing, Electric, HVAC) Registration Fee	\$30.00	One time	Expiration or cancellation of license or insurance re-registration is \$30	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
157	Driveway Permit	\$20.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
158	Swimming Pool Permit	\$125.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
159	Tent Permit	\$50.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
160	Sign Permit for basic/simple sign	\$70.00	Each	Simple Sign including but not limited to: Wall Mounted, Free Standing, Monument, or Pole - No electric power	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
161	Sign Permit for sign with electric power	\$100.00	Each	Simple Sign including but not limited to: Wall Mounted, Free Standing, Monument, or Pole with electric power	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
162	Sign Permit for sign with electronic messaging (CVEMS) less than or equal to 50 Square Feet	\$125.00	Each	CVEMS including but not limited to: Wall Mounted, Free Standing, Monument, or Pole	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
163	Sign Permit for sign with electronic messaging (CVEMS) greater than 50 Square Feet	\$150.00	Each	CVEMS including but not limited to: Wall Mounted, Free Standing, Monument, or Pole	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
164	Sign Permit-Banner	\$10.00	Each	or \$100 per year for one banner sign per month	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-9312
165	Sign Permit Promotional/Grand Opening	\$75.00	Each	Maximum Promotional 90 days; Grand Opening two weeks	Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-9313
166	Billboard/Off Premise advertising sign *	\$500.00	Per Year		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
167	Cell Tower Permit	\$650.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
168	Co-location Antenna on Cell Tower Permit	\$100.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
169	Basic Electrical Rough-In or General Repairs Permit (up to 4 circuits)	\$20.00	Permit		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
170	Additional Electrical Rough-In or General Repairs Permit (5 – 16 circuits) (Basic + Additional)	\$2.00	Each Additional Circuit		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
171	Additional Electrical Rough-In or General Repairs Permit (More than 16 circuits) (Basic + Additional 1 + Additional 2)	\$1.50	Each Additional Circuit		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
172	Restore/Repair Electrical Service Permit (100 amp)	\$17.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
173	Restore/Repair Electrical Service Permit (200 amp)	\$18.50	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
174	Restore/Repair Electrical Service Permit (400 amp)	\$22.50	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
175	Restore/Repair Electrical Service Permit (600 amp)	\$25.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
176	Restore/Repair Electrical Service Permit (Greater than 600 amp)	\$35.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
177	Other General Electrical Repair Permit	\$25.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
178	Electric Power Permit for Sign	\$25.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
179	Placement of Temporary Pole for Electrical Power Permit	\$15.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
180	Appeal Concerning Electrical Code Filing Fee	\$50.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
181	Plumbing Permit Water (Installation or Replacement of Fixtures, Water Heater, Foot Spa, and etc.... Including general repair of water system)	\$10.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
182	Plumbing Permit: Sewer Line or Tap	\$20.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
183	Plumbing Permit Gas (Basic) (up to 4 openings)	\$10.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
184	Plumbing Permit Gas (Additional) (Greater than 4 openings) (Basic + Additional)	\$1.00	Each (over 4)		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
185	Plumbing Permit Irrigation: PRZ installation	\$10.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
186	Plumbing Permit Irrigation (Basic) (1-5 heads)	\$8.00	Permit		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
187	Plumbing Permit Irrigation (Additional) (More than 5 heads) (Basic + Additional)	\$0.60	Each Additional Head		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
188	Plumbing Permit Miscellaneous (Backflow, Grease Trap, Sand/Oil Separator and etc...)	\$20.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
189	HVAC Permit: Residential Air Installation/Replacement	\$25.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
190	HVAC Permit: Commercial Air Installation/Replacement (Basic) (100 Tons or less) (Minimum \$25)	\$1.20	Per Ton		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
191	HVAC Permit: Commercial Air Installation/Replacement (Additional) (over 100 Tons) (Basic + Additional)	\$0.60	Per Ton over 100 Tons		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
192	HVAC Permit: Commercial Heat (33,000 - 165,000 BTU)	\$12.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
193	HVAC Permit: Commercial Heat (165,001 - 330,000 BTU)	\$24.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
194	HVAC Permit: Commercial Heat (330,001 - 1,165,000 BTU)	\$36.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
195	HVAC Permit: Commercial Heat (1,165,001 - 3,300,000 BTU)	\$60.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
196	HVAC Permit: Commercial Heat (over 33,300,000 BTU)	\$84.00	Each		Inspections Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3912
197	Library Membership Texarkana AR/TX Residents	\$0.00	Each		Library	600 West 3 rd Street	903-794-2149
198	Library Membership Non-Texarkana Resident	\$20.00	Annual Fee		Library	600 West 3 rd Street	903-794-2149
199	Library Overdue Fines (Books and Compact Discs)	\$0.25	Per Calendar Day	Up to the cost of the book or compact discs. Return stops the fine accumulation.	Library	600 West 3 rd Street	903-794-2149
200	Library Overdue Fines (Videos, DVD or Playaway)	\$2.00	Per Calendar Day	Until the return, up to the cost of the videos, DVD or Playaway	Library	600 West 3 rd Street	903-794-2149
201	Library card replacement	\$1.00	Per Replacement	Lost unexpired library card	Library	600 West 3 rd Street	903-794-2149
202	Library: Ear buds	\$1.00	Per Set		Library	600 West 3 rd Street	903-794-2149
203	Library: Memory Sticks (flash drive)	\$5.00	Per Drive		Library	600 West 3 rd Street	903-794-2149
204	Library Bag (Plastic)	\$0.50	Per Bag		Library	600 West 3 rd Street	903-794-2149
205	Library Bag (Canvas)	\$7.00	Per Bag		Library	600 West 3 rd Street	903-794-2149

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
206	Library: Use of Typewriter	\$0.50	Per 1/2 Hour		Library	600 West 3 rd Street	903-794-2149
207	Library: Case Replacement	\$1 - \$9	Per Case		Library	600 West 3 rd Street	903-794-2149
208	Library: Art Sleeve for case	\$1.00	Each		Library	600 West 3 rd Street	903-794-2149
209	Library: Due Date Card Replacement	\$1.00	Per Card		Library	600 West 3 rd Street	903-794-2149
210	Library: Photo copies (B&W)	\$0.15	Per Page		Library	600 West 3 rd Street	903-794-2149
211	Library: Photo copies (Color)	\$1.00	Per Page		Library	600 West 3 rd Street	903-794-2149
212	Library: Texas Notary	\$1.00	Per Service		Library	600 West 3 rd Street	903-794-2149
213	Library: Fax Service Receiving	\$0.25	Per Page		Library	600 West 3 rd Street	903-794-2149
214	Library: Fax Service Sending (local)	\$0.25	Per Page		Library	600 West 3 rd Street	903-794-2149
215	Library: Fax Service Sending (long distance)	\$1.00	Per Page		Library	600 West 3 rd Street	903-794-2149
216	Library: Fax Service Sending (International)	\$5.00	Per Page		Library	600 West 3 rd Street	903-794-2149
217	Library: Lamination			Inquire at Circulation Desk	Library	600 West 3 rd Street	903-794-2149
218	Library: David Nelson Meeting Room Rental	\$75.00	Per Rental	Non-Profit Organizations Exempt	Library	600 West 3 rd Street	903-794-2149
219	Municipal Court Technology Fees	\$4.00	Per Case		Municipal Court	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3551
220	Municipal Court Building Security Fees	\$3.00	Per Case		Municipal Court	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3551
221	Municipal Court Warrant Fee	\$50.00	Per Warrant		Municipal Court	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3551
222	Park Pavilion Rental (Half Day)	\$15.00	Per Rental	8:00 AM - 2:45 PM or 3:00 PM to 10:00 PM	Parks, Recreation and Community Health	3222 W. 7th Street	903-798-3978
223	Park Pavilion Rental (All Day)	\$25.00	Per Rental		Parks, Recreation and Community Health	3222 W. 7th Street	903-798-3978
224	Ball Field Rental - Practice Game	\$20.00	Per Game		Parks, Recreation and Community Health	3222 W. 7th Street	903-798-3978
225	Ball Field Rental - Tournaments 1 Field	\$100.00	Per Tournament		Parks, Recreation and Community Health	3222 W. 7th Street	903-798-3978
226	Ball Field Rental - Tournaments 2 Fields	\$175.00	Per Tournament		Parks, Recreation and Community Health	3222 W. 7th Street	903-798-3978
227	Ball Field Rental - Tournaments 3 Fields	\$250.00	Per Tournament		Parks, Recreation and Community Health	3222 W. 7th Street	903-798-3978
228	Ball Field Rental - Tournaments 4-5 Fields	\$300.00	Per Tournament		Parks, Recreation and Community Health	3222 W. 7th Street	903-798-3978
229	Collins Senior Center Activity Room	\$75.00	Per Event		Parks, Recreation and Community Health	3222 W. 7th Street	903-798-3978
230	Collins Senior Center Meeting Room	\$25.00	Each Rental		Parks, Recreation and Community Health	3222 W. 7th Street	903-798-3978
231	Southwest Center Multipurpose Room (GYM) Rental	\$0.00	Each Rental	Group 1 Users	Southwest Center	3222 W. 7th Street	903-798-3978

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
232	Southwest Center Multipurpose Room (GYM) Rental	\$150.00	Each Rental	Group 2 Users	Southwest Center	3222 W. 7th Street	903-798-3978
233	Southwest Center Multipurpose Room (GYM) Rental	\$275.00	Each Rental	Group 3 Users	Southwest Center	3222 W. 7th Street	903-798-3978
234	Southwest Center ABC Room Rental	\$0.00	Each Rental	Group 1 Users	Southwest Center	3222 W. 7th Street	903-798-3978
235	Southwest Center ABC Room Rental	\$0.00	Each Rental	Group 2 Users	Southwest Center	3222 W. 7th Street	903-798-3978
236	Southwest Center ABC Room Rental	\$75.00	Each Rental	Group 3 Users	Southwest Center	3222 W. 7th Street	903-798-3978
237	Southwest Center Game/Activity Room Rental	\$0.00	Each Rental	Group 1 Users	Southwest Center	3222 W. 7th Street	903-798-3978
238	Southwest Center Game/Activity Room Rental	\$0.00	Each Rental	Group 2 Users	Southwest Center	3222 W. 7th Street	903-798-3978
239	Southwest Center Game/Activity Room Rental	\$50.00	Each Rental	Group 3 Users	Southwest Center	3222 W. 7th Street	903-798-3978
240	Southwest Center Room A Rental	\$0.00	Each Rental	Group 1 Users	Southwest Center	3222 W. 7th Street	903-798-3978
241	Southwest Center Room A Rental	\$0.00	Each Rental	Group 2 Users	Southwest Center	3222 W. 7th Street	903-798-3978
242	Southwest Center Room A Rental	\$25.00	Each Rental	Group 3 Users	Southwest Center	3222 W. 7th Street	903-798-3978
243	Southwest Center Room B Rental	\$0.00	Each Rental	Group 1 Users	Southwest Center	3222 W. 7th Street	903-798-3978
244	Southwest Center Room B Rental	\$0.00	Each Rental	Group 2 Users	Southwest Center	3222 W. 7th Street	903-798-3978
245	Southwest Center Room B Rental	\$25.00	Each Rental	Group 3 Users	Southwest Center	3222 W. 7th Street	903-798-3978
246	Southwest Center Room C Rental	\$0.00	Each Rental	Group 1 Users	Southwest Center	3222 W. 7th Street	903-798-3978
247	Southwest Center Room C Rental	\$0.00	Each Rental	Group 2 Users	Southwest Center	3222 W. 7th Street	903-798-3978
248	Southwest Center Room C Rental	\$25.00	Each Rental	Group 3 Users	Southwest Center	3222 W. 7th Street	903-798-3978
249	Southwest Center Room D Rental	\$0.00	Each Rental	Group 1 Users	Southwest Center	3222 W. 7th Street	903-798-3978
250	Southwest Center Room D Rental	\$0.00	Each Rental	Group 2 Users	Southwest Center	3222 W. 7th Street	903-798-3978
251	Southwest Center Room D Rental	\$25.00	Each Rental	Group 3 Users	Southwest Center	3222 W. 7th Street	903-798-3978
252	Application for Zoning Change (Base Fee) (Base + Variable)	\$250.00	Per Application		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
253	Application for Specific Use Permit (Base Fee) (Base + Variable)	\$250.00	Per Application		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
254	Application for Site Plan approval (Base Fee) (Base + Variable)	\$250.00	Per Application		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
255	Application for Site Plan Amendments (Base Fee) (Base + Variable)	\$250.00	Per Application		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
256	Specific Use Permit Renewal (Base Fee) (Base + Variable)	\$100.00	Per Permit		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945

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257	Application fee for Amendment to Zoning Ordinance	\$250.00	Per Amendment		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
258	Variances Requests (ZBA)(Base Fee) (Base + Variable)	\$150.00	Per Application		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
259	Historic District Certificate of Appropriateness	\$75.00	Per Applicant		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
260	Subdivision Plats – preliminary (Base Fee) (Base + Variable Deposit)	\$100.00	Per Plat		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
261	Subdivision Plats – final (Base Fee) (Base + Variable Deposit)	\$200.00	Per Plat		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
262	Subdivision Plats – re-approval (Base Fee) (Base + Variable Deposit)	\$100.00	Per Re-approval		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
263	Subdivision Replats (Base Fee) (Base + Variable Deposit)	\$100.00	Per Replat		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
264	Subdivision Plat - Vacated (Base Fee)	\$100.00	Per Plat		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
265	Subdivision Plat – amendments (Base Fee) (Base + Variable Deposit)	\$100.00	Per Amendment		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
266	Subdivision Minor Plats (Base Fee) (Base + Variable Deposit)	\$50.00	Per Minor Plat		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945

FY16 Master Fee List - Version 3 (adopted 8 JUN 15)

Fees effective 8 JUN 15

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Building Permit Fees will be Based on the FY Schedule of Fees in which the construction work is scheduled to begin

Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
267	Deposit for Variable Fees	\$0.00	Per Application	(Variable costs include the costs such as advertising, mailing notices, sign manufacturing and posting and etc...) Unused deposit will be returned to petitioner once the final decision is rendered. If variable costs exceed the deposit amount the difference is required to be paid in full prior to issuance of the permit or other required document.	Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
268	Zoning Verification Document	\$25.00	Each		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
269	Voluntary Annexation Application Fee	\$500.00	Each Application		Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
270	Street Name Change Application Fee	\$500.00	Per request	Additional cost for new signage	Public Works Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3948
271	Street/Alley/Public ROW Abandonment Application Fee	\$500.00	Per request	All associated costs including Quit claim deeds and any legal work will be applicant's responsibility	Public Works Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3948
272	Utility Easement Abandonment Application Fee	\$500.00	Per request	All associated costs including Quit claim deeds and any legal work will be applicant's responsibility	Planning and Community Development Department	City Hall – Municipal Building – 220 Texas Boulevard	903-798-3945
273	Central Records and Communications	\$10.00	Per Copy or 911 Recording		Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3181
274	Police: Accident Report	\$5.00	Copy of Report	Front and back pages	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3181
275	Police: Offense Report	\$5.00	Copy of Report	Front page only	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3181
276	Police: Criminal History	\$10.00	Each	Must show two forms of ID	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3181
277	Police: Certification of any Report	\$5.00	Each	Added to the cost of the report	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3181
278	Burglar Alarm Permits – Residential	\$35.00	Annual Permit		Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3102

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
279	Burglar Alarm Permits – Commercial	\$75.00	Annual Permit		Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3102
280	Burglar Alarm Permits -- late renewal (30 days or less late)	\$20.00	Each System		Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3102
281	Burglar Alarm Permits -- late renewal (more than 30 days late)	\$40.00	Each System		Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3102
282	False Alarm Fees	\$50.00	Each alarm	Per alarm after 6 alarms in any 12 month period	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3102
283	Wrecker Permits	\$20.00	Per wrecker	Annual fee	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3116
284	Vehicle Storage Facility	\$50.00	Per facility	Annual fee	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3116
285	Taxi Permits	\$40.00	Per taxicab	Annual fee	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3116
286	Sexually Oriented Business	\$400.00	Per business	Annual fee	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3116
287	Youth Club/Dance Hall Permit	\$100.00	Per business	Annual fee	Police Department	Bi-State Justice Building 100 North State Line Avenue at Broad Street	903-798-3116
288	Water Service Connection	\$15.00	Each	Water Service Initiation	TWU	801 Wood Street	903-798-3800
289	Water Meter Disconnect	\$15.00	Each	Discontinue Service	TWU	801 Wood Street	903-798-3800
290	Water Service Transfer	\$20.00	Each		TWU	801 Wood Street	903-798-3800
291	Late Service Charge – Non-Payment	10%	On billed amount	If not paid by Due Date	TWU	801 Wood Street	903-798-3800
292	After Hours Service Call to reinstate water service	\$50.00	Each		TWU	801 Wood Street	903-798-3800
293	Non Payment Service Charge	\$35.00	Each	if not paid by disconnect date	TWU	801 Wood Street	903-798-3800
294	Water meter reread initiated by Customer	\$10.00	Each	No charge if initiated by TWU	TWU	801 Wood Street	903-798-3800
295	Water meter testing initiated by Customer	\$30.00	Each	Meters two inches & smaller	TWU	801 Wood Street	903-798-3800
296	Water meter testing initiated by Customer (Cost plus %)	10%	Each	Meters larger than two inches	TWU	801 Wood Street	903-798-3800
297	Water meter Tampering	\$50.00	Each		TWU	801 Wood Street	903-798-3800
298	Unauthorized Water Connection Inserted	\$100.00	Each		TWU	801 Wood Street	903-798-3800
299	Water meter Fees – 5/8" meter	Cost	Each		TWU	801 Wood Street	903-798-3800
300	Water meter Fees – 1" meter	Cost	Each		TWU	801 Wood Street	903-798-3800
301	Water: Single Register 2" (irrigation)	Cost	Each		TWU	801 Wood Street	903-798-3800
302	Inspection/Tapping Fee for Water Main	\$25.00	Each		TWU	801 Wood Street	903-798-3800
303	Bacteriological testing of water samples	\$20.00	Each		TWU	801 Wood Street	903-798-3800

Attachment: 2015-056 RES Master Fee List 060815 signed (1401 : 2015-128 RES amending the FY16

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Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
304	Sanitary Sewer Availability Fee *	\$25.00	Monthly	Non-Connection when Sewer Connection is available to the property	TWU	801 Wood Street	903-798-3800
305	Sewer Surcharge -- Excessive Strength Wastes	\$0.10	TSS per pound		TWU	801 Wood Street	903-798-3800
306	Sewer Surcharge -- Excessive Strength Wastes	\$0.25	BOD per pound		TWU	801 Wood Street	903-798-3800
307	Industrial Wastewater Discharge Permit	\$300.00		Significant Discharger	TWU	801 Wood Street	903-798-3800
308	Industrial Wastewater Discharge Permit	\$200.00		Minor Discharger	TWU	801 Wood Street	903-798-3800
309	Industrial Wastewater Discharge Permit	\$50.00		Commercial Discharger	TWU	801 Wood Street	903-798-3800
310	Industrial Wastewater Discharge Permit	\$50.00		Intermittent Discharger	TWU	801 Wood Street	903-798-3800
311	Industrial Wastewater Discharge Permit	\$100.00		Transported Discharger	TWU	801 Wood Street	903-798-3800
312	Industrial Wastewater Discharge Permit	\$50.00		Non-Discharge	TWU	801 Wood Street	903-798-3800
313	Delivery of Non-Domestic Waste to POTW Treatment Plant	\$0.10	Per Gallon		TWU	801 Wood Street	903-798-3800
314	Temporary Wastewater Discharge Permit	\$50.00			TWU	801 Wood Street	903-798-3800
315	Metered Discharge Treatment	\$0.05	Per Gallon		TWU	801 Wood Street	903-798-3800
316	Liquid Waste Transport Permit	\$50.00			TWU	801 Wood Street	903-798-3800
317	Septic Waste Dumping	\$50.00	Per 1,000 Gallons	Per Volume of Tank	TWU	801 Wood Street	903-798-3800
318	Delivery of Non-Domestic Waste to POTW Treatment Plant	\$0.10	Per Gallon		TWU	801 Wood Street	903-798-3800
319	Septic Waste Manifest Books	\$12.00	Each		TWU	801 Wood Street	903-798-3800
320	Non-Residential Backflow Prevention Assembly Device	\$50.00	Per Year		TWU	801 Wood Street	903-798-3800
321	Backflow Assembly Text Booklet	\$6.00	Each		TWU	801 Wood Street	903-798-3800
322	Water Infrastructure Fee - Residential	\$1.50	Monthly		TWU	801 Wood Street	903-798-3800
323	Waste Water Infrastructure Fee - Residential	\$1.50	Monthly		TWU	801 Wood Street	903-798-3800
324	Water Infrastructure Fee - Commercial	\$3.75	Monthly		TWU	801 Wood Street	903-798-3800
325	Waste Water Infrastructure Fee - Commercial	\$3.75	Monthly		TWU	801 Wood Street	903-798-3800
326	Sales: Screened Compost	\$10.00	Per Cubic Yard		South Regional Wastewater Treatment Plant	4000 South State Line Ave	903-798-3860
327	Sales: Screened Compost	\$2.00	Per bag (1-Cubic Foot)		South Regional Wastewater Treatment Plant	4000 South State Line Ave	903-798-3860
328	Sales: Unscreened Compost	\$5.00	Per Cubic Yard		South Regional Wastewater Treatment Plant	4000 South State Line Ave	903-798-3860
329	Sales: Wood Chips	\$8.00	Per Cubic Yard		South Regional Wastewater Treatment Plant	4000 South State Line Ave	903-798-3860
330	Sales: Wood Chips	\$1.00	Per Bag (2-Cubic Foot)		South Regional Wastewater Treatment Plant	4000 South State Line Ave	903-798-3860

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Building Permit Fees will be Based on the FY Schedule of Fees in which the construction work is scheduled to begin

Item Number	SERVICE/PERMIT	FY16 RATE	PER UNIT	OTHER INFORMATION	OFFICE	LOCATION	TELEPHONE
331	Sales: Leaf Mulch	\$10.00	Per Cubic Yard		South Regional Wastewater Treatment Plant	4000 South State Line Ave	903-798-3860

City of Texarkana, Texas

Version: D

Update Date: 11/5/2015 9:52 AM

Briefing Sheet**Lead Department:** Finance Department**Action Officer:** Charlie Bassett, CFO**Subject:** Resolution No. 2015-122 approving the City's investment policy.

Public	Second	Council
Briefing: <u>1/11/2016</u>	Hearing: 11/23/2015	Briefing: <u>December 14, 2015</u>
		Vote: <u>1/11/2016</u>

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

NOT APPLICABLE

Executive Summary and Background Information:

The Public Funds Investment Act, as amended, requires the City to annually adopt an investment policy and investment strategies. The attached Exhibit "A" complies with the Public Funds Investment Act, and authorizes investment of City funds in safe and prudent investments. The City's investment consultant, Valley View Consulting, LLC, has assisted staff in updating this policy to comply with state requirements.

Potential Options:

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

Fiscal Implications:

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

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Investment Committee

Board/Committee Recommendation:

Investment Committee recommends approval.

Advisory Board/Committee Meeting Date and Minutes:

Investment Committee minutes dated August 5, 2015 are attached.

Attachments

- 2015-122 RES Approving City's Investment Policy (DOC)

City of Texarkana, Texas

- b. 2015-122 RES ATTCH No. 01 EXH A Investment Policy (DOC)
- c. 2015-122 RES ATTCH No. 2 Goals & Perspectives (DOCX)
- d. 2015-122 RES ATTCH No. 3 Investment Committee Meeting Minutes 08.05.15 (DOCX)

Staff Coordination

Finance Department	Charlie Bassett	Department Head Review	Completed
	10/26/2015 11:39 AM		
Assistant City Manager		Shirley Jaster	Assistant City Manager
Review	Completed	10/26/2015 1:06 PM	
Public Information Officer		Lisa Thompson	PIO Review
	10/26/2015 1:08 PM		Completed
City Manager	John Whitson	City Manager Review	Completed
9:52 AM			11/05/2015
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			11/09/2015

Meeting History

RESOLUTION NO. 2015-122

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

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

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

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

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

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **11th day of January, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

CITY OF TEXARKANA, TEXAS

INVESTMENT POLICY



OCTOBER 27, 2014

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CITY OF TEXARKANA, TEXAS

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INTRODUCTION

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

INVESTMENT STRATEGY

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

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

be three years. The yield objective shall be a comparable maturity rolling Treasury portfolio.

- B. Investment strategies for debt service funds shall have as the primary objectives the preservation of principal and the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Investments purchased shall not have a stated final maturity date which exceeds the next unfunded debt service payment date. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a short-term, government portfolio local government pool.
- C. Investment strategies for debt service reserve funds shall have as the primary objectives to preserve principal and to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. Investments shall be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short-to-intermediate term maturities. Maximum maturity shall be the shorter of the first call date or five years. Volatility shall be further controlled through the purchase of securities carrying the highest coupon available, within the desired maturity and quality range, without paying a premium, if at all possible. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a comparable maturity rolling Treasury portfolio.
- D. Investment strategies for special projects or special purpose fund portfolios will have as their primary objectives to preserve principal and to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in cash equivalent investments to allow for flexibility and unanticipated project outlays, and by utilizing high quality, short-to-medium term investments, which will complement each other in a ladder or barbell maturity structure, and can be easily liquidated if the need arises. Any investment authorized by this Policy is suitable for these funds. The stated final

maturity dates of securities held should not exceed the estimated project completion date. The yield objective shall be a comparable maturity rolling Treasury portfolio.

INVESTMENT POLICY

A. SCOPE

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

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

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

B. OBJECTIVES

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

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

1. Safety

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

2. Liquidity

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

3. Public Trust

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

4. Yield

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

C. RESPONSIBILITY AND CONTROL

1. Investment Committee

An Investment Committee, consisting of one City Council Member appointed by the Mayor, City Chief Executive Officer/Manager (or his designee), Chief Financial Officer/Finance Director (City), Director of Finance (Water Utilities Department), Accounting/Human Resources Manager (Water Utilities Department), ~~and Financial Services Manager~~ Assistant Chief Financial Officer (City), and Controller/Accounting Manager (City) shall meet as needed to determine operational strategies and to monitor

results. The Investment Committee shall include in its deliberation such topics as: performance reports, economic outlook, portfolio diversification, maturity structure, potential risk to the City's funds, authorized broker/dealers, eligible investment training sources, and the target rate of return on the investment portfolio.

2. Delegation of Authority and Training

Authority to manage the City's investment program is derived from the City Charter. The Chief Financial Officer/Finance Director, ~~Financial Services Manager~~Assistant Chief Financial Officer, and Controller/~~Accounting Manager~~ are designated as Investment Officers and are responsible for investment decisions and activities for the City portfolio. The Director of Finance and Accounting/Human Resources Manager are designated as Investment Officers and are responsible for investment decisions and activities for the Water Utilities Department portfolio. The Chief Financial Officer/Finance Director and Director of Finance shall establish written procedures for the operation of their respective investment program, consistent with this Investment Policy. In order to ensure qualified and capable investment management, the Investment Officers shall attend training sessions relating to the Officer's responsibility under the PFIA within 12 months after assuming duties and receive at least 10 hours of training, and additional training sessions not less than once every two year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date, and receive at least 108 hours of training ~~at these sessions~~. Independent sources for sSuch training ~~from an independent source~~ shall be approved by the Investment Committee.

3. Internal Controls

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

derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

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

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

4. Prudence

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

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

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

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

5. Ethics and Conflicts of Interest

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

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

D. REPORTING

1. Quarterly Reporting

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

2. Annual Report

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

3. Methods

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

- A. A listing of individual investments held at the end of the reporting period. This list will include the name of the fund or pooled group fund for which each individual investment was acquired.
- B. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period. Market values shall be obtained from financial institutions or portfolio reporting services independent from the investment provider.
- C. Additions and changes to the market value during the period.
- D. Fully accrued interest for the reporting period.
- E. Average weighted yield to maturity of portfolio on City investments as compared to applicable benchmarks.

- F. Listing of investments by maturity date.
- G. The percentage of the total portfolio which each type of investment represents.
- H. Statement of compliance of the City's investment portfolio with State Law and the Investment Strategy and Policy approved by the City Council.

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

E. INVESTMENT PORTFOLIO

1. Active Portfolio Management

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

2. Performance

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

3. Investments

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

a). Authorized

1. Obligations issued, guaranteed, or insured by the United States of America, its agencies and instrumentalities, which have a liquid market with a readily determinable market value, including letters of credit.
2. Direct obligations of the State of Texas, its agencies and instrumentalities.
3. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this State or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
4. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivision of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than "A" or its equivalent.
5. Certificates of Deposit, and other forms of deposit, of state and national banks, savings banks, or state or federal credit unions that

has a main or branch office in Texas, guaranteed or insured by the Federal Deposit Insurance Corporation (or its successor) or the National Credit Union Share Insurance Fund (or its successor), or secured by obligations described in G. 3. Collateral Defined. Bids/quotes for certificates of deposit may be solicited in the following ways: orally, in writing, electronically, or in any combination of the above methods.

6. Fully collateralized direct repurchase agreements with a defined termination date secured by cash or obligations of the United States or its agencies and instrumentalities. Securities purchased must be pledged to the City, held in the City's account, and deposited at the time of the investment with the City, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. Such agreements may include direct security repurchase agreements and reverse security repurchase agreements with terms of 90 days or less after the delivery date. Funds received by the City under a reverse security agreement shall be used to acquire additional authorized investments, but those investments must mature no later than the expiration date stated in the reverse security repurchase agreement.
7. Local Government Investment Pools, if the pool is specifically approved by the Council and the pool invests only in investments authorized by the PFIA. A pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service. In order to be eligible to receive City funds a pool must comply with all PFIA requirements.
8. "Money Market" mutual funds that have a rating of AAA by least one nationally recognized rating firm and are "no-load" funds. A "money

market” mutual fund must maintain a \$1 share value and include only short-term, highly liquid, and relatively low risk debt instruments. Must be registered with and regulated by the Securities and Exchange Commission. The City cannot own more than 10% of the mutual fund’s total assets.

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

b. Not Authorized

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

- 1) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
- 2) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- 3) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

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

4. Holding Period

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

5. Risk and Diversification

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

- a) Risk of issuer default is controlled by limiting investments to those instruments allowed by the PFIA, which are described herein.
- b) Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, maintenance of adequate liquidity, and limitation of appropriate average maturity.
- c) Risk of temporary illiquidity shall be controlled by monitoring the rating of each issuer, as applicable, at least quarterly, and taking all prudent measures that are consistent with this Policy to liquidate an investment that does not have the minimum rating.

F. SELECTION OF FINANCIAL INSTITUTIONS AND BROKER/DEALERS

1. Depository

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

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

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

- The agreement must be in writing;
- The agreement has to be executed by the Depository and the City contemporaneously with the acquisition of the asset;

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

2. Broker/Dealers

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

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

- audited financial statements
- proof of Financial Industry Regulatory Authority (FINRA) certification
- proof of state registration
- certification of having received and thoroughly reviewed the City's Investment Policy, signed by a qualified representative of the organization, acknowledging that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on

an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

G. SAFEKEEPING AND CUSTODY

1. Insurance or Collateral

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

2. Custodial Agreement

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

3. Collateral Defined

The City shall accept only the following as collateral:

- a) FDIC and NCUSIF insurance coverage.

- b) A bond, certificate of indebtedness, or note of the United States or its agencies and instrumentalities, or other evidence of indebtedness that is guaranteed as to the principal and interest by the United States or its agencies and instrumentalities.
- c) Obligations, the principal and interest on which are unconditionally guaranteed or insured by the State of Texas or its agencies and instrumentalities.
- d) A bond of a county, city or other political subdivision of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent) by a nationally recognized rating agency, with a remaining maturity of ten (10) years or less.

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

4. Subject to Audit

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

5. Delivery vs. Payment

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

H. INVESTMENT POLICY ADOPTION

The City Investment Policy shall be adopted by resolution of the City Council. The Investment Committee shall review the Policy for effectiveness on an annual basis and any modifications will be recommended for approval to the City Council. The City Council shall review and approve these investment policies and strategies not less than annually.

APPENDIX A

SAMPLE INVESTMENT POLICY CERTIFICATION FORM

As required by Texas Government Code 2256.005(k)

CITY OF TEXARKANA, TEXAS

THE STATE OF TEXAS

COUNTY OF BOWIE

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

My name is _____. I am a Qualified Representative of _____ (the "Business Organization"), which is engaged in the business of selling investments and desires to sell investments to the City of Texarkana, Texas. This Statement is provided to meet the requirements of the Public Funds Investment Act.

I hereby certify that:

1. I have reviewed the City's Investment Policy;
2. The "Business Organization" has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City of Texarkana and the Business Organization that are not authorized by the City's Investment Policy, except to the extent that the Business Organization has not made an analysis of the make-up of the City's entire portfolio or has not engaged in any interpretation of subjective investment standards; and
3. The statements, representations and declarations made in this document are true and correct.

Qualified Representative

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, 20_____.

Notary Public in and for the State of Texas

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Medium

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Investment Committee Meeting August 5, 2015

Present: Charles L. Bassett, Jr., Chief Financial Officer
Jim Cornelius, Finance Director, TWU
John Whitson, City Manager
Kristin Peeples, Assistant Chief Financial Officer
Paula Jeans, Accounting/HR Manager, TWU
Jodie Lee, Controller
Dick Long, Valley View Consulting (via conference call)
Bob Bruggeman, Mayor (via conference call)

- Approved the minutes from the May 04, 2015 investment committee meeting. Jim Cornelius made the motion to approve. John Whitson seconded the motion.
- Discussed multiple CD's maturing in the future that will be absorbed into cash.
- Dick Long presented the investment report and market outlook for the quarter ended 6/30/15. Paula Jeans made a motion to approve the investment report. Kristin Peeples seconded the motion.
- All funds are collateralized above the required level at all banks. Jim Cornelius made a motion to approve the Collateral Report. John Whitson seconded the motion.
- Dick mentioned our area banks have been very competitive with the rates they are offering. He said rates may possibly go up by year end.
- Discussion of annual Investment Policy resulted in date change, title changes, PFIA training updated to reflect the new law, and the broker/dealer list will also be updated. Kristin Peeples made a motion to approve the Investment Policy. Bob Bruggeman seconded the motion. Bob Bruggeman made a motion to approve the broker/dealer list and Kristin Peeples seconded the motion.
- The next investment committee meeting is scheduled for November 4, 2015 at 2:00 PM.
- Paula Jeans made the motion to adjourn the meeting. Kristin Peeples seconded the motion.

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)
- b. 2015-110 ORD WHFPT Grant Budget Amendment signed (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

10/26/15	City Council	MOVED FORWARD	Next: 11/09/15
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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

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.

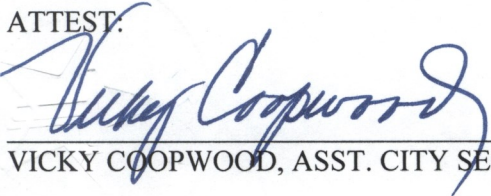
SECTION 3 It is further provided that in case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

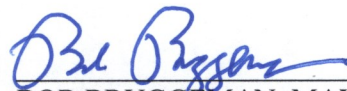
SECTION 4: All Ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

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 9th day of November 2015.

ATTEST:


VICKY COOPWOOD, ASST. CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:55p.m.

Attachment: 2015-110 ORD WHFPT Grant Budget Amendment signed (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: 12/14/2015 **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)
- c. 2015 -111 ORD ATTACH No 2. letter Nov 13 2015(PDF)

Staff Coordination

Assistant City Manager

Completed

Shirley Jaster

10/19/2015 3:16 PM

Department Head Review

City of Texarkana, Texas

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

10/26/15	City Council	MOVED FORWARD	Next: 11/09/15
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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 passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of

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

PUBLISH

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
Building and Code Division
TEXAS

220 Texas Blvd. Room 301
P.O. Box 1067
Texarkana, Texas 75504
Phone (903) 798-3912
Fax (903) 794-1257
<http://ci.texarkana.tx.us>

November 13, 2015

To: Plumbing, Electrical, Mechanical, Commercial and Residential Building Contractors

Re: International Building Codes

On Monday, November 9, 2015 the Texarkana Texas City Council met in a regularly scheduled council meeting at 6:00 p.m. to discuss adopting the 2015 International Codes and the 2014 NEC Electrical Codes. Due to misinformation printed in a letter mailed from this office, some interested parties may not have been present for the public hearing regarding this issue. I apologize for any inconvenience our mistake may have caused. The city has planned another public hearing to allow any interested citizen the opportunity to provide input to council regarding this decision.

The City of Texarkana Texas will hold a public hearing for all the Building Code revision updates at the City Council Meeting on November 23, 2015 at 6:00 p.m. located in the City Council Chambers, 2nd floor, 220 Texas Boulevard.

The City Council will consider adopting the 2015 International Codes and the 2014 NEC Electrical Codes with some existing amendments, modifications, deletions and appendices.

The proposed adoption of the latest codes will improve the ISO rating for the city and for building insurance purposes.

If you have any questions before the meeting, please don't hesitate to contact me at 903-798-3912 or lhenny@txkusa.org

Sincerely,

FOR LYNN HENRY

Lynn Henry
Chief Building Official

City of Texarkana, Texas

Version: N

Update Date: 12/3/2015 1:30 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: 12/14/2015 **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.

A second public hearing was held on November 23, 2015 at the regular city council meeting and no one from the public spoke 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.

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 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.

City of Texarkana, Texas

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 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 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."

City of Texarkana, Texas

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 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)
- c. 2015-112 ORD ATTACH NO 2 LETTER Nov 13, 2015 (PDF)

Staff Coordination

Assistant City Manager	Shirley Jaster	Department Head Review
Completed	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 Completed
10/19/2015 4:01 PM		
Municipal Prosecutor Vicky Coopwood	Review	Skipped 10/21/2015
1:46 PM		
City Manager John Whitson	City Manager Review Completed	10/22/2015
3:59 PM		
City Council Jennifer Evans	Meeting Completed	10/26/2015
6:00 PM		

Meeting History

10/26/15 City Council MOVED FORWARD Next: 11/09/15

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."

SECTION 3: That the City Secretary be and is hereby directed to publish the caption of this

PUBLISH

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
Building and Code Division
TEXAS

220 Texas Blvd. Room 301
P.O. Box 1067
Texarkana, Texas 75504
Phone (903) 798-3912
Fax (903) 794-1257
<http://ci.texarkana.tx.us>

November 13, 2015

To: Plumbing, Electrical, Mechanical, Commercial and Residential Building Contractors

Re: International Building Codes

On Monday, November 9, 2015 the Texarkana Texas City Council met in a regularly scheduled council meeting at 6:00 p.m. to discuss adopting the 2015 International Codes and the 2014 NEC Electrical Codes. Due to misinformation printed in a letter mailed from this office, some interested parties may not have been present for the public hearing regarding this issue. I apologize for any inconvenience our mistake may have caused. The city has planned another public hearing to allow any interested citizen the opportunity to provide input to council regarding this decision.

The City of Texarkana Texas will hold a public hearing for all the Building Code revision updates at the City Council Meeting on November 23, 2015 at 6:00 p.m. located in the City Council Chambers, 2nd floor, 220 Texas Boulevard.

The City Council will consider adopting the 2015 International Codes and the 2014 NEC Electrical Codes with some existing amendments, modifications, deletions and appendices.

The proposed adoption of the latest codes will improve the ISO rating for the city and for building insurance purposes.

If you have any questions before the meeting, please don't hesitate to contact me at 903-798-3912 or lhenry@txkusa.org

Sincerely,

FOR LYNN HENRY

Lynn Henry
Chief Building Official

City of Texarkana, Texas

Version: M

Update Date: 12/3/2015 1:31 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: 12/14/2015 **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.

A second public hearing was held on November 23, 2015 at the regular city council meeting and no one from the public spoke 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)
- c. 2015-113 ORD ATTACH No 2 Letter Nov. 13, 2015 (PDF)

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

10/26/15 City Council MOVED FORWARD Next: 11/09/15

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

PUBLISH

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 be copper water tube minimum type K or L, brass, cast iron

PUBLISH

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:

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

PUBLISH

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.

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

PUBLISH

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
Building and Code Division
TEXAS

220 Texas Blvd. Room 301
P.O. Box 1067
Texarkana, Texas 75504
Phone (903) 798-3912
Fax (903) 794-1257
<http://ci.texarkana.tx.us>

November 13, 2015

To: Plumbing, Electrical, Mechanical, Commercial and Residential Building Contractors

Re: International Building Codes

On Monday, November 9, 2015 the Texarkana Texas City Council met in a regularly scheduled council meeting at 6:00 p.m. to discuss adopting the 2015 International Codes and the 2014 NEC Electrical Codes. Due to misinformation printed in a letter mailed from this office, some interested parties may not have been present for the public hearing regarding this issue. I apologize for any inconvenience our mistake may have caused. The city has planned another public hearing to allow any interested citizen the opportunity to provide input to council regarding this decision.

The City of Texarkana Texas will hold a public hearing for all the Building Code revision updates at the City Council Meeting on November 23, 2015 at 6:00 p.m. located in the City Council Chambers, 2nd floor, 220 Texas Boulevard.

The City Council will consider adopting the 2015 International Codes and the 2014 NEC Electrical Codes with some existing amendments, modifications, deletions and appendices.

The proposed adoption of the latest codes will improve the ISO rating for the city and for building insurance purposes.

If you have any questions before the meeting, please don't hesitate to contact me at 903-798-3912 or lhenny@txkusa.org

Sincerely,

FOR LYNN HENRY

Lynn Henry
Chief Building Official

City of Texarkana, Texas

Version: R

Update Date: 12/3/2015 1:32 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: 12/14/2015 **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. A second public hearing was held on November 23, 2015 at the regular city council meeting and no one from the public spoke 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

City of Texarkana, Texas

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. 105-356. - 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.

City of Texarkana, Texas

Section 107 Notice and Orders, of the 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 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

City of Texarkana, Texas

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. 2015114 ORD Adopting 2015 International Property Maintenance code (DOC)
- b. 2015-114 ORD ATTCH No. 1 Goals & Perspectives (DOCX)
- c. 2015-114 ORD ATTACH No 2 Letter Nov. 13, 2015 (PDF)

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

10/26/15 City Council MOVED FORWARD Next: 11/09/15

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.

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
Building and Code Division
TEXAS

220 Texas Blvd. Room 301
P.O. Box 1067
Texarkana, Texas 75504
Phone (903) 798-3912
Fax (903) 794-1257
<http://ci.texarkana.tx.us>

November 13, 2015

To: Plumbing, Electrical, Mechanical, Commercial and Residential Building Contractors

Re: International Building Codes

On Monday, November 9, 2015 the Texarkana Texas City Council met in a regularly scheduled council meeting at 6:00 p.m. to discuss adopting the 2015 International Codes and the 2014 NEC Electrical Codes. Due to misinformation printed in a letter mailed from this office, some interested parties may not have been present for the public hearing regarding this issue. I apologize for any inconvenience our mistake may have caused. The city has planned another public hearing to allow any interested citizen the opportunity to provide input to council regarding this decision.

The City of Texarkana Texas will hold a public hearing for all the Building Code revision updates at the City Council Meeting on November 23, 2015 at 6:00 p.m. located in the City Council Chambers, 2nd floor, 220 Texas Boulevard.

The City Council will consider adopting the 2015 International Codes and the 2014 NEC Electrical Codes with some existing amendments, modifications, deletions and appendices.

The proposed adoption of the latest codes will improve the ISO rating for the city and for building insurance purposes.

If you have any questions before the meeting, please don't hesitate to contact me at 903-798-3912 or lhenny@txkusa.org

Sincerely,

FOR LYNN HENRY

Lynn Henry
Chief Building Official

City of Texarkana, Texas

Version: N

Update Date: 12/3/2015 1:33 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: 12/14/2015 **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.

A second public hearing was held on November 23, 2015 at the regular city council meeting and no one from the public spoke 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

City of Texarkana, Texas

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 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.

City of Texarkana, Texas

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

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)
- c. 2015-115 ORD ATTACH No 2 Letter Nov. 13, 2015 (PDF)

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		

City of Texarkana, Texas

Meeting History

10/26/15 City Council MOVED FORWARD Next: 11/09/15

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
Building and Code Division
TEXAS

220 Texas Blvd. Room 301
P.O. Box 1067
Texarkana, Texas 75504
Phone (903) 798-3912
Fax (903) 794-1257
<http://ci.texarkana.tx.us>

November 13, 2015

To: Plumbing, Electrical, Mechanical, Commercial and Residential Building Contractors

Re: International Building Codes

On Monday, November 9, 2015 the Texarkana Texas City Council met in a regularly scheduled council meeting at 6:00 p.m. to discuss adopting the 2015 International Codes and the 2014 NEC Electrical Codes. Due to misinformation printed in a letter mailed from this office, some interested parties may not have been present for the public hearing regarding this issue. I apologize for any inconvenience our mistake may have caused. The city has planned another public hearing to allow any interested citizen the opportunity to provide input to council regarding this decision.

The City of Texarkana Texas will hold a public hearing for all the Building Code revision updates at the City Council Meeting on November 23, 2015 at 6:00 p.m. located in the City Council Chambers, 2nd floor, 220 Texas Boulevard.

The City Council will consider adopting the 2015 International Codes and the 2014 NEC Electrical Codes with some existing amendments, modifications, deletions and appendices.

The proposed adoption of the latest codes will improve the ISO rating for the city and for building insurance purposes.

If you have any questions before the meeting, please don't hesitate to contact me at 903-798-3912 or lhenry@txkusa.org

Sincerely,


FOR LYNN HENRY

Lynn Henry
Chief Building Official

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)
- d. 2015-116 ORD SUP for Permanent Cosmetic Tattoo signed(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 Completed
	10/19/2015 11:35 AM	
City Manager	John Whitson	City Manager Review Completed 10/22/2015
4:10 PM		
City Council	Jennifer Evans	Meeting Completed 10/26/2015
6:00 PM		

Meeting History

10/26/15 City Council MOVED FORWARD Next: 11/09/15

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:

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.

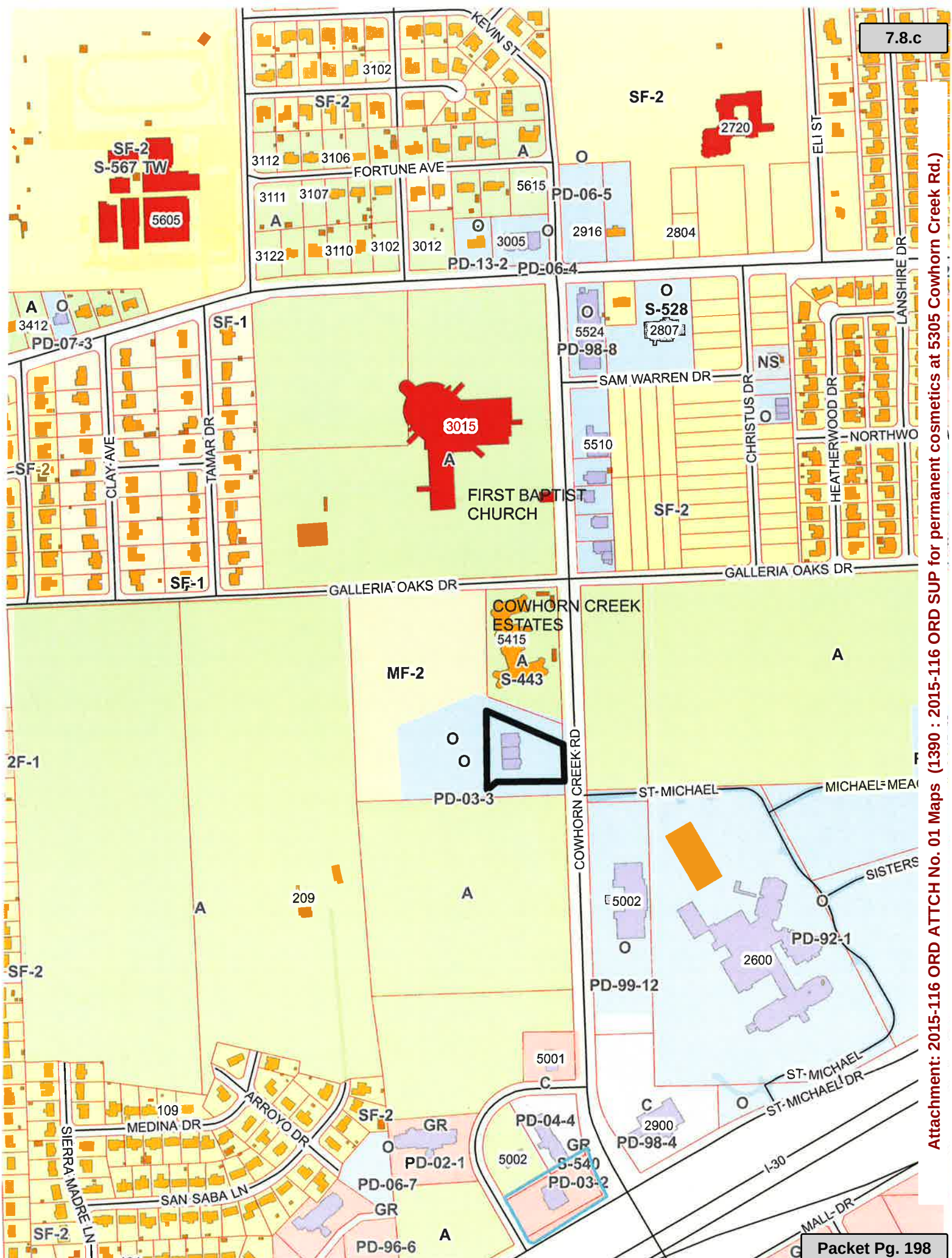
SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

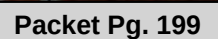
PASSED AND APPROVED in regular Council Session on this the **14th day of December, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR





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.**

Attachment: 2015-116 ORD SUP for Permanent Cosmetic Tattoo signed (1390 : 2015-116 ORD SUP for permanent cosmetics at 5305 Cowhorn Creek Rd.)

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 **9th day of November, 2015.**


BOB BRUGGEMAN, MAYOR

ATTEST:


VICKY COOPWOOD, ASST. CITY SECRETARY

7:02 p.m.

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)
- g. 2015-117 RES Engineering Services for Wagner Creek WWTP signed (PDF)

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 of Texarkana, Texas

City Council
6:00 PM

Jennifer Evans

Meeting

Completed

10/26/2015

Meeting History

10/26/15 City Council MOVED FORWARD Next: 11/09/15

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

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

CONTRACT FOR ENGINEERING SERVICES

PART I

AGREEMENT

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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.

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By: _____
John A. Whitson
City Manager

By: _____
Anthony L. (Andy) Franks
Principal

Attest:

Attest:

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

PART II

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 - 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.
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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.
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~~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.~~

- 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). The Owner shall pay/reimburse the Firm for Basic Services provided upon completion of the following project milestones billed monthly per the percentage of the contract amount specified. An estimated breakdown of fee totals for each milestone 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

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

- II. SPECIAL SERVICES – 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 requests shall be prepared by the Engineer and be accompanied by such supporting data to substantiate the amounts owing. Payment for Special Services shall be paid, per the following schedule:

- 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).
- 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 are 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 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.

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

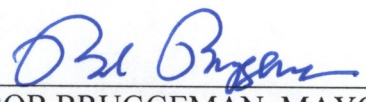
WHEREAS, there is a proposed ending balance of ONE HUNDRED SIXTY-TWO THOUSAND SIX HUNDRED SIXTY AND NO/100 DOLLARS (\$162,660.00) in the Wagner Creek Capital Improvement Fund in the Texarkana Water Utilities 2015-2016 which can be reallocated to the proposed engineering contract.

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

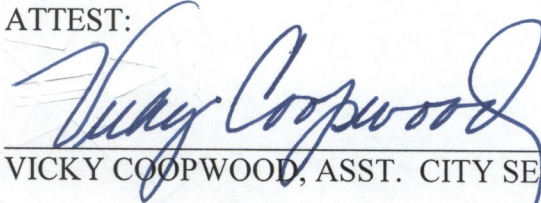
SECTION 1: That A.L. FRANKS ENGINEERING, INC. of Texarkana, Arkansas being an engineering firm capable of designing and inspecting the proposed modifications at the Wagner Creek Wastewater Treatment Plant be contracted to provide engineering services in an amount not to exceed THREE HUNDRED SEVENTY THOUSAND 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 9th day of November, 2015.


BOB BRUGGEMAN, MAYOR

ATTEST:


VICKY COOPWOOD, ASST. CITY SECRETARY

7:05 p.m.

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

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:

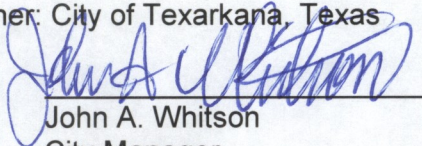
- a. This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Bowie County, Texas
- b. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective 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.

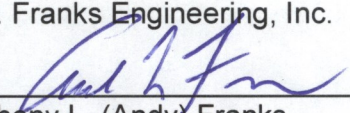
Owner: City of Texarkana, Texas

By:

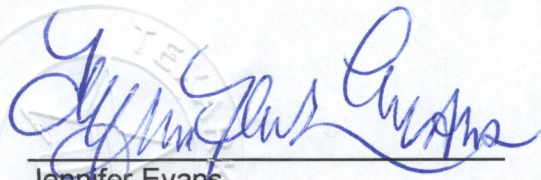

John A. Whitson
City Manager

Firm: A.L. Franks Engineering, Inc.

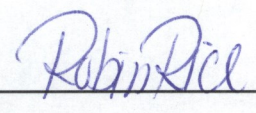
By:


Anthony L. (Andy) Franks
Principal

Attest:


Jennifer Evans
City Secretary

Attest:


Robin Rice

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 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 Owner, 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 Owner, 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 Owner 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 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.

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.
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 - 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.
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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 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 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

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- II. SPECIAL SERVICES – The fee for Special Services shall not exceed a total of Sixty Eight Thousand Two Hundred Sixty and No/100 Dollars (\$68,260). Payment requests shall be prepared by the Engineer and be accompanied by such supporting data to substantiate the amounts owing. Payment for Special Services shall be paid per the following schedule:

- 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).
- 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 are to be provided by the Owner.

- 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).
- 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).

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, 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 Owner's property; and if such property has not otherwise been paid for by the Owner under Part III, the Firm shall be entitled to receive 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 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.
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. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. Interest of Other Local Public Officials. No member of the governing body of the Owner and no other public official 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 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

Briefing Sheet

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

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: 12/14/2015 **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

10/26/15 City Council MOVED FORWARD Next: 11/09/15

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: 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)
- e. 2015-100 RES ATTCH No. 4 Proposed Street Renaming Map - Alternative Option (PDF)
- f. 2015-100 RES Renaming a portion of Shilling Lane signed (PDF)

Staff Coordination

Public Works Department
Completed

Kyle Dooley
09/25/2015 11:48 AM

Department Head Review

City of Texarkana, Texas

Police 7:32 AM	Dan Shiner	Review	Completed	10/01/2015
Fire Department 12:53 PM	Eric Schlotter	Review	Completed	10/05/2015
Building Code Administration 10/07/2015 10:48 AM		Lynn Henry	Review	Completed
Assistant City Manager Review	Completed	Shirley Jaster 10/07/2015 12:53 PM	Assistant City Manager	
Public Information Officer 10/07/2015 1:29 PM		Lisa Thompson	PIO Review	Completed
City Manager 3:38 PM	John Whitson	City Manager Review	Completed	10/07/2015
City Council 6:00 PM	Jennifer Evans	Meeting	Completed	10/12/2015

Meeting History

10/12/15	City Council	MOVED FORWARD	Next: 10/26/15
10/26/15	City Council	MOVED FORWARD	Next: 11/09/15

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

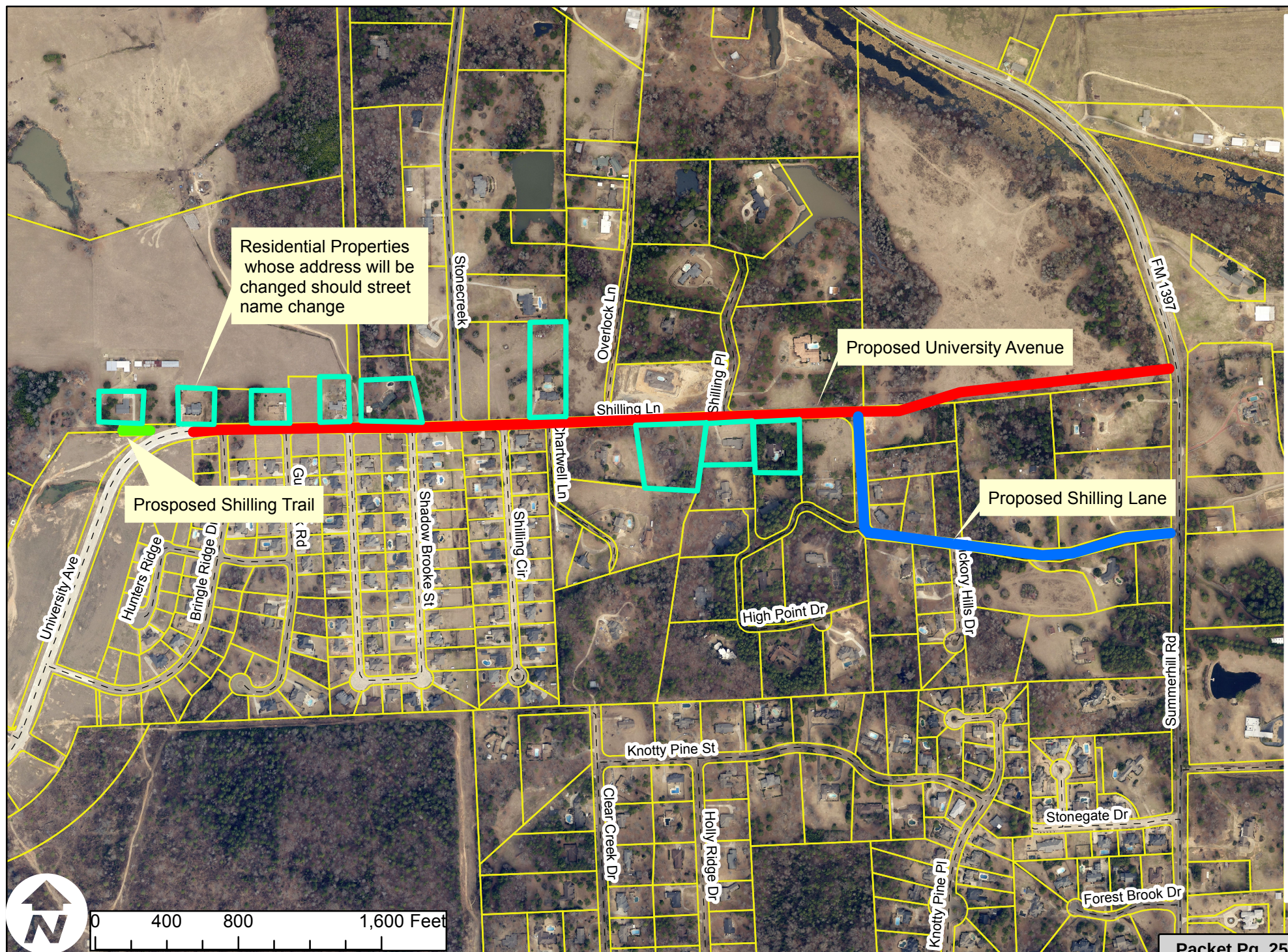
Public Information Plan:

☐	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:

Proposed Street Name Change for Shilling Lane

8.1.b





CITY OF
TEXARKANA
Public Works Department TEXAS

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

8.1.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)

Proposed Street Name Change for Shilling Lane - Alternative Option

8.1.e



Attachment: 2015-100 RES ATTCH No. 4 Proposed Street Renaming Map - Alternative Option (1369 : Res.

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:

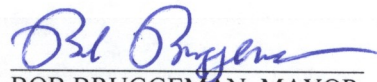
SECTION 1: That the name of the newly constructed street between Shilling Road and Summerhill Road be officially named as **University Avenue**.

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**.

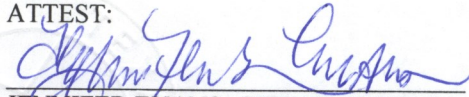
SECTION 3: That this change in names shall not become effective until thirty (30) days after the date of passage of this Resolution, so as to provide sufficient time for street sign changes, postal service adjustments, and business and personal address changes to be implemented by those affected by the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

6:41 p.m.

Briefing Sheet

Update Date: 11/2/2015 8:26 AM

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>David Orr, Planning & Community Development Director</u>
Subject:	<u>The U.S. Department of Housing and Urban Development - Community Planning Department requires each Community Development Block Grant (CDBG) Entitlement Community to complete an annual Comprehensive Assessment Performance Evaluation Report (CAPER) no later than 90 days after the close of the program year (Program Year-End Date: September 30, 2015). The Public Comment Hearing will be held on November 23rd for the 2014 Community Development Block Grant (CDBG) annual Comprehensive Assessment Performance Evaluation Report (CAPER). The 15 day public comment period will be held from November 10th through the 25th, 2015.</u>		

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The City of Texarkana, Texas hereby gives notice that the DRAFT of the Community Development Block Grant 2014 Program Year Consolidated Annual Performance Evaluation Report (CAPER) will be available for public review and comment at the dates and times listed below. Spanish translation is available upon request.

The Department of Housing and Urban Development requires all recipients of Community development Block Grant funds to submit an annual report. All interested persons or groups are encouraged to review the DRAFT CAPER and formally present their comments for inclusion in this report.

The DRAFT report can be reviewed at the following location during regular business hours between November 10, 2015 and November 25, 2015:

Texarkana, Texas City Hall
Department Planning and Community Development
220 Texas Boulevard
Texarkana, Texas

The DRAFT CAPER is also available on the Texarkana, Texas website - www.ci.texarkana.tx.us.

The City will hold a regularly scheduled City Council Meeting, which is a Public Meeting, on November 9 2015 where the public and Council will be briefed on the report and comment period.

City of Texarkana, Texas

The Public Hearing for the CAPER will occur at the regularly scheduled City Council Meeting on November 23, 2015. The 15 day Comment period will end on November 25, 2015. Citizens are asked to present their comments at this Public Hearing for inclusion in the report or to submit written comments for inclusion in the report to the Department of Planning and Community Development, City of Texarkana, Texas 220 Texas Boulevard, P.O. Box 1967, Texarkana, Texas 75504. Comments may be mailed or delivered to this office by 5:00 p.m. November 25, 2015.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Report only

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

- a. Goals and Perspectives (DOCX)
- b. RPT 2014 CAPER (DOCX)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

(NONE)

Resource Impact:

Staff time required if item is approved: Medium

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:



City of Texarkana, Texas

CAPER

Consolidated Annual Performance Evaluation Report

Community Development Block Grant Program
October 1, 2014 through September 30, 2015
Program Year 2014

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

City of Texarkana, Texas Consolidated Annual Performance Report Community Development Block Grant Program Year 2014

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan.

91.520(a)

This section provides an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

Introduction

Within 90 days of the end each program year, the City of Texarkana, Texas is required to provide an annual report to the Department of Housing and Urban Development (HUD) that summarizes its performance as a Community Development Block Grant entitlement community for the program year. This report is called the Consolidated Annual Performance and Evaluation Report (CAPER).

This report includes a description of the resources made available, the investment of available resources, the geographic distribution and location of investments, the families and persons assisted including the racial and ethnic distribution of persons assisted, actions taken to affirmatively further fair housing, and other actions indicated in the Strategic Plan and the Action Plan.

The overall goals of the City's CDBG program were created according to HUD's established objectives. They are designed to develop viable urban communities principally for low- and moderate-income persons with household incomes at or below 80% of Median Family Income by:

- Providing decent housing;
- Providing a suitable living environment; and
- Expanding economic opportunities.

Performance reporting for the CDBG program meets three basic purposes:

- Provides HUD with necessary information to meet its statutory requirement to assess each grantee's ability to carry out relevant Community Planning and Development programs in compliance with all applicable rules and regulations;
- Provides information necessary for HUD's Annual Report to Congress, also statutorily mandated;
- Provides the City of Texarkana, Texas an opportunity to describe to citizens the community's successes in revitalizing deteriorated neighborhoods and meeting objectives stipulated in the Consolidated Plan.

City of Texarkana, Texas Consolidated Annual Performance Report Community Development Block Grant Program Year 2014

Overview

During CDBG Program Year 2014 (October 1, 2014 – September 30, 2015 = PY14), the City of Texarkana had a total of \$ 474,797.82 in CDBG resources to address various community needs. These funds included carryover resources in the amount of \$124,268.28 from prior allocations, \$38,897.54 in Program Income, and \$311,632 for the Program Year 2014 allocation. The City expended \$165,951.21 leaving an unexpended balance at the beginning of Program Year 2015 of \$270,102.25.



Figure 1 City of Texarkana, Texas CDBG Jurisdiction

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

2014 Community Development Block Grant Projects

The City carried out seven activities during this reporting period:

- Rental Assistance Program Capacity
- Homelessness - Shelter
- Homelessness - Prevention
- Troubled Neighborhoods Clean Ups
- Tree Planting Downtown & Beverly
- Administration
- Infrastructure Improvements

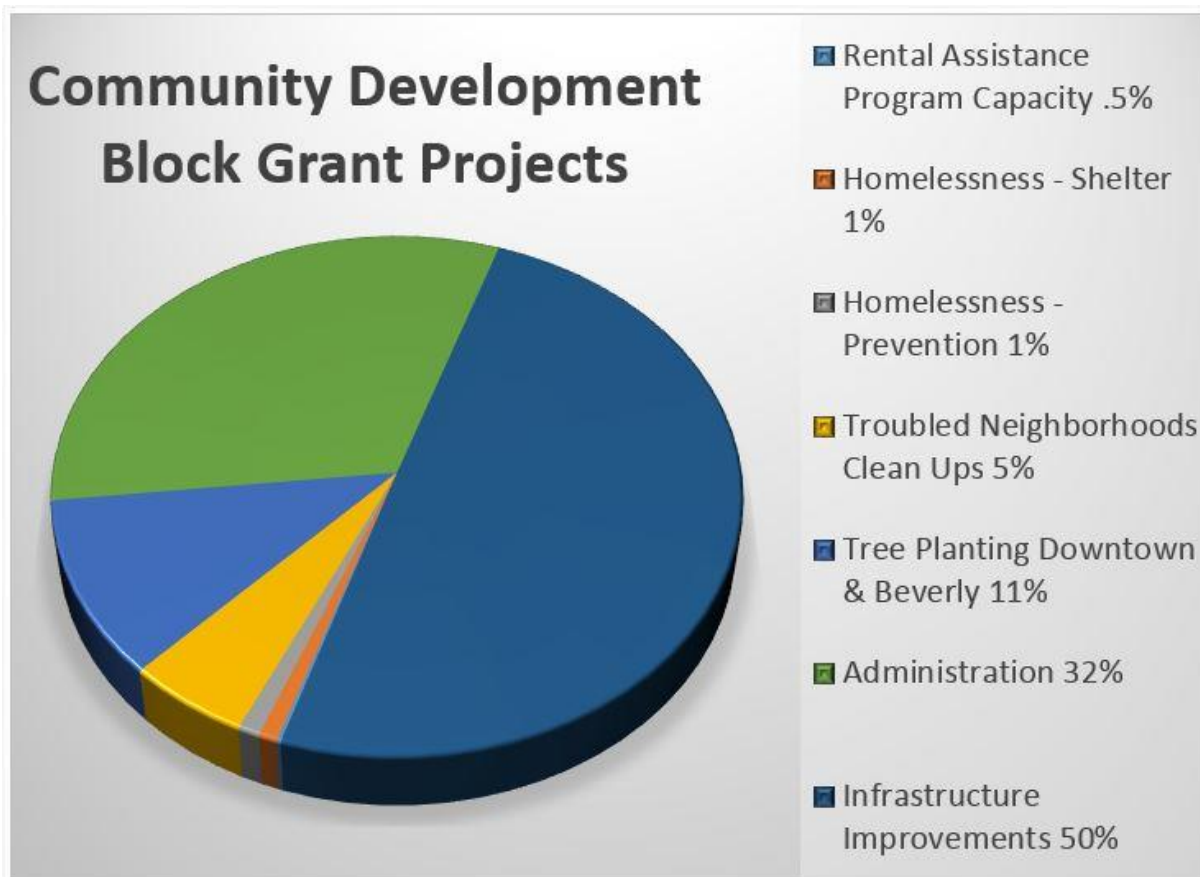


Figure 2:Community Development Block Grant Projects PY2014

City of Texarkana, Texas Consolidated Annual Performance Report

Community Development Block Grant Program Year 2014

HUD requires Entitlement Communities receiving CDBG funds to spend at least seventy percent of program expenditures on activities that benefit low and moderate income persons. One hundred percent of Texarkana's program expenditures benefitted low and moderate income persons. Thirty-two percent of total expenditures went toward administration of the program.

<i>Project/Activity</i>	<i>Status</i>	<i>Percent</i>	<i>Funded</i>	<i>Drawn</i>
<i>Rental Assistance Program Capacity</i>	Completed	.5%	\$294.16	\$294.16
<i>Homelessness - Shelter</i>	Completed	1%	\$1,345.97	\$1,345.97
<i>Homelessness - Prevention</i>	Completed	1%	\$1,592.52	\$1,592.52
<i>Troubled Neighborhoods Clean Ups</i>	Completed	5%	\$8,862.62	\$8,862.62
<i>Tree Planting Downtown & Beverly</i>	Completed	11%	\$18,272.48	\$18,272.48
<i>Administration</i>	Completed	32%	\$52,970.46	\$52,970.46
<i>Infrastructure Improvements</i>	Completed	50%	\$82,613.00	\$82,613.00
Total			\$165,951.21	\$165,951.21

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

The following table shows the City of Texarkana's progress toward meeting the goals and objectives describes in the City's 2013-2017 Five Year Consolidated Plan and 2014 Annual Action Plan. The table contains all of the proposed projects, the category of the proposed projects, and identifies the proposed sources and amounts related to these projects over the five year period. The table also identifies non-CDBG funding projects that were specified in the Five Year Plan. Projects from this reporting year using CDBG funding are highlighted dark grey in the table below.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Administer the CDBG Program	Administration	CDBG: \$	Other	Other	1	1	100.00%	1	1	100.00%
CDBG Revolving Loan Fund	Non-Housing Community Development	CDBG: \$	Facade treatment/business building rehabilitation	Business	5	4	80.00%	0	0	
CDBG Revolving Loan Fund	Non-Housing Community Development	CDBG: \$	Jobs created/retained	Jobs	10	10	100.00%	0	0	
CDBG	Non-Housing	CDBG: \$	Businesses	Businesses	5	4		0	0	

CAPER

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OMB Control No: 2506-0117 (exp. 07/31/2015)

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

Revolving Loan Fund	Community Development		assisted	Assisted			80.00%			
Domestic Violence Prevention Supportive Housing	Homeless Non-Homeless Special Needs	Supportive Housing Program: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	40	40	100.00%	60	60	100.00%
Domestic Violence Prevention Supportive Housing	Homeless Non-Homeless Special Needs	Supportive Housing Program: \$	Homelessness Prevention	Persons Assisted	60	60	100.00%			
Domestic Violence Prevention Supportive Housing	Homeless Non-Homeless Special Needs	Supportive Housing Program: \$	Housing for People with HIV/AIDS added	Household Housing Unit	2	2	100.00%	2	2	100.00%
Evaluate and Reduce Lead Paint Hazards	Affordable Housing	General Fund: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	100	0	0.00%			
First Time Home Buyer Down Payment Assistance	Affordable Housing	CDBG: \$	Direct Financial Assistance to Homebuyers	Households Assisted	4	2	50.00%	1	0	0.00%
Homelessness Emergency Shelter	Homeless	General Fund: \$	Homeless Person Overnight Shelter	Persons Assisted	100	100	100.00%			
Homelessness Outreach	Homeless Non-Homeless	General Fund: \$	Homeless Person Overnight	Persons Assisted	100	0	0.00%			

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OMB Control No: 2506-0117 (exp. 07/31/2015)

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

	Special Needs		Shelter							
Homelessness Outreach	Homeless Non-Homeless Special Needs	General Fund: \$	Homelessness Prevention	Persons Assisted	100	0	0.00%			
Homelessness Prevention	Homeless Non-Homeless Special Needs	General Fund: \$	Homelessness Prevention	Persons Assisted	100	100	100.00%			
Housing Reconstruction	Affordable Housing	CDBG: \$ / TDHCA: \$	Homeowner Housing Rehabilitated	Household Housing Unit	14	4	28.57%	1	0	0.00%
Public Facilities and Parks	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	100	0	0.00%			
Public Facilities and Parks	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	20	0	0.00%			
Public Improvements and Infrastructure	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	50	200	400.00%	100	1000	1,000.00%
Public Improvements	Non-Housing Community	CDBG: \$	Public Facility or Infrastructure	Households Assisted	5	0	0.00%			

CAPER

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OMB Control No: 2506-0117 (exp. 07/31/2015)

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

and Infrastructure	Development		Activities for Low/Moderate Income Housing Benefit							
Public Improvements and Infrastructure	Non-Housing Community Development	CDBG: \$	Buildings Demolished	Buildings	5	5	100.00%			
Public Improvements and Infrastructure	Non-Housing Community Development	CDBG: \$	Housing Code Enforcement/For eclosed Property Care	Household Housing Unit	10	0	0.00%			
Public Services - Health Department	Non-Homeless Special Needs Non-Housing Community Development	Texas DSHS: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	100	0	0.00%			
Public Services - Health Department	Non-Homeless Special Needs Non-Housing Community Development	Texas DSHS: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0		100	0	0.00%
Rental Assistance Information Dissemination	Affordable Housing Public Housing	General Fund: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	100	100	100.00%	20	20	100.00%
Rental Assistance	Affordable Housing	General Fund: \$	Homelessness Prevention	Persons Assisted	100	100	100.00%			

CAPER

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OMB Control No: 2506-0117 (exp. 07/31/2015)

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

Information Dissemination	Public Housing									
Section 108 Loan Program for Economic Development	Affordable Housing Non-Housing Community Development	Section 108: \$	Facade treatment/business building rehabilitation	Business	5	0	0.00%			
Section 108 Loan Program for Economic Development	Affordable Housing Non-Housing Community Development	Section 108: \$	Rental units constructed	Household Housing Unit	5	0	0.00%			
Section 108 Loan Program for Economic Development	Affordable Housing Non-Housing Community Development	Section 108: \$	Jobs created/retained	Jobs	15	0	0.00%			
Section 108 Loan Program for Economic Development	Affordable Housing Non-Housing Community Development	Section 108: \$	Businesses assisted	Businesses Assisted	5	0	0.00%			

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

City of Texarkana, Texas Consolidated Annual Performance Report Community Development Block Grant Program Year 2014

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Through the consolidated planning process, the City of Texarkana assessed its housing, public facility, infrastructure, economic, homelessness, and human service needs, in order to meet the goals of providing decent housing, providing a suitable living environment and expanding economic opportunities, concentrating on the needs of low and moderate income persons. From this assessment, Texarkana developed a list of priorities and objectives for addressing the identified needs. The 2013-2017 Consolidated Plan and the 2014 Annual Action Plan serve as a decision-making guides for determining how to invest federal resources, specifically CDBG funding, in the community. This CAPER provides a description of how funds were used to address local priorities as detailed in the Consolidated Plan. The two areas identified as highest priority for the CDBG program are housing and economic development in the city's two Target Areas, Downtown and the Beverly community. All CDBG funds in 2014 have benefitted low and moderate income individuals.

Downtown Target Area: The City completed a downtown infrastructure project complementing the STEPII grant in collaboration with the City's Public Works Department and the Texas Department of Transportation. The project provided ADA accessibility upgrades to city sidewalks and Kidtopia Park. Downtown also benefitted from the Troubled Neighborhoods Clean-Up, Tree Planting activity, and activities to address homelessness in Texarkana. The Clean-Up Project in Downtown focused resources on the Target Area in order to provide a suitable living environment in this troubled neighborhood. Staff and volunteers cleaned up abandoned lots, streets, and alley ways, clearing debris and trash. Tree planting in Downtown focused on planting trees in this qualified census tract providing a suitable living environment.

Beverly Target Community: The Beverly Clean-Up Project focused resources on the Beverly Target Area in order to provide a suitable living environment in this troubled neighborhood. Staff and volunteers cleaned up abandoned lots, streets, and alley ways, clearing debris and trash as well as removing significant overgrowth on the lots. Most importantly, this project opened the doors to future collaboration with willing and excited volunteers, homeowners and renters, who want to see this troubled neighborhood transformed to a vibrant, sustainable neighborhood.

Housing: Housing for low and moderate income persons is one of the City's highest priorities for meeting its CDBG goals and objectives. In PY14, the City focused on building capacity in its administration and planning, reorganizing departmental resources and revising processes for its Housing Reconstruction and First Time Home Buyer Programs.

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG
White	1971
Black or African American	1953
Asian	0
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Hispanic	12
Not Hispanic	3912
Total	3924

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Project resources were concentrated in Texarkana's two Target Areas, the Beverly neighborhood and Downtown Texarkana.

Downtown Texarkana is located in Census Tract #48037010500. This tract has a poverty rate of 49.8%. Of the 3232 residents that call the Downtown area home, 1,009 are white, 2,050 are Black or African American. Population continues to decline in the area as fewer and fewer make their homes here. In this area of just over 200 acres, there are over 200 confirmed or suspected Brownfield properties ranging from suspected lead and asbestos contamination to petroleum and MTBE's. Nearly half of the buildings in the area are no longer open or functioning.

The Beverly area (Census Tract #48037010600) population has decreased from 2,612 in 1990 to 2,293 in 2010, with the number of households for the same period also declining from 921 to 774. Total number of housing units likewise decreased from 1,103 to 918 households. The number of vacant housing units decreased from 182 to 144. During this same time period, renter occupied housing units rose from 441 to 506 while owner occupied housing units dramatically decreased 44.17% from 480 to 268. In 2012, average median household income for Texarkana, Texas was \$37,526, but only \$17,262 in Beverly, a variance of 46%. Per capita income was also lower by 45% as compared to the city at \$23,297 per person in the city and only \$10,477 in Beverly. Median home values in the city were reported at \$136,770 and only \$37,863 in Beverly.

Of the residents the City assisted in PY14 through CDBG activities, 1,953 identified as Black or African American, 1,971 identified as White. Twelve persons claimed Hispanic heritage, with 3,924 as Not Hispanic.

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

<i>Source of Funds</i>	<i>Source</i>	<i>Expected Amount Available</i>	<i>Actual Amount Expended Program Year 2014</i>
<i>CDBG</i>	HUD and Program Income	\$474,797.82	\$165,951.21

Table 3 – Resources Made Available

Narrative

During CDBG Program Year 2014 (October 1, 2014 – September 30, 2015 = PY14), the City of Texarkana had a total of \$ 474,797.82 in CDBG resources to address various community needs. These funds included carryover resources in the amount of \$124,268.28 from prior allocations, \$38,897.54 in Program Income, and \$311,632 for the Program Year 2014 allocation. The City expended \$165,951.21 leaving an unexpended balance at the beginning of the 2015 program year of \$270,102.25.

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

City of Texarkana, Texas Consolidated Annual Performance Report Community Development Block Grant Program Year 2014

Identify the geographic distribution and location of investments

<i>Target Area</i>	<i>Planned Percentage of Allocation</i>	<i>Actual Percentage of Allocation</i>	<i>Narrative Description</i>
Beverly Community Revitalization	40	7%	Beverly Clean-Up Projects and Tree Planting
Downtown Area	40	57%	Infrastructure and Tree Planting

Table 4 – Geographic distribution and location of investments

Narrative

Boundaries for Beverly Target Area: Southern border: New Boston Road, also US Hwy 82; Western border: Robinson Road; Northern border: College Drive; Eastern border: Richmond Road to Summerhill Road; Qualified Census Tract 106.

This once thriving community is bordered on all four sides by commercially zoned streets with an interior comprised of older housing stock, and many vacant, boarded buildings. This is an area of minority, elderly, and poverty concentrations. As the Staff works closely with community leaders in the Beverly neighborhood, and it became increasingly clear that residents felt that cleaning up their neighborhood had to begin with literal neighborhood cleanups. The City has committed significant resources to this effort and pledged CDBG resources to the effort as well.

The Downtown Area Local Target Area (Tract 105) is sometimes referred to as the Downtown/7th Street Corridor as this is descriptive of the boundaries of the Target Area. It is bounded on one side by the Kansas City Southern Railroad (Front Street) and 7th Street (Martin Luther King Blvd.) on the other. It's eastern and western border are Stateline Avenue, literally the Texas/Arkansas border, on the east side and Lakeside Drive on the other.

Citizens of Texarkana have asked the City to focus on downtown revitalization for at least ten years. Consultation with numerous agencies, public meetings, public hearings, citizen surveys, and votes of the duly elected City Council Members establish a strong consensus for moving forward to arrest the decline of this historic center of the town and revitalize the area's economic potential and potential for providing affordable housing close to city, county, state, federal and non-profit services.

City of Texarkana, Texas Consolidated Annual Performance Report Community Development Block Grant Program Year 2014

These geographic regions were chosen because they have great potential and great need. These areas are bordered by major transportation routes, which are prime real estate for redevelopment. These neighborhoods provide significant opportunity for quality affordable housing. New multifamily units along with the development of new single family housing will provide what these neighborhoods need the most – safe, secure, quality, affordable, housing for families. The combination of affordable rental units and the development of new single family housing will provide families who currently reside in these neighborhoods opportunities to become future property owners. The development of new affordable housing stock will provide opportunities for those families currently locked out of the homeownership market the opportunity to make their initial investment in the American dream of home ownership. Moreover, the economic development potential in these areas can bring what is most needed to sustain these low-mod income areas: jobs.

Downtown area expenditures have focused on job creation through the Revolving Loan Fund, assistance to businesses that have/will hire workers from the low/moderate income population and train them for more specialized work. In PY 2014, the expenditures in the Downtown Target Area consisted of accessibility improvements to curbs and sidewalks, a project conducted in collaboration with the Texas Department of Transportation, a tree planting to create a suitable living environment around the homeless shelters, parks, and downtown businesses.

Expenditures in Beverly have been comprised of volunteer-led neighborhood clean-up projects. In PY14, fewer CDBG dollars were used as the City's general fund resources covered the majority of expected costs. Staff expects PY2015 to demonstrate more balance between these important Target Area expenditures.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City recognizes the importance of leveraging resources. It is estimated that these community development projects will bring \$1.75 in private resources spent in the local economy for each grant dollar invested. Moreover, most projects require substantial private investments at a 9 to 1 ratio, especially the Revolving Loan Fund program for Downtown Business economic development. Matching requirements for other grant programs are met by in-kind donations of labor and/or materials rather than by the use of CDBG funds. Publically owned land or property located within the jurisdiction includes housing lots owned by the city, city parks, and scattered properties located in downtown. This property may be used to promote economic development, provide support for homeless programs, and/or affordable housing in Texarkana, Texas. Publicly owned land may also be used to support public

City of Texarkana, Texas Consolidated Annual Performance Report Community Development Block Grant Program Year 2014

health activities, infrastructure and public services, promoting livability and sustainability within the jurisdiction. The City expects to use CDBG funding as a leveraging tool to support community and economic development within the jurisdiction.

Other grant programs that magnify the impact the City's commitment of CDBG resources and provide significant leverage to CDBG investments in the Downtown and Beverly Target Areas include the:

- \$ 440,000 EPA Brownfields Multi-Purpose Grant
- \$ 900,000 EPA Brownfields Revolving Loan Fund
- \$ 200,000 EPA Brownfields Petroleum Assessment Grant
- \$ 200,000 EPA Brownfields Hazardous Materials Assessment Grant
- \$ 94,000 USDA Farmers' Market Promotions Program
- \$ 500,000 STEP Grant for sidewalk improvements downtown
- \$ 100,000 NEA Grant for Downtown redevelopment

Note: Texarkana, Texas is not a HOME entitlement community.

Some tables in the official template for this report contain tables for the HOME program that have been deleted in this report.

City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	<i>One-Year Goal</i>	<i>Actual</i>
<i>Number of Homeless households to be provided affordable housing units</i>	300	300
<i>Number of Non-Homeless households to be provided affordable housing units</i>	300	300
<i>Number of Special-Needs households to be provided affordable housing units</i>	300	30
Total	900	900

Table 5- Number of Households

	<i>One-Year Goal</i>	<i>Actual</i>
<i>Number of households supported through Rental Assistance</i>	1000	1000
<i>Number of households supported through The Production of New Units</i>	5	5
<i>Number of households supported through Rehab of Existing Units</i>	5	5
<i>Number of households supported through Acquisition of Existing Units</i>	0	0
Total	1010	1000

Table 6 - Number of Households Supported

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

City of Texarkana, Texas Consolidated Annual Performance Report Community Development Block Grant Program Year 2014

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City's Five Year Consolidated Plan for meeting Housing goals primarily consisted of projects and activities relying on Non-CDBG funding. Significant changes in funding streams the City relied upon for meeting these goals, including both CDBG and Non-CDBG funding, necessitated changes in plans for the 2014 Action Plan and will impact future Action Plans.

In the past, the City has included outcomes associated with projects funded with Non-CDBG funding sources like Texas Department of Housing and Community Affairs in the Five Year Plan and One Year Action Plans. For example, the City included four Housing Rehabilitation projects in the Consolidated Plan funded through TDHCA. Those funds are now not available. Without a replacement funding source, those programs have been removed from the City's expected outcomes. However, even though these no longer exist as projects in HUD's (Housing and Urban Development) database system due to the way IDIS archives projects associated with these plans, the expected outcomes still appear in this report. The City is in the process of completing a Minor Amendment to the Consolidated Plan to remove the Non-CDBG funded outcomes from the expected outcomes database.

The more significant issue is the decrease in funding in CDBG and Non-CDBG funding programs. This directly impacts real outcomes in Texarkana communities. The City does provide capacity building support for Homeless Coalition members, including Randy Sams Homeless Shelter and Texarkana Friendship Center. The outcomes for these activities are reported as Organizations Assisted.

Discuss how these outcomes will impact future annual action plans.

Future action plans will incorporate more activities funded by the CDBG program leading to improvements in meeting the goals and outcomes specified in the Five Year Consolidated Plan. The City will amend the Consolidated Plan to allow for future annual action plans to specify the use of CDBG funds to address priority needs areas, especially those relating to housing, homelessness, and homelessness prevention activities.

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

<i>Number of Persons Served</i>	<i>CDBG Actual</i>
<i>Extremely Low-income</i>	<i>0</i>
<i>Low-income</i>	<i>0</i>
<i>Moderate-income</i>	<i>0</i>
<i>Total</i>	<i>0</i>

Table 7 – Persons Served Where Eligibility Relies on Income by Family Size

Narrative

No CDBG activities were conducted that required information on income by family size to determine the eligibility of the activity. The Consolidated Plan does include several activities that require the calculation to determine applicant eligibility and these were conducted in the first three years of the Plan. Additionally, the City will provide First Time Home Buyer Assistance Grants and Home Rehabilitation Grants in Program Year 2015 (October 1, 2015 – September 30, 2016) that will require eligibility determination.

**City of Texarkana, Texas Consolidated Annual Performance Report
Community Development Block Grant Program Year 2014**

**CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e);
91.520(c)**

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The priorities for Texarkana in addressing the needs of these population groups include:

- To assist public and nonprofit agencies in providing housing and supportive services to the elderly and frail elderly;
- To assist public and nonprofit agencies in providing housing and supportive services to homeless persons and those "at-risk" of homelessness.
- To assist the Texarkana Homeless Coalition and those agencies that are part of the coalition, serving special needs populations.

The City of Texarkana, Texas is a long-time advocate for ending homelessness. As such, the City is an active participant in the Texarkana Homeless Coalition. Staff lends their expertise and the City contributes countless hours to the assisting the Coalition in its endeavors to reduce duplication of services, benefit from efficient models of service delivery, and create economies of scale. Additionally, the City has partnered with homeless services providers to apply for Supportive Housing Grants, Rapid Re-Housing Grants and Emergency Solutions Grant funds and works closely with the Texas Homeless Network to ensure Texarkana will one day end homelessness.

CDBG funding was used to meet outcomes associated with the Program Year 2014 Action Plan. Specifically, the City focused on building capacity in non-profits associated with the Homeless Coalition, its partnership with the Texas Homeless Network and Texas Balance of State Continuum of Care. The City assisted two organizations with their capacity to care out the mission to reach out to the homeless population and assess individual needs.

Future Action Plans will also incorporate the use of CDBG funding to meet goals and objectives related to ending homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

Emergency Housing, Transitional Housing and Rapid Re-Housing:

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- Randy Sams' Shelter for the Homeless (emergency shelter for 86 unaccompanied adults)
- The Salvation Army, Texarkana, Arkansas (9 family rooms for up to 36 people and 25 beds for individual men)
- Domestic Violence Prevention, Inc. (emergency shelter for 17 unaccompanied adults, transitional supportive housing for 60 family members and 14 unaccompanied adults, program transitioning to Rapid Rehousing model)

The Randy Sams' Outreach Shelter provides the only available beds for people who are chronically homeless in Texarkana, Texas. The Salvation Army Homeless Shelters for Families, and Unaccompanied Men are located in Texarkana, Arkansas. Their facility is list here because they are the only local provider of shelter for homeless families in the region. Crossing state lines for shelter is problematic for many homeless persons because assistance is usually tied to state of residence.

Texarkana Friendship Center provides services to the needy and homeless in downtown Texarkana. The Texarkana Friendship Center is a non-profit care provider rendering life sustaining assistance to the indigent and job training and placement for able bodied clients without regard to religious preference, political affiliation, sex, race, handicap or other classification. They feed an average of 180 people a day as well as providing groceries for over 14 families daily. Additionally, the Friendship Center provides Rapid Rehousing to more than forty formerly homeless families through Continuum of Care grant as a partner to the City.

Special Health Services of Texas provides some support for HIV/AIDS patients in the region. Community Health Core (formerly Sabine Valley Health) plans to provide supportive housing and permanent supportive housing to homeless veterans and their families as well as supportive housing for MHMR clientele. Additionally, the City has partnered with homeless services providers to apply for Supportive Housing Funds and Emergency Solutions Grant funds and works closely with the Texas Homeless Network to ensure Texarkana will one day end homelessness.

CDBG funding was used to meet outcomes associated with the Program Year 2014 Action Plan. Specifically, the City focused on building capacity in non-profits associated with the Homeless Coalition, its partnership with the Texas Homeless Network and Texas Balance of State Continuum of Care. The City assisted Randy Sams and the Texarkana Friendship Center as well as the Coalition. Outcomes are reported as organizations assisted.

Future Action Plans will also incorporate the use of CDBG funding to meet goals and objectives related to ending homelessness.

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Transition to permanent housing

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The elderly, frail elderly, persons with disabilities, persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents, and victims of domestic violence present a range of complex problems that put them at greater risk of severe income limitations and homelessness. These populations have a much more difficult time finding, securing, and maintaining adequate housing and necessary social services.

The City serves as the fiscal agent for a Rapid Re-Housing Grant – Continuum of Care (CoC) Grant administered by Domestic Violence Prevention of Texarkana and the Texarkana Friendship Center. These agencies provide rapid housing to approximately 40 family members and 10 individuals without families. Of these residents, one head-of-household is a veteran, 2 are HIV/Aids positive, and 2 are classified as chronically homeless.

The program moved from a Transitional Housing model to a Rapid Rehousing model as of March 1, 2015. In both cases, the program meets the needs of these residents by providing case management, counseling, life skills training, and assistance for job seekers. The program assists these persons and families learn self-sufficiency. Rent subsidies end at six months and the formerly homeless persons have transitioned gradually to paying their own rents. They are considered permanently housed at the point that they are paying their own way.

CDBG funding was used to meet outcomes associated with the Program Year 2014 Action Plan. Specifically, the City focused on building capacity in non-profits associated with the Homeless Coalition, its partnership with the Texas Homeless Network and Texas Balance of State Continuum of Care.

Future Action Plans will also incorporate the use of CDBG funding to meet goals and objectives related to ending homelessness.

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At Risk of Homelessness

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The primary goal for serving special needs populations is to assist public and nonprofit agencies in expanding and enhancing their provision of housing and services to the elderly, disabled and dually/multiply diagnosed, persons with HIV/AIDS, victims of domestic violence, and persons with addictions. The City recognizes services required by special-needs populations often overlap the housing needs and supportive services for the homeless as identified and addressed throughout the Consolidated Plan.

CDBG funding was used to meet outcomes associated with the Program Year 2014 Action Plan. Specifically, the City focused on building capacity in non-profits associated with the Homeless Coalition, its partnership with the Texas Homeless Network and Texas Balance of State Continuum of Care.

Future Action Plans will also incorporate the use of CDBG funding to meet goals and objectives related to ending homelessness.

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CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Texarkana, Texas and the Housing Authority of Texarkana (HATT) have made significant, meaningful strides toward ensuring that extremely-low, low-, and moderate-income citizens have access to safe, affordable housing. While these gains are meaningful, the city's goals have not been fully realized.

With the expiration of the Hope VI grant, the City and HATT continue to work together to improve access to safe, affordable housing. The City of Texarkana, Texas continues to work with the Housing Authority after implementation of a large scale revitalization project in the Rose Hill Neighborhood. The Housing Authority has 6 different apartment and duplex complexes with 452 units throughout the city. The HOPE VI grant award to the PHA, obtained with assistance from the City of Texarkana, Texas, resulted in the demolition of Covington Homes, a dilapidated PHA complex. In its place, The Oaks at Rosehill is now rented to capacity. The Oaks at Rosehill features 27 mixed-income units that contain 128 apartments, a fitness center and community center. The construction of the 124 unit Pecan Ridge opened in June 2012. The third outdated PHA complex, Griff King, was demolished following the completion of Pecan Ridge. The Texas Department of Housing and Community Affairs awarded Low Income Housing Tax Credits to assist in the financing of Rosehill Ridge. Construction is completed. Rosehill Ridge consists of 122 units, of which 32 are public housing and 90 are tax credit housing. This blending encourages new development.

Public Housing currently has less than a 2% vacancy rate and maintains a Section 8 waiting list in excess of 800 families at any given time. Clearly, there is more work to be done to provide affordable housing in Texarkana, Texas. The City continues to assist the PHA in the acquisition of lots, demolition and clearance. Subsidized housing on the existing PHA site and the surrounding community is a part of the replacement housing. The Rosehill area continues to be a priority for the City, though the emphasis has shifted to the Beverly Target Area where the homes are primarily owner occupied or rentals and not public housing units.

Program Administration funds include time spent working with HATT to ensure quality public housing exists in Texarkana.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

HATT's community centers, an active communications program, and frequent, positive resident engagement encourages residents to seek out and use services offered and participate in the

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management of public housing in Texarkana, Texas. HATT transitioned to a referral-based system ensuring that public housing residents have access to services provided by federal, state, local, and/or non-profit agencies, including educational resources like GED preparation and computer skills training through the Literacy Council, vocational and job training programs offered through Workforce Solutions, Texarkana Community College, and Texas A&M Texarkana, financial management skills training, child care, and other relevant support services.

These programs help to connect residents to information that can help them to obtain better paying jobs and greater financial literacy. By buying down some of the mortgages of homes built with Hope VI funds, and providing information on home purchasing options to residents, HATT can improve home ownership rates in some of the poorest neighborhoods in the city. Staff continues to work closely with HATT to improve resident engagement and homeownership.

Additionally, the City continues to educate lenders and HATT personnel on the availability of First Time Home Buyer Down Payment Assistance through the City's CDBG and TDHCA programs.

Rose Hill residents participated in the Spring 2015 Neighborhood Clean Up project. The City worked with HATT, local leaders, and residents to remove trash and debris from the public housing area and the blocks directly surrounding the Oaks property.

CDBG funding was used to meet outcomes associated with the Program Year 2014 Action Plan in Public Housing as Administrative planning funds and in the Clean Ups of Troubled Neighborhoods. Future Action Plans may incorporate the use of CDBG funding to meet goals and objectives related support of Public Housing.

Actions taken to provide assistance to troubled PHAs

The Housing Authority of Texarkana, Texas (HATT) is not a troubled Public Housing Authority.

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

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CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

Barriers to Affordable Housing

There are many factors that affect the cost and production or maintenance of housing affordable to extremely low-, low-, and moderate-income families (at or below 80% of Median Family Income (MFI)).

An analysis of these factors has aided the City in developing programs that reduce the adverse effects of these constraints on the supply and cost of housing.

Texarkana's policies were enacted to further the public welfare. Building codes and subdivision standards are required by law for the protection and general welfare of the community. These are routinely reviewed. Development impact fees are recovered from the developer to assure that the public costs of new developments are paid by that development. While recognizing the needs to adjust public policies to adapt to changing conditions, the City will continue to review policies periodically to determine whether they have become excessive or represent an unnecessary constraint on the development or maintenance of affordable housing.

The City has consistently addressed the barriers to Affordable Housing. Race and concentrations of poverty can be barriers to affordable housing in communities like Texarkana. Consequently, the City will continue to develop new strategies to ameliorate these types of barriers to affordable housing. The City is implementing the following strategies to address barriers like these:

- Substantial down payments required to purchase new or existing homes – First time home buyer Assistance program, lender education, work with Coalition partners on Financial Education classes; provide educational materials at National Night Out and other community events;
- Availability of credit to low and moderate income persons with credit problems – lender education, work with Coalition partners on Financial Education classes, provide educational materials at National Night Out and other community events;
- Availability of decent affordable single-family units and affordable rental properties – work with developers to redevelop troubled neighborhoods, actively marketing properties that would expand the stock of decent affordable single family homes and rental properties.

Community Development Block Grant funds have been administered at the City of Texarkana, Texas by the Department of Community Redevelopment and Grants. In order to more effectively administer this

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program and meet the goals of the CDBG program, which includes addressing barriers to affordable housing, the City reorganized several departments whose jurisdictions and expertise lend themselves to a more robust program. The Department of Planning and Community Development now incorporates planning, zoning, and economic development along with grants management and community development.

Consideration of barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting affordable housing is integral to the City's efforts to improve the livability of the city. The City of Texarkana, Texas considers the impacts of any changes to zoning, fees, taxes, land use controls, growth limitations, and other policies that could impact affordable housing when projects are brought to the City Council for consideration. Each issue is evaluated by professional staff, applicable commissions, and no less than three briefings on every item occur before the duly elected City Council votes on any issue.

The City began the process to develop a new Ten Year Comprehensive Plan that will guide the City's policies, taxes, fees, and codes for the next ten years. The plan will take at least one year to complete. Any plan passed by the City Council will address barriers to affordable housing. As part of that effort, the City will conduct a new Analysis of Impediments to Fair Housing

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The most significant actions Texarkana has taken to address obstacles to meeting underserved needs has been to reach out and engage residents, renters, and owners of businesses and homes in Texarkana, especially those in the Downtown and Beverly Target areas and continue working closely with the Homeless Coalition.

Having a significant staff presence in troubled communities, working side-by-side to improve the livability of neighborhoods, residents, business owners, and social service agency personnel continues to provide City staff with the background understanding of unfiltered real needs and desires of community members.

The Beverly Clean-Up Project, which took place over the course of several months involved nearly every department in the city, and extensive interaction with Beverly residents and business owners gave city staff firsthand knowledge of the challenges faced by residents of the community and is helping the Planning and Community Development Department to establish stronger working relationships with Beverly's community members and leaders.

Regular meetings downtown to address Brownfields and development concerns has also provided staff with a deeper understanding of the needs of downtown property owners and patrons. The City also

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provided three loans through the Revolving Loan Fund to businesses downtown with the expectation that this can spur further economic development and provide more jobs in the area.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City of Texarkana emphasizes lead-based paint (LBP) counseling and awareness in all of its programs. The city informs all assisted homebuyers of lead paint hazards as well as identifying and abating lead-based paint hazards during the housing reconstruction or rehabilitation process. When lead-based paint is identified, the appropriate lead hazard control methods are incorporated into the rehabilitation project. The City has integrated lead hazard education, evaluation, and reduction activities into its existing housing programs. City employees collaborate with the Ark Tex Council of Governments providing citizen educational campaigns in lower-income neighborhoods.

The City also maintains a continued focus on the hazards of lead-based paint and the need for lead-based paint testing of potential rehabilitation projects. Additionally, the City has continued to work with public service agencies caring for or providing services to children to reduce lead-based hazards in the community. Based on 2010 information from the Texas Department of State Health Services, 25 out of 1,123 Texarkana children under the age of 6 years tested for elevated blood lead levels were found to have elevated levels at 10mcg/dl or greater.

The following strategies related to the City's CDBG program are ongoing:

- Provide public information and education regarding lead-based paint via the City's website and presentations.
- Integration of lead hazard evaluation and reduction activities into all housing activities or activities that would disturb the ground in potentially lead contaminated areas.
- Provide training and certification opportunities for Staff to manage lead-based paint impacted projects.
- Collaboration with EPA Brownfields Region 6 Office to maintain current information for all Staff involved in CDBG and/or housing projects.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Texarkana has taken direct action to help reduce poverty in the city. Key actions include:

- Identification of two Target Area in Qualified Census Tracts – Downtown and Beverly
- Emphasis on Economic Development in Downtown and Beverly Target areas. Three loans have been made through the RLF program.
- Economic Development Services is now under Planning and Community Development, ensuring

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seamless efforts between redevelopment, community development, and economic development.

- **Networking:** Housing Authority of Texarkana, Workforce Development Office, and the Homeless Coalition to identify local service providers that offer education and job training services, material services, child care services, transportation and other services, the absence of which could prevent poverty level families from securing and keeping steady employment.
- **Collaboration:** members of the Homeless Coalition, the Friendship Center, and Domestic Violence Prevention, and Randy Sams Homeless Shelter - resulted in a robust programs addressing root causes of poverty. These classes include domestic relationships, self-esteem, parenting, education classes (ESL & GED classes), and job search classes and support, including job referral service, a computer lab, resume service, and job interview preparation.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City of Texarkana, Texas coordinates and administers CDBG programs, projects and activities including housing, homelessness prevention, and non-housing community development through its Planning and Community Development Department. Planning and Community Development (PCD) manages an average of 3 million dollars per year in federal state and local funds. The City has reorganized this department to incorporate the City's economic development, planning, zoning, and sustainability functions.

In order to more effectively manage these functions and strengthen institutional structure, the City hired a new departmental director, will have hired a new city planner, brought zoning into the department and instituted new grants management procedures using eCivis grants management software for grants tracking and reporting. Current staff continue to obtain training through HUD's CPD office and new staff will also receive training.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The Department acts as a liaison with other city departments, community groups, public institutions, non-profit organizations and private industry to share information, identify resources and opportunities and coordinate activities to the greatest extent possible. Staff is represented in the local Continuum of Care, actively participates on the Homeless Coalition and provides capacity building to at least two agencies on the Coalition.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

There are many factors that affect the cost and production or maintenance of housing affordable to extremely low-, low-, and moderate-income families (at or below 80% of Median Family Income (MFI)).

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An analysis of these factors has aided the City in developing programs that reduce the adverse effects of these constraints on the supply and cost of housing.

Texarkana's policies were enacted to further the public welfare. Building codes and subdivision standards are required by law for the protection and general welfare of the community. These are routinely reviewed. The City identified the following strategies to overcome any obstacles impediments to affordable housing and is implementing subsequent strategies to address possible barriers:

- Substantial down payments required to purchase new or existing homes – First time home buyer Assistance program, lender education, work with Coalition partners on Financial Education classes; provide educational materials at National Night Out and other community events;
- Availability of credit to low and moderate income persons with credit problems – lender education, work with Coalition partners on Financial Education classes, provide educational materials at National Night Out and other community events;
- Availability of decent affordable single-family units and affordable rental properties – work with developers to redevelop troubled neighborhoods, actively marketing properties that would expand the stock of decent affordable single family homes and rental properties.

Community Development Block Grant funds have been administered at the City of Texarkana, Texas by the Department of Community Redevelopment and Grants. In order to more effectively administer this program and meet the goals of the CDBG program, which includes addressing barriers to affordable housing, the City reorganized several departments whose jurisdictions and expertise lend themselves to a more robust program. The Department of Planning and Community Development now incorporates planning, zoning, and economic development along with grants management and community development.

Consideration of barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting affordable housing is integral to the City's efforts to improve the livability of the city. The City of Texarkana, Texas considers the impacts of any changes to zoning, fees, taxes, land use controls, growth limitations, and other policies that could impact affordable housing when projects are brought to the City Council for consideration. Each issue is evaluated by professional staff, applicable commissions, and no less than three briefings on every item occur before the duly elected City Council votes on any issue.

The City began the process to develop a new Ten Year Comprehensive Plan that will guide the City's policies, taxes, fees, and codes for the next ten years. The plan will take at least one year to complete. Any plan passed by the City Council will address barriers to affordable housing. As part of that effort, the City will conduct a new Analysis of Impediments to Fair Housing. The City will continue to:

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- Maintain flexibility in zoning and building requirements when appropriate to allow for infill housing development and to provide technical assistance to developers of affordable housing;
- Display posters city office buildings, utility building, and the public library, provide information on the website;
- Monitor city-sponsored projects for equal access and compliance of the Fair Housing Act and Building Department officials monitor code compliance to Fair Housing standards;
- Hold periodic Public Hearings providing information and requesting public comment on fair housing or related issues;
- Provide homebuyer and homeowner education, including fair housing information;
- Conduct outreach efforts to for-profit and non-profit builders and developers through funding and technical assistance to increase the supply of decent, affordable housing within low to moderate income neighborhoods;
- Meet with local lenders and home builders to encourage the use of non-traditional client loan-qualifying and loan products to better serve the needs of homebuyer households with challenges that preclude conventional qualification;
- Conduct public outreach regarding availability of housing and housing assistance including translation of housing application materials into Spanish, and maintains bi-lingual staff in order to assist applicants and clients who are not English-proficient;
- Support local Continuum of Care efforts for homeless populations;
- Work with local agencies that provide financial case management and credit counseling;
- Research the possibility of adopting a Fair Housing ordinance to ensure that fair housing options are available to its citizens.

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

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CR-40 - Monitoring 91.220 and 91.230

Description of the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Texarkana continuously monitors programs and activities to ensure compliance with City/State/Federal regulations and policies. Monitoring focuses on the following areas:

Financial: Community Development and Accounting staffs work closely to ensure that funds drawn down are used for authorized activities on approved projects. Activities agreements, expense documentation, and approvals must be in-place for funds to be expended. The City ensures a system of checks and balances and that staff requesting payments of funds are not authorized to approve them. The City is also subject to an annual single audit, conducted by an independent accounting firm.

Environmental: All projects and individual activities are subject to a review of environmental impacts prior to funding approval. Remediation of impacts is implemented where required, and projects unable to meet environmental requirements are abandoned or alternative locations or solutions are sought.

Programmatic: Results and/or impacts are expected of all projects. Staff is charged with monitoring progress toward CDBG program goals on a regular basis. Accomplishments and outcome data is entered into IDIS by staff. Ability to reimburse funds is tied directly to reporting of accomplishments.

Sub-Recipient Monitoring: The City currently has no sub-recipients for the CDBG program.

Labor Standards: The City of Texarkana monitors labor standards for all CDBG funded projects. Labor requirements are included in all bid documents and discussed again during the required pre-construction conference. Contractor payments are not processed until all required forms are submitted and verified to be accurate and correct.

Minority Business Outreach: Purchasing standards are closely monitored to maximize the number of minority and women owned businesses utilized. The City uses the State of Texas Purchasing System when local minority and women owned businesses are not available.

Citizen Participation Plan 91.105(d); 91.115(d)

In preparation of the Consolidated Plan, the City of Texarkana, Texas held several public meetings and conducted community surveys to solicit citizen comments concerning the housing and community

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development needs of the community. Citizen comments were incorporated in the development of the City's 2013-2017 Consolidated Plan, Citizens Participation Plan, and 2014 Action Plan, which defines the use of the City's Community Development Block Grant (CDBG) funds. Support for Target Areas was firmly established, as was the citizens desire to remove slum and blight, redevelop Downtown and Beverly Neighborhood, and pursue Economic Development Strategies. The City followed the Citizen Participation Plan in the preparation, dissemination, and solicitation of comments for this Program Year 2014 CAPER. Citizen comments will be included as an attachment to this document.

Description of the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City of Texarkana, Texas gave notice that the DRAFT of the Community Development Block Grant 2014 Program Year *Consolidated Annual Performance Evaluation Report (CAPER)* would be available for public review and comment at the dates and times listed below. All interested persons or groups were encouraged to review the DRAFT CAPER and formally present their comments for inclusion in this report. The CAPER DRAFT could be reviewed during the 15 Day Public Comment Period at the following location during regular business hours:

Texarkana, Texas City Hall
Department Planning and Community Development
220 Texas Boulevard
Texarkana, Texas 75501

The DRAFT CAPER was also available on the Texarkana, Texas website (www.ci.texarkana.tx.us) for the duration of the comment period.

These meetings were conducted in accordance with the Texas Open Meetings Law (V.T.C.A. Government Code 551) and in accordance with the Americans with Disabilities Act 42 USC 12101 (1991). The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon request, which must be received at least 48 hours prior to the meeting. Spanish translation was available.

Citizen comments are included as an attachment to this document.

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

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CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The three most significant changes that have occurred in Texarkana's program objectives have been changes in the Demolition/Spot Slum and Blight activities, exclusion of Non-CDBG Funded projects and activities from the Five Year Consolidated Plan and Annual Action Plan, and opportunity to collaborate with the Texas Department of Transportation on the STEP grant to provide accessibility improvements to the sidewalks and curbs in downtown Texarkana.

Initially, the Beverly Clean-Up Activity was designed under the national objective of Spot Slum and Blight and included Demolition. However, the Texas Supreme Court ruled in *City of Dallas v. Heather Stewart* (No. 09-0257) that the authority of administrative bodies appointed by City councils (Building and Standards Commissions) to determine if property is substandard, and order condemnation of the same was a violation of the Texas Constitution; and that this authority was held only by Texas District courts. This decision removed the authority granted to municipalities by the Texas Legislature under Chapter 54 of the Texas Local Government Code.

Effectively, in order to remove substandard properties municipalities must now take each property to District Court for a ruling and condemnation order. The exceptions to this ruling are in cases where the owner has consented the demolition of their property; since most substandard properties are abandoned and owners of record are difficult to locate this will have a significant impact on the removal of slum and blight from low and moderate income areas. This ruling impacted the City's plans to proceed with demolition on LMH, LMA, and SBS properties and made it more difficult to transfer property to the Housing Authority for in-fill housing projects.

However, by moving from demolition projects to volunteer-driven neighborhood clean-up projects, Staff at the city have been able to forge stronger relationships that will prove invaluable as the City continues to work at transforming Beverly from a Target Area to a desirable neighborhood.

The short term impact of excluding Non-CDBG funds on the CAPER is the creation of perception that the program is not meeting its targets and goals. In the past, the City has included outcomes associated with projects funded with Non-CDBG funding sources like Texas Department of Housing and Community Affairs to meet Housing goal indicators. For example, the City included four Housing Rehabilitation projects in the Consolidated Plan funded through TDHCA and administered through City staff. Those funds are now not available and the City has been directed to remove those programs from the City's

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

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expected outcomes. However, even though these no longer exist as projects in the Housing and Urban Development's database system (called IDIS – the Integrated Disbursement and Information System) due to the way IDIS archives projects associated with these plans, the expected outcomes still appear in this report.

Another important change to the City's planning is that the City was able to partner with the Texas Department of Transportation to provide needed ADA improvements to sidewalks and curbs for its downtown infrastructure projects, allowing the City to leverage these CDBG dollars.

The City plans to generate a minor amendment to the Five Year Consolidated Plan in order add more projects and activities for housing, affordable housing, homelessness outreach and prevention, and address other identified priority needs in the coming year.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)

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CR-60 – 75 ESG 91.520(g) (ESG Recipients only)

The City of Texarkana, Texas is not an Emergency Shelter Grants recipient.

Attachment: RPT 2014 CAPER (1396 : Briefing of the CAPER)