CITY OF TEXARKANA

CITY COUNCIL

MINUTES • NOVEMBER 13, 2023

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

220 TEXAS BLVD., TEXARKANA, TX 75501

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

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

Staff Present: City Manager David Orr, Jennifer Evans, Kristin Peeples, Brooke Stone, Gary Smith, Karey Parker, Lisa Thompson, Mashell Daniel, Vashil Fernandez, Chris Black, Chiquita Burks, and J.W. Bramlett.

Municipal Court: Judge Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER LIBBY WHITE

III. SWEARING-IN CEREMONY FOR WARD 3 AND WARD 5

Mayor Bruggeman congratulated Betty Williams, Council Member for Ward 3, for running unopposed and keeping her seat on the Council. He also shared Libby White will be stepping down from representing the citizens in Ward 5 and Cole Meador will fill that seat for the next three-year term. He personally thanked Council Member White for filling the remaining term left by Bill Harp. He said it was a great honor to work with her; council members and staff enjoyed it too.

Ms. White thanked the council for giving her the opportunity to serve. She said she learned so many intricate things about the city. Since January, she has learned and seen "nothing but the best". She was very thankful and is excited to see what happens next. Libby was accompanied by her sons Isaac and Elijah. Mayor Bruggeman presented her with a bouquet of flowers.



Municipal Judge Sherry Jackson officiated the oath of office and swearing-in for Betty Williams (incumbent), and Cole Meador (new), for Wards 3 and 5, respectively. The Mayor presented both council members with their Certificates of Election.



Council Member Williams expressed being on the city council has truly been a blessing and one of the greatest things in her life. She is so happy to serve the people of Texarkana. She had in the audience her husband Doug Williams, daughter Andrea, and son-in-law Pat McCoy.

Council Member Meador said he is thrilled to represent Ward 5, appreciates this great responsibility, and is honored to serve his community in this capacity. He is looking forward to working with fellow council members in the future. He thanked his family for their support, who were also in the audience - his wife Holland, daughter Ella, son Davis, and mother and father-in-law, Debbie and Mike Davis.

IV. SMALL BUSINESS SATURDAY PROCLAMATION - NOVEMBER 25, 2023

After reading the proclamation, Mayor Bruggeman encouraged everyone to support shopping locally on Small Business Saturday. Texarkana has many great small businesses that residents can frequent throughout the year.

Small Business Saturday Proclamation - November 25, 2023

RESULT:	**CLOSE ACTION**

V. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings
Monday, December 11, 2023 at 6:00 p.m. **(There will be only one meeting in December)**
Monday, January 8, 2024 at 6:00 p.m.
Monday, January 22, 2024 at 6:00 p.m.

Parks & Recreation Activities
November 23rd Community Health Core Turkey Trot Spring Lake Park

Additional Parks & Recreation information can be found on the city's website at <http://www.texarkanatexas.gov>

Other Scheduled Events
The Employee Appreciation Luncheon will be held on Tuesday, **November 14th** at the Texarkana Convention Center from 11:00 a.m. - 1:00 p.m.

The CPKC Holiday Train is scheduled to arrive at 4:30 p.m. on Wednesday, **November 29th** at the downtown 4th Street railroad crossing east of Lelia Street. This stop will showcase a holiday concert that will begin at 4:45 p.m. for all to enjoy.

The annual Bramlett Beans and Cornbread Luncheon will be held Thursday, **December 7th** at the Texarkana Convention Center from 11:00 a.m. - 1:00 p.m.

TXK 150 Celebration
On Friday, **December 8th,** Texarkana, USA will begin celebrations burying a Sesquincentennial Time Capsule and have a Light Sculpture Reveal at the downtown Post Office/Courthouse Square beginning at 5:30 p.m.

Later in the evening, a Texarkana Symphony Orchestra Performance will begin at 7:30 p.m. Contact the Perot Theatre for tickets.

Mayor Bruggeman recognized and welcomed Bowie County Elections Administrator, Pat McCoy, and former Texarkana Texas Mayor, James Bramlett.

VI. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

Jerry Huckabee said this year is the 10th anniversary of the Live United Bowl college football game. A press conference will be held at the Arkansas Convention Center on Wednesday, November 15th at 10:30 a.m. The teams playing in the bowl game will be announced.

Mr. Huckabee did share that one team was from Missouri and the other from Arkansas. Both teams are a great match-up with impressive records. He is looking forward to an exciting game on December 2nd at the Texarkana Arkansas Razorback Stadium at noon!

VII. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Council Member Davis recommended the reappointment of Steve Mayo to the Riverbend Water Resources District Board with an effective date of January 1, 2024.

Mayor Bruggeman appointed Andrea Solomon to the Housing Authority Board as the Resident Commissioner, replacing Linda Nolen and filling Ms. Nolen's unexpired term until December 31, 2024.

Motion to confirm a recomendation and an appointment to Boards, Commissions, and Committees.

(6:29 p.m.)

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Betty Williams, Ward 3
SECONDER:	Mary Hart, Ward 2
AYES:	Bruggeman, Matlock, Hart, Williams, Davis, Meador
ABSENT:	Page
AWAY:	White

VIII. ITEMS FOR CONSIDERATION

Consent Items

(6:31 p.m.)

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Mary Hart, Ward 2
AYES:	Bruggeman, Matlock, Hart, Williams, Davis, Meador
ABSENT:	Page
AWAY:	White

1. Resolution No. 2023-141 authorizing the City Manager to execute a contract for the TxDOT Hwy 82 Widening from US 259 to IH 30 Relocate Water Transmission Main Project in an amount not to exceed $405,157. Funds are available in the Utility's 2023-2024 budget in the Lake Texarkana Water Supply Corporation Capital Improvement Fund at 405,157.

   Public Hearing:
   Council Vote: November 13, 2023

2. Resolution No. 2023-146 setting the 2024 City Council meeting dates and official city holiday closings.

   Public Hearing:
   Council Vote: November 13, 2023

3. Resolution No. 2023-147 authorizing the City Manager to execute a memorandum of understanding regarding staff providing fire and emergency services to the Federal Correctional Institution.

   Public Hearing:
   Council Vote: November 13, 2023

4. Resolution No. 2023-150 casting all 729 cumulative votes for Council Member Jay Davis for membership on the Bowie Central Appraisal District's Board of Directors to serve for the 2024-2025 term.

   Public Hearing:
   Council Vote: November 13, 2023

5. Resolution No. 2023-153 authorizing the City Manager to purchase property located at 215 Pine Street in the amount of One Hundred Fifty-two Thousand Six Hundred Forty-four Dollars and Seventy-five Cents ($152,644.75), including closing costs with funds budgeted in the Economic Development Fund (Fund 223) for a creatorspace (business incubator).

Public Hearing:
Council Vote: November 13, 2023

Action Items

[No Action Items were considered at this meeting.]

IX. FIRST BRIEFINGS

1. Ordinance No. 2023-139 approving rules and regulations of the Texarkana Airport Authority and amending Chapter 4, Article II "Airport Authority", Section 4-26 "Rules, regulations and bylaws", of the Code of Ordinances.

   Public Hearing: December 11, 2023
   Council Vote: December 11, 2023

   Paul Merhlich, Airport Director, briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 12/11/2023 6:00 PM**

2. Resolution No. 2023-148 adopting and approving Highly Qualified Professional Services Providers for future architectural, engineering, and surveying projects.

   Public Hearing: December 11, 2023
   Council Vote: December 11, 2023

   City Manager Orr briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 12/11/2023 6:00 PM**

3. Ordinance No. 2023-149 establishing rural water and sewer infrastructure fees for residential and commercial customers outside the city limits; dedicating collected revenues from such fees to infrastructure replacement and depositing into the Texas Infrastructure Fund maintained by Texarkana Water Utilities; and amending the Master Fee List to reflect outside-city-limits water and sewer rates and fees.

   Public Hearing: December 11, 2023
   Council Vote: December 11, 2023

   Gary Smith briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 12/11/2023 6:00 PM**

4. Ordinance No. 2023-152 amending PD-85-1 for site plan approval on an approximate 1.57-acre tract of land (being Tract 2), Mary E. Wills Subdivision, located at 1802 Richmond Road. James Brower, owner.

   Public Hearing: December 11, 2023
   Council Vote: December 11, 2023

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 12/11/2023 6:00 PM**

X. PUBLIC HEARINGS

1. Ordinance No. 2023-134 rezoning an approximate 2.228-acre tract of land (being Tracts 106A1 and 107), George Brinlee HRS, A-18 located at 4502 Gus Orr Drive from Agriculture to Parking. Joel Orr, owner, and Kayla Wood, MTG Engineers and Surveyors, agent.

   Public Hearing: November 13, 2023
   Council Vote: November 13, 2023

   There were no public comments made at this hearing.
   (6:38 p.m.)

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Jay Davis, Ward 6
SECONDER:	Betty Williams, Ward 3
AYES:	Bruggeman, Matlock, Hart, Williams, Davis, Meador
ABSENT:	Page
AWAY:	White

2. Ordinance No. 2023-135 granting a Specific Use Permit to allow one additional use of permanent cosmetics on Lot 3, Block 2, Parcel 2, Galleria Oaks #1, located at 6 Woodmont Crossing. Candance Chauncy, owner.

   Public Hearing: November 13, 2023
   Council Vote: November 13, 2023

   There were no public comments made at this hearing.
   (6:40 p.m.)

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Betty Williams, Ward 3
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Williams, Davis, Meador
ABSENT:	Page
AWAY:	White

3. Ordinance No. 2023-136 rezoning an approximate 7.09-acre tract of land (being Tract 107), H.S. Janes HRS, A-306, located at 1901 Chelf Road from Single Family-2 to Commercial. Ceretha Brown, owner.

   Public Hearing: November 13, 2023
   Council Vote: November 13, 2023

   There were no public comments made at this hearing.
   (6:41 p.m.)

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Jay Davis, Ward 6
AYES:	Bruggeman, Matlock, Hart, Williams, Davis, Meador
ABSENT:	Page
AWAY:	White

XI. CITY MANAGER'S REPORT

Leopard Drive Shared Use Path and Pedestrian Improvements - TXDOT Award
The City has been awarded $1,910,952 for preliminary engineering and construction of a 10-foot wide Shared Use Path and Pedestrian Improvements along Leopard Drive as a part of the Texas Department of Transportation's Transportation Alternatives Set-Aside (TA) Program.

The project will add pedestrian crossing signals, pavement markings, signage, and safety lighting. Additionally, Texarkana's project was authorized to receive federal TA funding with no local match required. A press release on the award will be out soon.

SAVE THE DATES: Employee Appreciation Luncheon | Tuesday November 14th | 11:00 a.m. - 1:00 p.m. | Texarkana Convention Center

Sesquicentennial Celebrations | Friday December 8th | Downtown Courthouse & Post Office

XII. ADMINISTRATIVE COMMENTS

1. City Council

   Council had no administrative comments for staff.

2. City Staff

City Manager Orr said it's noted the Live United Bowl request is not on the current agenda. Staff is recommending this request be treated as all other budgeted items, as it does not meet the threshold for council approval. It has been budgeted in the community relations fund as part of the council-approved annual budget.

Council also has the option to consider this request and add it to the December 11th council meeting agenda. Council consensus was for staff to proceed and pay this request as any other budgeted item.

XIII. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:51 p.m.)

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Betty Williams, Ward 3
AYES:	Bruggeman, Matlock, Hart, Williams, Davis, Meador
ABSENT:	Page
AWAY:	White

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

Briefing Sheet

Version:
Update Date: 11/7/2023 12:33 PM

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

Subject: Small Business Saturday Proclamation - November 25, 2023

Attachments

a. Small Business Saturday Proclamation_TX 11.25.23 (PDF)

PROCLAMATION

Whereas, the government of Texarkana, Texas, celebrates our local small businesses and the contributions they make to our local economy and community; and

Whereas, three-quarters of U.S. consumers are currently looking for ways to Shop Small® and support their community; and

Whereas, 96% of consumers who shopped on Small Business Saturday® agree that shopping at small, independently-owned businesses supports their commitment to making purchases that have a positive social, economic, and environmental impact, and 97% of consumers who shopped on Small Business Saturday agree that small businesses are essential to their community; and

Whereas, 95% of consumers who shopped on Small Business Saturday reported the day makes them want to shop or eat at small, independently-owned businesses all year long, not just during the holiday season; and

Whereas, Texarkana, Texas, supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Whereas, participating partners including, the City of Texarkana, Texas, City of Texarkana, Arkansas, Mainstreet Texarkana, the Texarkana Chamber of Commerce, Greater Texarkana Young Professionals, the Small Business Development Center, and partners from locally owned or small businesses in the Greater Texarkana Area have partnered to promote small businesses; and

Whereas, the participating partners will launch a "Stuff Your Stockings Shop Small Scavenger Hunt", encouraging consumers to visit locally owned or small businesses within Texarkana between November 17, 2023, to December 1, 2023. Consumers will search for hidden **Stockings** in participating businesses and scan a QR code attached to the elf, prompting them to fill out a form and enter to win a variety of prizes. Consumers are also encouraged to show their support by using the hashtag #ShopSmallTXK23 when they visit local businesses this holiday season.

NOW, **THEREFORE**, I, Bob Bruggeman, Mayor of Texarkana, Texas, do hereby proclaim, November 25, 2023, as:

SMALL BUSINESS SATURDAY

and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

_____

Bob Bruggeman, Mayor

_____

Jennifer Evans, TRMC, City Secretary

Attachment: Small Business Saturday Proclamation_TX 11.25.23 (4128 : SBS Proclamation 112523)

City of Texarkana, Texas

Version: B

Briefing Sheet

Update Date: 11/8/2023 2:01 PM

Lead Department: Water Utilities **Action Officer:** Pam White,

Subject: Resolution No. 2023-141 authorizing the City Manager to execute a contract for the TxDOT Hwy 82 Widening from US 259 to IH 30 Relocate Water Transmission Main Project in an amount not to exceed $405,157. Funds are available in the Utility's 2023-2024 budget in the Lake Texarkana Water Supply Corporation Capital Improvement Fund at 405,157.

Briefing: 11/13/2023 **Public Hearing:** **Council Vote:** 11/13/2023

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Bids were received Tuesday, October 24, 2023 for the TxDOT Hwy 82 Widening from US 259 to IH 30 Relocate Water Transmission Main Project. Two (2) contractors bid on the project. Stone Construction of Texarkana, Texas was the apparent low bidder with a low Base Bid of $ 405,157.00. This project consists of relocating a water transmission main along US Hwy 82 in Dekalb. This project will install approximately 657 feet of water transmission main, and related appurtenances. Stone Construction has successfully completed several jobs for the Utility including the North Kings Highway 12" Water Main Extension Project.

Potential Options:

- None

Fiscal Implications:

This project was budgeted in the Utility's 2023-2024 Budget in the Lake Texarkana Water Supply Corporation Capital Improvement Fund; funds are available at $405,157.00.

Staff Recommendation:

Utility staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

City of Texarkana, Texas

Attachments

a. 2023-141 RES TxDOT Hwy 82 Widening Project (DOCX)
b. 2023-141 ATTH01 Bid Summary (DOCX)
c. 2023-141 ATTH 02 Bid Tab (PDF)
d. 2023-141 Goals Perspectives (DOCX)
e. 2023-141 RES TxDOT Hwy 82 Widening Proj signed (PDF)

Staff Coordination

Water Utilities	Gary Smith	Department Head Review	Completed	11/01/2023 2:21 PM
TWU Administration	Kenny Icenhower	Review	Completed	11/01/2023 3:37 PM
City Manager	David Orr	City Manager Review	Completed	11/08/2023 7:51 AM
City Council	Jennifer Evans	Meeting	Completed	11/13/2023 6:00 PM

Meeting History

RESOLUTION NO. 2023-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH STONE CONSTRUCTION OF TEXARKANA, TEXAS IN AN AMOUNT NOT TO EXCEED $405,157 FOR THE TXDOT HWY 82 WIDENING FROM US 259 TO IH 30 RELOCATE WATER TRANSMISSION MAIN PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on October 24, 2023, two (2) bids were received, a copy of which is attached hereto as **ATTH01**, by Texarkana Water Utilities for the TxDOT Hwy 82 Widening from US 259 to IH 30 Relocate Water Transmission Main Project; and

WHEREAS, the project will consist of installing 657 feet of water transmission main and related appurtenances; and

WHEREAS, the lowest and best bid by a responsible vendor for this project was submitted by Stone Construction of Texarkana, Texas, a copy of which is attached hereto as **ATTH02** in an amount not to exceed $405,157.00; and

WHEREAS, funds currently budgeted in the Texarkana Water Utilities 2023-2024 budget in the Lake Texarkana Water Supply Corporation Capital Improvement Fund are available in the amount of $405,157.00.

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

SECTION 1: The lowest and best bid by a responsible vendor, submitted by Stone Construction of Texarkana, Texas, a copy of which is attached hereto as **ATTH02** be and is hereby approved in an amount not to exceed $405,157 for the installation of 657 feet of water transmission main and related appurtenances for the TxDOT Hwy 82 Widening From US 259 to IH 30 Relocate Water Transmission Main Project.

SECTION 2: The City Manager be and is authorized to contract with Stone Construction of Texarkana, Texas, for the above-described services.

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

PASSED AND APPROVED in Regular Council Session on this the 13th **day of November 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2023-141 RES TxDOT Hwy 82 Widening Project [Revision 1] (4107 : 2023-141 RES TxDOT Hwy 82 Widening)

Bid Summary

TxDOT Hwy 82 Widening
From US 259 to IH 30 – Relocate Water Transmission Main

2:00 P.M. Tuesday, October 24, 2023

	Base Bid
1. RBIS, LLC Texarkana, Arkansas	$ 495,608.75
2. Stone Construction Texarkana, Texas	$ 405,157.00

Time First Bid Opened:	2:00 P.M
Number of Bidders:	2
Apparent Low Bidder:	Stone Construction

Attachment: 2023-141 ATTH01 Bid Summary (4107 : 2023-141 RES TxDOT Hwy 82 Widening)

Bid Tabulation
TXDOT HWY 82 WIDENING FROM US 259
TO IH 30 RELOCATE 10" WATER LINE
Project No. 63-000-135111-L122304
October 24, 2023

2023-141
ATTH 02

BASE BID:

				RBIS		Stone Construction	
				Texarkana, AR		Texarkana, TX	
Item	**Quantity**	**Unit**	**Description**	**Unit Price**	**Total Bid**	**Unit Price**	**Total Bid**
1	1	LS	Mobilization, Bonds, & Submittals	$57,600.00	$57,600.00	$42,000.00	$42,000.00
2	7.57	STA	Right of Way Preparation	$1,675.00	$12,679.75	$1,000.00	$7,570.00
3	457	LF	16" D.I.P. Water Pipe by Open Cut	$160.00	$73,120.00	$140.00	$63,980.00
4	120	LF	16" D.I.P. Water Pipe Inside Casing	$185.00	$22,200.00	$160.00	$19,200.00
5	120	LF	24" Steel Encasement by Dry Bore	$745.00	$89,400.00	$825.00	$99,000.00
6	80	LF	10" D.I.P. Water Main by Open Cut	$130.00	$10,400.00	$145.00	$11,600.00
7	1	EA	16"X16" Tapping Sleeve and Valve	$22,650.00	$22,650.00	$26,900.00	$26,900.00
8	2	EA	10"X10" Tapping Sleeve and Valve	$10,700.00	$21,400.00	$11,900.00	$23,800.00
9	1	EA	24"X16" Tapping Sleeve and Valve	$25,800.00	$25,800.00	$32,900.00	$32,900.00
10	167	SY	Concrete Cap	$205.00	$34,235.00	$150.00	$25,050.00
11	1	EA	Remove Existing 16" Gate Valve	$4,340.00	$4,340.00	$1,825.00	$1,825.00
12	2	EA	Cut, Plug and Abandon Existing 10" Water Main	$6,820.00	$13,640.00	$3,300.00	$6,600.00
13	2	EA	Cut, Plug and Abandon Existing 16" Water Main	$7,940.00	$15,880.00	$3,500.00	$7,000.00
14	1	EA	Cut, Plug and Abandon Existing 24" Water Main	$8,560.00	$8,560.00	$4,200.00	$4,200.00
15	60	SY	Remove and Repair Existing Asphalt Pavement	$220.00	$13,200.00	$120.00	$7,200.00
16	1	LS	Traffic Control, Signage, and Barricades	$8,100.00	$8,100.00	$10,000.00	$10,000.00
17	1	LS	All Labor & Materials to Clean and Test Water Mains	$16,120.00	$16,120.00	$4,000.00	$4,000.00
18	1416	SY	Cellulose Fiber Mulch and Seed	$11.50	$16,284.00	$2.00	$2,832.00
19	1	LS	Trench Protection	$15,000.00	$15,000.00	$7,500.00	$7,500.00
20	1	LS	Erosion Controll Measures	$15,000.00	$15,000.00	$2,000.00	$2,000.00
			TOTAL BASE BID		$495,608.75		$405,157.00

Prepared by Len McBride, E.I.T.
Certified Correct

_____
Len McBride, Design Engineer, TWU

Attachment: 2023-141 ATTH 02 Bid Tab (4107 : 2023-141 RES TxDOT Hwy 82 Widening)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2023-141 Goals Perspectives (4107 : 2023-141 RES TxDOT Hwy 82 Widening)

RESOLUTION NO. 2023-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH STONE CONSTRUCTION OF TEXARKANA, TEXAS IN AN AMOUNT NOT TO EXCEED $405,157 FOR THE TXDOT HWY 82 WIDENING FROM US 259 TO IH 30 RELOCATE WATER TRANSMISSION MAIN PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on October 24, 2023, two (2) bids were received, a copy of which is attached hereto as **ATTH01**, by Texarkana Water Utilities for the TxDOT Hwy 82 Widening from US 259 to IH 30 Relocate Water Transmission Main Project; and

WHEREAS, the project will consist of installing 657 feet of water transmission main and related appurtenances; and

WHEREAS, the lowest and best bid by a responsible vendor for this project was submitted by Stone Construction of Texarkana, Texas, a copy of which is attached hereto as **ATTH02** in an amount not to exceed $405,157.00; and

WHEREAS, funds currently budgeted in the Texarkana Water Utilities 2023-2024 budget in the Lake Texarkana Water Supply Corporation Capital Improvement Fund are available in the amount of $405,157.00.

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

SECTION 1: The lowest and best bid by a responsible vendor, submitted by Stone Construction of Texarkana, Texas, a copy of which is attached hereto as **ATTH02** be and is hereby approved in an amount not to exceed $405,157 for the installation of 657 feet of water transmission main and related appurtenances for the TxDOT Hwy 82 Widening From US 259 to IH 30 Relocate Water Transmission Main Project.

SECTION 2: The City Manager be and is authorized to contract with Stone Construction of Texarkana, Texas, for the above-described services.

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

PASSED AND APPROVED in Regular Council Session on this the **13th day of November, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:31 p.m.

Attachment: 2023-141 RES TxDOT Hwy 82 Widening Proj signed (4107 : 2023-141 RES TxDOT Hwy 82 Widening)

Bid Tabulation
TXDOT HWY 82 WIDENING FROM US 259
TO IH 30 RELOCATE 10" WATER LINE
Project No. 63-000-135111-L122304
October 24, 2023

BASE BID:

				RBIS		Stone Construction	
				Texarkana, AR		Texarkana, TX	
Item	Quantity	Unit	Description	Unit Price	Total Bid	Unit Price	Total Bid
1	1	LS	Mobilization, Bonds, & Submittals	$57,600.00	$57,600.00	$42,000.00	$42,000.00
2	7.57	STA	Right of Way Preparation	$1,675.00	$12,679.75	$1,000.00	$7,570.00
3	457	LF	16" D.I.P. Water Pipe by Open Cut	$160.00	$73,120.00	$140.00	$63,980.00
4	120	LF	16" D.I.P. Water Pipe Inside Casing	$185.00	$22,200.00	$160.00	$19,200.00
5	120	LF	24" Steel Encasement by Dry Bore	$745.00	$89,400.00	$825.00	$99,000.00
6	80	LF	10" D.I.P. Water Main by Open Cut	$130.00	$10,400.00	$145.00	$11,600.00
7	1	EA	16"X16" Tapping Sleeve and Valve	$22,650.00	$22,650.00	$26,900.00	$26,900.00
8	2	EA	10"X10" Tapping Sleeve and Valve	$10,700.00	$21,400.00	$11,900.00	$23,800.00
9	1	EA	24"X16" Tapping Sleeve and Valve	$25,800.00	$25,800.00	$32,900.00	$32,900.00
10	167	SY	Concrete Cap	$205.00	$34,235.00	$150.00	$25,050.00
11	1	EA	Remove Existing 16" Gate Valve	$4,340.00	$4,340.00	$1,825.00	$1,825.00
12	2	EA	Cut, Plug and Abandon Existing 10" Water Main	$6,820.00	$13,640.00	$3,300.00	$6,600.00
13	2	EA	Cut, Plug and Abandon Existing 16" Water Main	$7,940.00	$15,880.00	$3,500.00	$7,000.00
14	1	EA	Cut, Plug and Abandon Existing 24" Water Main	$8,560.00	$8,560.00	$4,200.00	$4,200.00
15	60	SY	Remove and Repair Existing Asphalt Pavement	$220.00	$13,200.00	$120.00	$7,200.00
16	1	LS	Traffic Control, Signage, and Barricades	$8,100.00	$8,100.00	$10,000.00	$10,000.00
17	1	LS	All Labor & Materials to Clean and Test Water Mains	$16,120.00	$16,120.00	$4,000.00	$4,000.00
18	1416	SY	Cellulose Fiber Mulch and Seed	$11.50	$16,284.00	$2.00	$2,832.00
19	1	LS	Trench Protection	$15,000.00	$15,000.00	$7,500.00	$7,500.00
20	1	LS	Erosion Controll Measures	$15,000.00	$15,000.00	$2,000.00	$2,000.00
			TOTAL BASE BID		$495,608.75		$405,157.00

Prepared by Len McBride, E.I.T.
Certified Correct

Len McBride, Design Engineer, TWU

Attachment: 2023-141 RES TxDOT Hwy 82 Widening Proj signed (4107 : 2023-141 RES TxDOT Hwy 82

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/7/2023 4:00 PM

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

Subject: Resolution No. 2023-146 setting the 2024 City Council meeting dates and official city holiday closings.

Briefing: 11/13/2023 **Public Hearing:** **Council Vote:** 11/13/2023

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Each year the City Council sets the annual schedule for regular city council meetings (2nd and 4th Mondays of each month, with the exception of December which has only one regular meeting on the 2nd Monday) and affirms the holiday closing schedule (13 paid holidays).

This schedule also reflects the following adjustments to the regular council meeting schedule:

- Adoption of Resolution No. 2018-037 by the Council on April 9, 2018, that adjusted the regular council meetings in the months of June and July to one regular meeting in each of these respective months to occur on the second Monday of the month, which accommodated summertime activities enjoyed by citizens, council members, and city staff.

- Adoption of Resolution No. 2021-047 by the Council on June 14, 2021, that adjusted the regular council meeting in the month November to one regular meeting to occur on the second Monday of the month which accommodated the Thanksgiving Holiday and associated activities.

- Adoption of Resolution No. 2021-090 by the Council on November 8, 2021, that adjusted the regular council meeting in the month of May to one regular meeting in that month to avoid the customary conflict with the Memorial Day Holiday and the adding of Juneteenth (June 19) as a city holiday.

The proposed calendar schedule for 2024 has two adjustments: canceling the second Monday council meeting on **April 8, 2024** for the grand solar eclipse event in the city, and due to the second Monday of November, which falls on November 11th, Veterans Day, rescheduling the council meeting to **Tuesday, November 12th** to accommodate this holiday and city hall closing.

Potential Options:

- Adopt the attached calendar as presented.
- Revise the attached calendar and adopt as revised.

Fiscal Implications:

None

Staff Recommendation:

Staff recommends adopting the calendar as presented.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2023-146 RES Setting 2024 Meeting & Holiday Schedv2 (DOC)
b. 2023-146 ATTH 01 Calendar Mtg Sched (PDF)
c. 2023-146 Goals & Perspectives (DOCX)
d. 2023-146 RES Meeting Holiday Sched. 2024 signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	10/17/2023 1:31 PM
City Manager	David Orr	City Manager Review	Completed	10/19/2023 8:42 AM
City Council	Jennifer Evans	Meeting	Completed	11/13/2023 6:00 PM

Meeting History

RESOLUTION NO. 2023 –146

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, SETTING THE 2024 CITY COUNCIL REGULAR MEETING SCHEDULE AND CITY HOLIDAYS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Article II, Section 8 of the City Charter, the City Council is required to meet at least monthly in regular session at City Hall on a date as determined by the City Council; and

WHEREAS, to continue to provide for transparency in local government, the City Council generally meets twice monthly in regular session to conduct the city's business and consider policy items as presented and recommended by city staff; and

WHEREAS, to provide for public access to local government, the City Council includes an opportunity for citizens to address the City Council in a public forum setting during each regular meeting of the City Council; and

WHEREAS, this resolution also accounts for the rare totality of the solar eclipse next year, crossing the United States with Texarkana, USA directly on its path, on April 8, 2024, which is the date of the regular council meeting set for Monday, April 8th; and

WHEREAS, with the anticipated large number of guests and visitors to the city, who will be ready and excited for an excellent view of the eclipse, the City Council finds canceling the April 8, 2024 council meeting and proceeding with normal city business at the scheduled April 22, 2024 council meeting is in the best interest of the community; and

WHEREAS, City staff recommends adoption of the attached 2024 schedule of City Council Meetings and City Holidays (**ATTH 01**), with the scheduling of City holidays occurring on Mondays and Fridays closely aligning with federal and local city governments observance days.

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

SECTION 1: The City Council adopts the attached 2024 Schedule of City Council Meetings and City Holidays (**ATTH 01**).

SECTION 2: The Mayor shall have authority to adjust this schedule, including but not limited to the rescheduling or canceling of meetings.

SECTION 3: This resolution shall be in full force and effect from and after its passage and approval.

Attachment: 2023-146 RES Setting 2024 Meeting & Holiday Schedv2 (4113 : 2023-146 RES 2024 meetings & holiday schedule)

PASSED AND APPROVED in Regular Council Session on this the **13th day of November, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2023-146 RES Setting 2024 Meeting & Holiday Schedv2 (4113 : 2023-146 RES 2024 meetings & holiday schedule)

2023-146 ATTH 01

2024 COUNCIL MEETING & HOLIDAY SCHEDULE

CITY MEETINGS IN COUNCIL CHAMBERS 6:00 PM

CITY HOLIDAYS and CITY HALL CLOSED

January

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
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February

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March

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April

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May

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July

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August

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September

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October

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November

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December

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29	30	31				

Attachment: 2023-146 ATTH 01 Calendar Mtg Sched (4113 : 2023-146 RES 2024 meetings & holiday

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2023-146 Goals & Perspectives (4113 : 2023-146 RES 2024 meetings & holiday schedule)

RESOLUTION NO. 2023 –146

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, SETTING THE 2024 CITY COUNCIL REGULAR MEETING SCHEDULE AND CITY HOLIDAYS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Article II, Section 8 of the City Charter, the City Council is required to meet at least monthly in regular session at City Hall on a date as determined by the City Council; and

WHEREAS, to continue to provide for transparency in local government, the City Council generally meets twice monthly in regular session to conduct the city's business and consider policy items as presented and recommended by city staff; and

WHEREAS, to provide for public access to local government, the City Council includes an opportunity for citizens to address the City Council in a public forum setting during each regular meeting of the City Council; and

WHEREAS, this resolution also accounts for the rare totality of the solar eclipse next year, crossing the United States with Texarkana, USA directly on its path, on April 8, 2024, which is the date of the regular council meeting set for Monday, April 8th; and

WHEREAS, with the anticipated large number of guests and visitors to the city, who will be ready and excited for an excellent view of the eclipse, the City Council finds canceling the April 8, 2024 council meeting and proceeding with normal city business at the scheduled April 22, 2024 council meeting is in the best interest of the community; and

WHEREAS, City staff recommends adoption of the attached 2024 schedule of City Council Meetings and City Holidays (**ATTH 01**), with the scheduling of City holidays occurring on Mondays and Fridays closely aligning with federal and local city governments observance days.

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

SECTION 1: The City Council adopts the attached 2024 Schedule of City Council Meetings and City Holidays (**ATTH 01**).

SECTION 2: The Mayor shall have authority to adjust this schedule, including but not limited to the rescheduling or canceling of meetings.

SECTION 3: This resolution shall be in full force and effect from and after its passage and approval.

Attachment: 2023-146 RES Meeting Holiday Sched. 2024 signed (4113 : 2023-146 RES 2024 meetings & holiday schedule)

PASSED AND APPROVED in Regular Council Session on this the **13th day of November, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:31 p.m.

Attachment: 2023-146 RES Meeting Holiday Sched. 2024 signed (4113 : 2023-146 RES 2024 meetings & holiday schedule)

2023-146 ATTH 01

2024 COUNCIL MEETING & HOLIDAY SCHEDULE

CITY MEETINGS IN COUNCIL CHAMBERS 6:00 PM

CITY HOLIDAYS and CITY HALL CLOSED

January

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
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February

Su	Mo	Tu	We	Th	Fr	Sa
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March

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April

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May

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June

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July

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August

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September

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October

Su	Mo	Tu	We	Th	Fr	Sa
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November

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December

Su	Mo	Tu	We	Th	Fr	Sa
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22	23	24	25	26	27	28
29	30	31				

Attachment: 2023-146 RES Meeting Holiday Sched. 2024 signed (4113 : 2023-146 RES 2024 meetings &

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/15/2023 8:37 AM

Lead Department: Fire Department **Action Officer:** Chris Black, Fire Chief

Subject: Resolution No. 2023-147 authorizing the City Manager to execute a memorandum of understanding regarding staff providing fire and emergency services to the Federal Correctional Institution.

Briefing: 11/13/2023 **Public Hearing:** **Council Vote:** 11/13/2023

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

Executive Summary and Background Information:

The item before you is a resolution that if approved would authorize the City Manager to execute an MOU agreement with Texarkana Federal Correctional Institution.

This would be a renewal of a long-standing agreement between the City and FCI. The agreement states that the city will provide fire protection services and emergency medical services to the correctional facility that is located outside of the city limits.

Potential Options:

- Approve
- Reject

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

City of Texarkana, Texas

Attachments

a. 2023-147 RES MOU with FCI (DOCX)
b. 2023-147 EXH 'A' MOU with FCI (DOCX)
c. 2023-147 Goals & Perspectives (DOCX)

Staff Coordination

Fire Department	Chris Black	Department Head Review	Completed	10/18/2023 10:28 AM
Finance Department	Kristin Peeples	Finance Review	Completed	10/18/2023 11:48 AM
City Manager	David Orr	City Manager Review	Completed	10/18/2023 3:34 PM
City Council	Jennifer Evans	Meeting	Completed	11/13/2023 6:00 PM

Meeting History

RESOLUTION NO. 2023-147

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE TEXARKANA FEDERAL CORRECTIONAL INSTITUTION, TO PROVIDE FIRE AND EMERGENCY MEDICAL SERVICES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has historically provided emergency services under agreement to other government agencies outside the city limits for the preservation of life and property; and

WHEREAS, the Texarkana Federal Correctional Institution (FCI) has a facility outside the city limits of Texarkana, Texas; and

WHEREAS, the Fire Department is willing to provide fire and emergency medical services to Texarkana Federal Correctional Institution; and

WHEREAS, the City Council finds and determines that the City and FCI would benefit by entering into this memorandum of understanding attached hereto as **Exhibit "A".**

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

SECTION 1: The City Council approves the "Memorandum of Understanding" attached hereto as **Exhibit "A".** The City Manager is hereby authorized to execute said agreement on behalf of the City.

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

PASSED AND APPROVED in Regular Council Session on this the **13th day of November, 2023**.

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-147 RES MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

MOU NO. 0016-24

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
FEDERAL CORRECTIONAL INSTITUTION
TEXARKANA, TEXAS

AND

TEXARKANA FIRE DEPARTMENT
TEXARKANA, TEXAS

For Provision of Fire and Emergency Services

Pursuant to authority contained in 42 U.S.C. § 1856(a) this Memorandum of Understanding is hereby entered into by and between the United States Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Texarkana, Texas, herein after referred to as FCI Texarkana, and the Texarkana Fire Department, Texarkana, Texas, herein after referred to as "TTFD", who hereby agree as follows:

I. PURPOSE AND SCOPE:

A. This Agreement is intended to define the parties' roles and responsibilities for TTFD to provide certain hereafter-described Fire and Emergency Services (F&ES) to FCI Texarkana. As used herein, FCI Texarkana shall include the Satellite Camp.

[redacted]

Attachment: 2023-147 EXH 'A' MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

B. TTFD's operational functions include the following F&ES incident responses: emergency medical services (EMS), to include basic life support (BLS) or basic cardiac life support (BCLS); protection of life and property from fire; exterior and interior firefighting; and special operations such as response to hazardous materials spills and accidents; personnel rescue and extrication from a confined space, high or low angle technical rescue, and/or mechanical entanglement.

C. This agreement shall not affect any pre-existing, independent relationship or obligation between the parties on any other subject, or with any third party or parties.

D. This agreement supersedes any prior agreement between the parties on this same subject.

II. RESPONSIBILITIES:

A. FCI TEXARKANA Shall:

1. Provide to TTFD a list of contact persons authorized by the Warden to request certain F&ES incident response and to work with the firefighting agency contact persons to coordinate additional operational details to implement this MOU. The list shall include names, telephone numbers, and mailing/e-mail addresses of the authorized FCI Texarkana officials and be updated as necessary.

2. Inform TTFD of FCI Texarkana security policies and appropriate procedures, e.g., entry/exit and escort procedures.

3. Request certain F&ES incident response from TTFD by telephoning the TTFD's F&ES Dispatch Center and providing the following information:

[redacted]

Attachment: 2023-147 EXH 'A' MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

a. Type of incident for which the F&ES response is requested;

b. Specific location to which the TTFD equipment and personnel are to be dispatched; and

c. Any critical safety issues that could affect the TTFD emergency responder's welfare.

4. Provide an on-site initial situation briefing and specific task/area of responsibility to the senior on-site TTFD representative of the responding personnel. FCI Texarkana shall maintain authority for defining areas of responsibility and authority while operating within the secure perimeter of FCI Texarkana, and if necessary, establishing a Unified Command, which is the incident management team to include the Warden or his/her designee, senior official(s) designated by TTFD, and any other officials of either agency, or other agencies as needed and agreed upon by FCI Texarkana and the TTFD.

5. For a fire occurring on or immediately threatening FCI Texarkana property, coordinate with Unified Command to determine if additional state or municipal air or ground firefighting assets are required beyond the initial local response.

6. Release the responding TTFD personnel as soon as the situation is under control and firefighting services are no longer required, or upon notice that the responding TTFD personnel have been ordered to return to their own area of responsibility to fulfill other F&ES incident response duties.

[redacted]

Attachment: 2023-147 EXH 'A' MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

7. Work with TTFD personnel to prepare/execute appropriate after-action incident reports.

B. TTFD Shall:

1. Provide FCI Texarkana personnel with a list of contact persons authorized to respond to F&ES incident requests from the TTFD and to work with FCI Texarkana in developing additional operation details to implement this MOU. The list shall include names, telephone numbers, and mailing/e-mail addresses of the authorized TTFD officials and be updated as necessary.

2. Subject to availability and expertise, provide the following F&ES incident response services:

   a. EMS, to include First Responder BLS or BCLS to the emergency medical technician – basic level;

   b. Firefighting operations within the capabilities of the equipment and personnel available and following firefighting procedures and techniques. Ordinarily, fire incident response shall consist of one engine company (four firefighters) and one incident commander; and

   c. Special operations response, e.g. for hazardous materials spills and accidents; personnel rescue and extrication from a confined space, high or low angle technical rescue, and/or mechanical entanglement.

3. Maintain discretion to commit F&ES resources, personnel, services, and facilities within the capabilities or its own incident response mission.

[redacted]

Attachment: 2023-147 EXH 'A' MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

4. Maintain discretion to determine appropriate types of equipment and/or personnel to be dispatched, based upon the request received and the assets available.

5. Comply with FCI Texarkana institution security policies and appropriate procedures, e.g. entry/exit and escort procedures.

6. Designate a senior official to report to the FCI Texarkana on-site commander, to coordinate the TTFD support during the response, and release of TTFD resources thereafter.

7. Work with FCI Texarkana personnel to prepare/execute appropriate after-action incident reports.

III. FINANCIAL PROVISIONS:

A. Each party is responsible for their own costs in implementing this Agreement.

B. All agency equipment used by either agency during the F&ES incident response shall remain the property of that agency, i.e. each agency is responsible to replace or repair its own equipment that may be destroyed, lost, or damaged during the F&ES incident response.

C. ANTI-DEFICIENCY ACT. Nothing contained herein shall be construed to violate the Anti-Deficiency Act, 31 U.S.C. § 1341, or applicable state law, by obligating the parties to any expenditure or obligation of funds in excess or in advance of appropriations.

[redacted]

Attachment: 2023-147 EXH 'A' MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

IV. GENERAL PROVISIONS:

A. PERIOD OF AGREEMENT/TERMINATION:

1. This Agreement shall become effective upon the date of last signature of the authorized officials for both parties, as designated below, and shall remain in effect for a period of five years, unless terminated sooner by mutual consent of both parties, or by either party providing 60 days advance written notice to the other party.

2. This Agreement shall remain in effect during the term in office of any successive leadership of either party unless terminated or modified pursuant to procedures described below.

B. MODIFICATION PROCEDURES: Either party may propose to modify this Agreement at any time. All proposed modifications shall be in writing and shall become effective only upon the written concurrence of both parties.

C. SURVIVAL AND SEVERABILITY:

1. The provisions of this Agreement that require performance after termination of this Agreement shall remain in force notwithstanding termination of this Agreement.

2. If any provisions of this Agreement are determined to be invalid or unenforceable, the remaining provisions shall continue in force and unaffected to the fullest extent permitted by law and regulation.

[redacted]

Attachment: 2023-147 EXH 'A' MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

D. LIABILITY AND INDEMNIFICATION:

1. Each party shall be responsible for any liability arising from its own conduct and retain immunity and all defenses available to them pursuant to federal and state law, including immunity provided in 42 U.S.C. § 5148 for Stafford Act assistance rendered by FCI Texarkana. Neither party agrees to insure, defend, or indemnify the other party.

2. Neither party shall seek compensation from the other party for any loss, damage, personal injury or death occurring in consequence of the performance provided by each party in implementing this Agreement.

3. Personnel dispatched with the responding agency shall remain employees of the responding agency, i.e. each agency is responsible for resolving claims from its own employees for injuries, deaths, or damage to employees or employee property that may occur during the F&ES incident response.

4. Each party shall cooperate with the other party in the investigation and resolution of administrative claims and/or litigation arising from conduct related to the provisions of this Agreement.

5. Neither party shall be responsible for delays or failures in performance from acts beyond the reasonable control of the party, e.g., a natural or man-made disaster.

E. DISPUTE RESOLUTION: In the event of a dispute between the parties, the parties shall use their best efforts to resolve that dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.

[redacted]

Attachment: 2023-147 EXH 'A' MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

F. THIRD PARTY CLAIMS: This Agreement is for the sole and exclusive benefit of the signatory parties and shall not be construed to bestow any legal right or benefit upon any other persons or entities.

G. PROVISO: It is specifically understood that non-federal law enforcement officers are prohibited from bringing weapons into the secure perimeter of FCI Texarkana.

H. NEWS MEDIA: FCI Texarkana has designated the Executive Assistant as the Public Information Officer. All inquiries concerning FCI Texarkana shall be referred to the Public Information Officer at (903) 223-4417 ext 215.

IN WITNESS WHEREOF, the undersigned, duly authorized officers have subscribed their names on behalf of the Federal Bureau of Prisons, FCI Texarkana, and the Texarkana Fire Department.

For the Texarkana Fire Department:

_____ _____

Chris Black, Fire Chief
Texarkana, Texas

Date

_____ _____

David Orr, City Manager
Texarkana, Texas

Date

For the Federal Bureau of Prisons:

Submitted:

_____ _____

Jeremiah Johnston, Warden
Federal Correctional Institution

Date

[redacted]

Attachment: 2023-147 EXH 'A' MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

Texarkana
Concurred:

_____ _____

Heriberto H. Tellez Date
Regional Director
South Central Regional Office

Approved:

_____ _____

Teresa Kennon Date
Chief
Field Acquisition Office

[redacted]

Attachment: 2023-147 EXH 'A' MOU with FCI (4114 : 2023-147 RES MOU with Federal Correcional Institution)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2023-147 Goals & Perspectives (4114 : 2023-147 RES MOU with Federal Correcional Institution)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/8/2023 1:55 PM

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

Subject: Resolution No. 2023-150 casting all 729 cumulative votes for Council Member Jay Davis for membership on the Bowie Central Appraisal District's Board of Directors to serve for the 2024-2025 term.

Briefing: 11/13/2023 **Public Hearing:** **Council Vote:** 11/13/2023

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

On August 28, 2023, with Resolution No. 2023-115, the City Council nominated Council Member Jay Davis to serve as a director on the Bowie Central Appraisal District Board for a two-year term beginning on January 1, 2024. After nominations were received from each voting unit, the Bowie Central Appraisal District issued an official ballot to each voting unit listing the nominees alphabetically by each candidate's last name. Each voting unit is allocated a specific number of votes that it can cast. The City of Texarkana, Texas is allocated 729 votes. These votes can be cast for any of the nominees listed on the ballot. In prior years, the council has chosen to cast all votes allocated to the City of Texarkana, Texas for the nominee chosen by the Texarkana, Texas City Council. The resolution presented is to cast all 729 votes for nominee Jay Davis. The council must determine its vote and return the ballot to the Chief Appraiser before December 15, 2023.

Potential Options:

- Cast all 729 votes for Jay Davis

Fiscal Implications:

City's director has direct input into the BCAD budget and to the District's appraisal and tax collections operations on behalf of the City.

Staff Recommendation:

Staff recommends approval of 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. 2023-150 RES Casting Votes for BCAD Board (DOC)
b. 2023-150 EXH 'A' Ballot (PDF)
c. 2023-150 Goals & Perspectives (DOCX)
d. 2023-150 RES Cast. Votes for BCAD Board CM Davis signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	11/03/2023 10:06 AM
City Manager	David Orr	City Manager Review	Completed	11/08/2023 7:53 AM
City Council	Jennifer Evans	Meeting	Completed	11/13/2023 6:00 PM

Meeting History

RESOLUTION NO. 2023-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CASTING ALL 729 VOTES FOR JAY DAVIS FOR MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE BOWIE CENTRAL APPRAISAL DISTRICT TO SERVE FOR THE 2024-2025 TERM; DIRECTING THE MAYOR TO EXECUTE THE OFFICIAL BALLOT; DIRECTING THE CITY SECRETARY TO DELIVER THE OFFICIAL BALLOT TO THE CHIEF APPRAISER ON OR BEFORE DECEMBER 15, 2023; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the terms of the present members of the Board of Directors of the Bowie Central Appraisal District expire on December 31, 2023; and

WHEREAS, Section 6.03 of the Texas Property Tax Code permits this Council to nominate, by resolution, one candidate for each of the five positions to be filled on the Board of Directors of the Bowie Central Appraisal District; and

WHEREAS, in accordance with said statute, this Council, by Resolution No. 2023-115, on August 28, 2023, nominated Jay Davis as a candidate for membership on the Board of Directors of the Bowie Central Appraisal District to serve for the 2024-2025 term; and

WHEREAS, the City of Texarkana, Texas, is entitled by law to cast a total of 729 cumulative votes for persons nominated to serve on the said Board; and

WHEREAS, the Council has chosen to cast all 729 votes for Jay Davis.

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

SECTION 1: That all 729 votes be and are hereby cast, by this Council, for Jay Davis for the position of director on the Board of Directors of the Bowie Central Appraisal District, to serve for the 2024-2025 term, as shown on the Official Ballot, attached hereto as **Exhibit 'A'.**

SECTION 2: The votes transcribed onto the Official Ballot provided by the Chief Appraiser are to be thereafter executed by the Mayor and attested by the City Secretary.

SECTION 3: A copy of the Official Ballot as executed be attached hereto as **Exhibit 'A'** and made a part hereof by reference.

Attachment: 2023-150 RES Casting Votes for BCAD Board (4126 : 2023-150 RES Casting Votes For BCAD Board)

SECTION 4: The City Secretary provides a duplicate original executed copy of this Resolution and the original of the executed official ballot to the Chief Appraiser on or before December 15, 2023, as required by the Texas Property Tax Code.

SECTION 5: 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 December, 2023**.

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2023-150 RES Casting Votes for BCAD Board (4126 : 2023-150 RES Casting Votes For BCAD Board)

BOWIE CAD

Bowie Central Appraisal District

122 Plaza West, Suite A
Post Office Box 6527
Texarkana, TX 75505-6527
Phone (903) 793-8936
Fax (903) 792-8889

710 James Bowie Dr.
Post Office Box 967
New Boston, TX 75570-0967
Phone (903) 628-5493
Fax (903) 628-2087

October 23, 2023

Enclosed please find ballots for the 2024-2025 Bowie Central Appraisal District Board of Directors. In the upper right-hand corner, you will find the total number of votes you may cast. Ballots are being sent both by email and certified mail in order to ensure compliant delivery.

Please be advised that Property Tax Code Section 6.03 (K) states:
"The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the Chief Appraiser **BEFORE** December 15."

Thank you for your attention to this matter and if you have any questions, please feel free to call.

Regards,
Mike Brower, RPA
Chief Appraiser, BCAD

Attachment: 2023-150 EXH 'A' Ballot (4126 : 2023-150 RES Casting Votes For BCAD Board)

Ballot #22
Number of Votes 729

OFFICIAL BALLOT
RESOLUTION

STATE OF TEXAS

COUNTY OF BOWIE

Be it resolved that the Texarkana City cast its votes for the following nominee(s) for election to the Board of Directors for the Bowie Central Appraisal District for the 2024-2025 term:

NOMINEE	NUMBER OF VOTES
Amy Bowers	
Mike Carter	
Jay Davis	
Paul Miller	
Robert Sheppard	

Attachment: 2023-150 EXH 'A' Ballot (4126 : 2023-150 RES Casting Votes For BCAD Board)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2023-150 Goals & Perspectives (4126 : 2023-150 RES Casting Votes For BCAD Board)

RESOLUTION NO. 2023-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CASTING ALL 729 VOTES FOR JAY DAVIS FOR MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE BOWIE CENTRAL APPRAISAL DISTRICT TO SERVE FOR THE 2024-2025 TERM; DIRECTING THE MAYOR TO EXECUTE THE OFFICIAL BALLOT; DIRECTING THE CITY SECRETARY TO DELIVER THE OFFICIAL BALLOT TO THE CHIEF APPRAISER ON OR BEFORE DECEMBER 15, 2023; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the terms of the present members of the Board of Directors of the Bowie Central Appraisal District expire on December 31, 2023; and

WHEREAS, Section 6.03 of the Texas Property Tax Code permits this Council to nominate, by resolution, one candidate for each of the five positions to be filled on the Board of Directors of the Bowie Central Appraisal District; and

WHEREAS, in accordance with said statute, this Council, by Resolution No. 2023-115, on August 28, 2023, nominated Jay Davis as a candidate for membership on the Board of Directors of the Bowie Central Appraisal District to serve for the 2024-2025 term; and

WHEREAS, the City of Texarkana, Texas, is entitled by law to cast a total of 729 cumulative votes for persons nominated to serve on the said Board; and

WHEREAS, the Council has chosen to cast all 729 votes for Jay Davis.

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

SECTION 1: That all 729 votes be and are hereby cast, by this Council, for Jay Davis for the position of director on the Board of Directors of the Bowie Central Appraisal District, to serve for the 2024-2025 term, as shown on the Official Ballot, attached hereto as **Exhibit 'A'.**

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Attachment: 2023-150 RES Cast. Votes for BCAD Board CM Davis signed (4126 : 2023-150 RES Casting Votes For BCAD Board)

SECTION 4: The City Secretary provides a duplicate original executed copy of this Resolution and the original of the executed official ballot to the Chief Appraiser on or before December 15, 2023, as required by the Texas Property Tax Code.

SECTION 5: 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 **13th day of November, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:31 p.m.

Attachment: 2023-150 RES Cast. Votes for BCAD Board CM Davis signed (4126 : 2023-150 RES Casting Votes For BCAD Board)

2023-150 EXH 'A'

BOWIE CAD

Bowie Central Appraisal District

122 Plaza West, Suite A
Post Office Box 6527
Texarkana, TX 75505-6527
Phone (903) 793-8936
Fax (903) 792-8889

710 James Bowie Dr.
Post Office Box 967
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October 23, 2023

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Thank you for your attention to this matter and if you have any questions, please feel free to call.

Regards,
Mike Brower, RPA
Chief Appraiser, BCAD

Attachment: 2023-150 RES Cast. Votes for BCAD Board CM Davis signed (4126 : 2023-150 RES Casting Votes For BCAD Board)

Ballot #22
Number of Votes 729

OFFICIAL BALLOT
RESOLUTION

STATE OF TEXAS

COUNTY OF BOWIE

Be it resolved that the Texarkana City cast its votes for the following nominee(s) for election to the Board of Directors for the Bowie Central Appraisal District for the 2024-2025 term:

NOMINEE	NUMBER OF VOTES
Amy Bowers	
Mike Carter	
Jay Davis	729
Paul Miller	
Robert Sheppard	

Attachment: 2023-150 RES Cast. Votes for BCAD Board CM Davis signed (4126 : 2023-150 RES Casting Votes For BCAD Board)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/9/2023 9:20 AM

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

Subject: Resolution No. 2023-153 authorizing the City Manager to purchase property located at 215 Pine Street in the amount of One Hundred Fifty-two Thousand Six Hundred Forty-four Dollars and Seventy-five Cents ($152,644.75), including closing costs with funds budgeted in the Economic Development Fund (Fund 223) for a creatorspace (business incubator).

Briefing: 11/13/2023 **Public Hearing:** **Council Vote:** 11/13/2023

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The City has the opportunity to purchase the property located at 215 Pine Street (formerly Discovery Place) from the Texarkana Historical Society & Museum DBA Texarkana Museums System. The City plans to partner with ARTX REDI, Texarkana College, Texas A&M – Texarkana, University of Arkansas Hope Texarkana, and the City of Texarkana, Arkansas to have a creatorspace (business incubator) at this location. This potential project was listed on the capital project list presented during the FY 2024 budget meetings. The City obtained an appraisal of the property and it reflects a value of $151,000.00. The City has made a tentative offer to purchase the property for the appraised value plus closing costs of $1,644.75 for a total amount of $152,644.75, pending Council approval. Funds are budgeted in the Economic Development Fund (Fund 223).

Potential Options:

- Approve
- Deny

Fiscal Implications:

Funds are budgeted in the Economic Development Budget (Fund 223).

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Budget Advisory Committee reviewed this as part of a list of proposed capital projects for FY 2024.

Board/Committee Recommendation:

Committee supported the list of proposed projects.

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

Staff met with the Budget Advisory Committee on the following dates:

May 3, 2023

May 10, 2023

May 23, 2023

Attachments

a. 2023-153 RES Purchase of property located at 215 Pine Street (DOCX)
b. 2023-153 ATTH 01 HUDReport_11-7-2023_12-45 (PDF)
c. 2023-153 ATTH 02 City Offer Letter (PDF)
d. 2023-153 Goals & Perspectives (DOCX)
e. 2023-153 RES Purchase 215 Pine St signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	11/08/2023 4:43 PM
Finance Department	Kristin Peeples	Finance Review	Completed	11/08/2023 4:43 PM
City Manager	David Orr	City Manager Review	Completed	11/09/2023 8:02 AM
City Council	Jennifer Evans	Meeting	Completed	11/13/2023 6:00 PM

Meeting History

RESOLUTION NO. 2023–153

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE THE PURCHASE OF PROPERTY OWNED BY THE TEXARKANA HISTORICAL SOCIETY & MUSEUM DBA TEXARKANA MUSEUMS SYSTEM LOCATED AT 215 PINE STREET FOR A CREATORSPACE (BUSINESS INCUBATOR), IN THE AMOUNT OF ONE HUNDRED FIFTY-TWO THOUSAND SIX HUNDRED FORTY-FOUR DOLLARS AND SEVENTY-FIVE CENTS ($152,644.75), WITH FUNDS IN THE ECONOMIC DEVELOPMENT FUND (FUND 223); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, finds that it is beneficial to purchase property located at 215 Pine Street from the Texarkana Historical Society & Museum DBA Texarkana Museums System to be utilized for a creatorspace (business incubator) in partnership with AR-TX REDI, Texarkana College, Texas A&M University – Texarkana, University of Arkansas Hope Texarkana, and the City of Texarkana, Arkansas; and

WHEREAS, the City obtained an appraisal on the property and has reached an agreement with the Texarkana Historical Society & Museum DBA Texarkana Museums System to purchase the property for One Hundred Fifty-two Thousand Six Hundred Forty-four Dollars and Seventy-five Cents ($152,644.75), which includes all closing costs.

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

SECTION 1: The City Manager is hereby authorized to purchase the property located at 215 Pine Street from the Texarkana Historical Society & Museum DBA Texarkana Museums System for One Hundred Fifty-two Thousand Six Hundred Forty-four Dollars and Seventy-five Cents ($152,644.75), which includes all closing costs.

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

PASSED AND APPROVED in Regular Council Session on this the **13th day of November, 2023**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-153 RES Purchase of property located at 215 Pine Street (4130 : 2023-153 RES Approving purchase of 215 Pine Street)

2023-153 ATTH 01

A. Settlement Statement

U.S. Department of Housing and Urban Development

OMB Approval No. 2502-0265

B. Type of Loan

1. ☐ FHA 2. ☐ FmHA 3. ☐ Conv. Unins.
4. ☐ VA 5. ☐ Conv. Ins.

6. File Number:	7. Loan Number:	8. Mortgage Insurance Case Number:
2167893		

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower:	E. Name & Address of Seller:	F. Name & Address of Lender:
THE CITY OF TEXARKANA	HISTORICAL SOC TEXARKANA PO BOX 2343 TEXARKANA, TX 75504	

G. Property Location:	H. Settlement Agent	Tax ID: 75-1006635
215 PINE STREET TEXARKANA, TX 75501 (BOWIE) (03840009500)	STEWART TITLE OF TEXARKANA 5402 PLAZA DRIVE, TEXARKANA, TX 75503 (903) 832-3720	
	Place Of Settlement: 5402 PLAZA DRIVE TEXARKANA, TX 75503	I. Settlement Date / Disbursement Date 11/8/2023 / 11/8/2023

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due From Borrower		**400. Gross Amount Due To Seller**	
101. Contract sales price	$151,000.00	401. Contract sales price	$151,000.00
102. Personal Property		402. Personal Property	
103. Settlement Charges to Borrower (line 1400)	$1,644.75	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		**Adjustments for items paid by seller in advance**	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due From Borrower	**$152,644.75**	**420. Gross Amount Due To Seller**	**$151,000.00**
200. Amounts Paid By Or In Behalf Of Borrower		**500. Reductions In Amount Due To Seller**	
201. Deposit or Earnest Money		501. Excess deposit (see instructions)	
202. Principal amount of new loan		502. Settlement Charges to Seller (line 1400)	
203. Existing loan taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506.	
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		**Adjustments for items unpaid by seller**	
210. City/town taxes		510. City/town taxes	
211. County taxes		511. County taxes	
212. Assessments		512. Assessments	
213.		513.	
214		514	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid By/For Borrower		**520. Total Reduction Amount Due Seller**	
300. Cash At Settlement From/To Borrower		**600. Cash At Settlement To/From Seller**	
301. Gross Amount Due From Borrower (line 120)	$152,644.75	601. Gross Amount Due To Seller (line 420)	$151,000.00
302. Less Amounts Paid By/For Borrower (line 220)		602. Less Deduction in Amt. Due To Seller (line 520)	
303. Cash ☑ **From** ☐ **To Borrower**	$152,644.75	**603. Cash** ☑ **To** ☐ **From Seller**	$151,000.00

Attachment: 2023-153 ATTH 01 HUDReport_11-7-2023_12-45 (4130 : 2023-153 RES Approving purchase of 215 Pine Street)

L. Settlement Charges

	Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
700. Total Sales/Broker's Commission		
Division of Commission (line 700) as follows:		
701. to		
702. to		
703. Commission paid at Settlement		
704.		
800. Items Payable In Connection With Loan		
801. Loan Origination Fee		
802. Loan Discount		
803. Appraisal Fee		
804. Credit Report		
805. Lender's Inspection Fee		
806. Mortgage Insurance Application Fee		
807. Assumption Fee		
900. Items Required By Lender To Be Paid In Advance		
901. Interest		
902. Mortgage Insurance Premium		
903. Hazard Insurance Premium		
1000. Reserves Deposited With Lender		
1001. Hazard insurance		
1002. Mortgage insurance		
1003. City property taxes		
1004. County property taxes		
1005. Annual assessments		
1008. Aggregate accounting adjustment		
1100. Title Charges		
1101. Settlement or closing fee to Stewart Title of Texarkana	$450.00	
1102. Abstract or title search		
1103. Title examination		
1105. Document preparation		
1106. Notary fees		
1107. Attorney's fees		
(includes above item numbers:)		
1108. Title Insurance to Stewart Title of Texarkana	$1,101.00	
(includes above item numbers:)		
1109. Lender's coverage Premium $0.00 to Stewart Title of Texarkana		
1110. Owner's coverage $151,000.00 Premium $1,101.00 to Stewart Title of Texarkana		
1117. See Addendum 1117	$33.75	
1200. Government Recording and Transfer Charges		
1201. See Addendum 1201	$60.00	
1202. County tax/stamps: Deed ;Mortgage ;		
1203. State tax/stamps: Deed ;Mortgage ;		
1204. City tax/stamps: Deed ;Mortgage ;		
1300. Additional Settlement Charges		
1301. Survey		
1302. Pest Inspection		
1400. Total Settlement Charges (enter on line 103, Section J and 502, Section K)	**$1,644.75**	**$0.00**

Attachment: 2023-153 ATTH 01 HUDReport_11-7-2023_12-45 (4130 : 2023-153 RES Approving purchase of 215 Pine Street)

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief it is true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

BORROWERS

The City of Texarkana

By: _____
Dr. David Orr, Manager

SELLERS

_____
HISTORICAL SOC TEXARKANA

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or I will cause the funds to be disbursed in accordance with this statement.

Settlement Agent

_____

Date

11/8/2023

LINDA RANKIN

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and inprisonment. For details see; Title 18 U.S. Code Section 1001 and Section 1010

SUBSTITUTE FORM 1099 SELLER STATEMENT - The information contained in Blocks E, G, H and I and on line 401 (or, if line 401 is asterisked, lines 403 and 404), 406, 407 and 408-412 (applicable part of Buyer's real estate tax reportable to the IRS) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.
SELLER INSTRUCTION - if this real estate was your principal residence, file form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of form 4797, Form 6252 and/or Schedule D (Form 1040).

You are required to provide the Settlement Agent with your correct taxpayer identification number.
If you do not provide the Settlement Agent with your correct taxpayer identification number, you may be subject to civil or criminal penalties.

Attachment: 2023-153 ATTH 01 HUDReport_11-7-2023_12-45 (4130 : 2023-153 RES Approving purchase of 215 Pine Street)

Supplemental Page
HUD-1 Settlement Statement

Addendum for 1100. Title Charges		Buyer	Seller
Addendum 1117			
a. Tax Cert to Stewart Title of Texarkana		$10.00	
b. TX Policy Guaranty Fee to Texas Title Policy Guaranty Fee - Texarkana		$2.00	
c. Courier Fee to Stewart Title of Texarkana		$21.75	
	Total:	**$33.75**	**$0.00**

Addendum for 1200. Government Recording and Transfer Charges		Buyer	Seller
Addendum 1201			
a. Release $30.00		$30.00	
b. Recording fees: Deed $30.00;Mortgage ;Release ;		$30.00	
	Total:	**$60.00**	**$0.00**

Attachment: 2023-153 ATTH 01 HUDReport_11-7-2023_12-45 (4130 : 2023-153 RES Approving purchase of 215 Pine Street)

CITY OF
TEXARKANA
220 TEXAS BOULEVARD TEXARKANA TEXAS 75501 TEXAS

July 20, 2023

Texarkana Museum Systems
219 State Line Avenue
Texarkana, Texas 75501

Re: Offer – Discovery Place, Texarkana, Texas

Sir/Madam:

This letter outlines the offer of the City of Texarkana, Texas ("City") to enter into a contract to purchase the real property located at 215 Pine Street and more commonly known as Discovery Place (the "Property") if further negotiations are completed to the satisfaction of both parties ("City's Offer"). The City's Offer is subject to the following terms and conditions.

1. Appraisal. The City has obtained an appraisal of the Property, which is being provided with the City's Offer. The appraisal reflects the value of the Property to be $151,000. City offers to purchase the Property for the appraised value, subject to the contingencies set forth in this letter.

2. Contingencies. City's Offer is contingent upon the following conditions:

a City Council approval of City's Offer and any negotiated contract.

b Passage of the CO bond that has been proposed in September 2023.

c Completion of an Environmental Site Assessment (ESA Phase I) on the Property during an acceptable inspection period, and acceptance by City of the conditions set forth therein.

3. Negotiations. Further negotiations between Seller and the City will be required to reach a more definitive written agreement for the proposed Contract of Sale. The definitive agreement will set forth in detail the terms, provisions, covenants, representations, and conditions for the transaction outlined in general terms in this letter.

Attachment: 2023-153 ATTH 02 City Offer Letter (4130 : 2023-153 RES Approving purchase of 215 Pine Street)

4. Acceptance. If accepted by Seller, City shall prepare the first draft of the Contract of Sale and Seller agrees not to provide any information to, solicit or encourage any inquiries or proposals from, or continue or enter into any negotiations with, any party other than City with respect to the sale, lease, management or disposition of the Property, or any material portion thereof, until the earlier to occur of October 31st or the date on which City shall have given written notice to Seller that it will not pursue the transaction contemplated hereby.

5. Expenses. City and Seller shall each pay its own costs and expenses in connection with the negotiations and the transactions contemplated hereby, including, not limited to, the costs of their respective legal counsel, and neither City nor Seller will have any obligation with respect to costs and expenses incurred by the other in connection herewith.

If the City's Offer set forth above is acceptable to Seller, please indicate your acceptance by signing the enclosed copy of this letter where indicated below and returning it to the undersigned no later than Friday, August 18th at 5pm. Upon receipt of a fully executed copy of this letter, we will have our counsel commence the preparation of the Contract of Sale incorporating the terms of this letter.

With Kind Regards,

_____
David Orr, City Manager

AGREED TO AND ACCEPTED this

_____day of 2023.

By: _____

Printed Name:_____

Title: _____

.

Attachment: 2023-153 ATTH 02 City Offer Letter (4130 : 2023-153 RES Approving purchase of 215 Pine Street)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

Attachment: 2023-153 Goals & Perspectives (4130 : 2023-153 RES Approving purchase of 215 Pine Street)

RESOLUTION NO. 2023–153

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE THE PURCHASE OF PROPERTY OWNED BY THE TEXARKANA HISTORICAL SOCIETY & MUSEUM DBA TEXARKANA MUSEUMS SYSTEM LOCATED AT 215 PINE STREET FOR A CREATORSPACE (BUSINESS INCUBATOR), IN THE AMOUNT OF ONE HUNDRED FIFTY-TWO THOUSAND SIX HUNDRED FORTY-FOUR DOLLARS AND SEVENTY-FIVE CENTS ($152,644.75), WITH FUNDS IN THE ECONOMIC DEVELOPMENT FUND (FUND 223); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, finds that it is beneficial to purchase property located at 215 Pine Street from the Texarkana Historical Society & Museum DBA Texarkana Museums System to be utilized for a creatorspace (business incubator) in partnership with AR-TX REDI, Texarkana College, Texas A&M University – Texarkana, University of Arkansas Hope Texarkana, and the City of Texarkana, Arkansas; and

WHEREAS, the City obtained an appraisal on the property and has reached an agreement with the Texarkana Historical Society & Museum DBA Texarkana Museums System to purchase the property for One Hundred Fifty-two Thousand Six Hundred Forty-four Dollars and Seventy-five Cents ($152,644.75), which includes all closing costs.

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

SECTION 1: The City Manager is hereby authorized to purchase the property located at 215 Pine Street from the Texarkana Historical Society & Museum DBA Texarkana Museums System for One Hundred Fifty-two Thousand Six Hundred Forty-four Dollars and Seventy-five Cents ($152,644.75), which includes all closing costs.

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

PASSED AND APPROVED in Regular Council Session on this the **13th day of November, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:31 p.m.

Attachment: 2023-153 RES Purchase 215 Pine St signed (4130 : 2023-153 RES Approving purchase of 215 Pine Street)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 10/20/2023 10:16 AM

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

Subject: Ordinance No. 2023-139 approving rules and regulations of the Texarkana Airport Authority and amending Chapter 4, Article II "Airport Authority", Section 4-26 "Rules, regulations and bylaws", of the Code of Ordinances.

Briefing: 12/11/2023 **Public Hearing:** 12/11/2023 **Council Vote:** 12/11/2023

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Texarkana Municipal Airport is jointly operated by the cities of Texarkana, Arkansas, and Texarkana, Texas, by means of reciprocal ordinances which provide, among other things, that any proposed rules, regulations, and bylaws for the airport must be approved by both cities' governing bodies, and that by joint action both cities' governing bodies may amend, alter, or repeal any bylaw, rule, or regulation.

Both cities have, in the past, approved airport rules and regulations. Texarkana, Texas, approved rules by resolution in 1957 and Texarkana, Arkansas, approved rules in the 1960s and 1970s which are currently found in that city's code of ordinances. These rules have not been updated in decades.

The Airport Authority secured a consultant, Aviation Management Consulting Group, a leading provider of aviation management consulting services, support, and resources, to assist in updating airport rules and regulations. The Joint Board of the Texarkana Airport Authority, in a public meeting held on September 28, 2023, adopted proposed "Rules and Regulations", attached to the proposed ordinance form as Exhibit "A", now submitted to both cities for approval. The Authority is also requesting that Texarkana, Arkansas, remove the outdated codified rules. In anticipation of the airport authority revising its rules and regulations, the City Council has already rescinded the old 1957 rules when approving updated provisions of the reciprocal airport ordinances two years ago (Ord. No. 2021-008, approved Feb. 8, 2021).

In addition, edits to the reciprocal provisions of the cities' airport ordinances specifically pertaining to the airport rules and regulations (Code Section 6-32 of the City of Texarkana, Arkansas, and Code Section 4-26 for the City of Texarkana, Texas) are proposed to provide for locations to maintain copies of approved rules and regulations and, specific to the City of Texarkana, Arkansas, to provide for enforcement authority for violation of such rules and regulations.

Potential Options:

Approve (or not) the proposed airport rules and regulations and the amendment to Code Sec. 4-26.

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approving the Airport Authority's request.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2023-139 ORD Ch. 4 Airport Rules-Regs (jcl) (DOCX)
b. 2023-139 EXH 'A' (Rules & Regs)TR (PDF)
c. 2023-139 ATTH 01 2023.09.28 TRAA Board Meeting Minutes (DOCX)
d. 2023-139 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	Jennifer Evans 10/20/2023 8:31 AM	Department Head Review	Completed	
Municipal Prosecutor	Deborah Jones 10/20/2023 9:16 AM	Asst. City Attorney Review	Completed	
City Attorney	Jeffery C. Lewis	City Attorney Review	Completed	10/20/2023 10:18 AM
City Manager	David Orr	City Manager Review	Completed	10/20/2023 2:10 PM
City Council	Jennifer Evans	Meeting	Completed	11/13/2023 6:00 PM

Meeting History

ORDINANCE NO. 2023 - 139

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING RULES AND REGULATIONS OF THE TEXARKANA AIRPORT AUTHORITY AND AMENDING CHAPTER 4, "AIRPORTS', ARTICLE II, "AIRPORT AUTHORITY", SECTION 4-26, "RULES, REGULATIONS AND BYLAWS; CONTAINING REPEALER, SEVERABILITY, AND SUPERSEDING CLAUSES; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, created the Texarkana Airport Authority by means of reciprocal ordinances codified in Chapter 6 – Aviation, Article II – Texarkana Airport Authority, of the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Joint Board of the Texarkana Airport Authority, in a public meeting held on September 28, 2023, adopted proposed "Rules and Regulations" attached to this resolution as **Exhibit "A"**, incorporated herein by reference for all purposes; and

WHEREAS, the Rules and Regulations of the Texarkana Airport Authority must be approved by both governing bodies as required by each city's respective codes of ordinances (Code Section 6-32 of the City of Texarkana, Arkansas, and Code Section 4-26 for the City of Texarkana, Texas), and both cities deem it necessary to amend these respective code sections to provide for locations to maintain copies of approved rules and regulations and, specific to the City of Texarkana, Arkansas, to provide for enforcement authority.

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

SECTION 1: Chapter 4 "Airports", Article II "Airport Authority", Section 4-26, "Rules, regulations and bylaws", of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety as follows:

Sec. 4-26. - Rules, regulations, and bylaws.

The authority may propose such rules, regulations, and bylaws governing its functions in the operation of the airport as it deems best, provided however, that said rules, regulations, and bylaws shall not conflict with the constitution and statutes of the States of Arkansas and Texas, or the ordinances of the Cities of Texarkana, Arkansas, and Texarkana, Texas. The proposed rules, regulations, and bylaws must be approved by both the governing bodies of the Cities of Texarkana, Arkansas, and Texarkana, Texas, before the same shall be effective and said governing bodies by joint action may amend, alter, or repeal any bylaw, rule, or regulation. Copies of rules, regulations, and bylaws approved by both governing bodies shall be kept on file in the offices of the city secretary and the airport director.

Attachment: 2023-139 ORD Ch. 4 Airport Rules-Regs (jcl) (4110 : 2023-139 ORD Amending Code Chapter 4 - Airport rules)

SECTION 2: The City Council approves the proposed Rules and Regulations of the Texarkana Regional Airport Authority attached to this ordinance as **Exhibit "A"**.

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

SECTION 4: 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: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

SECTION 6: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 7: 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 **11th day of December, 2023**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-139 ORD Ch. 4 Airport Rules-Regs (jcl) (4110 : 2023-139 ORD Amending Code Chapter 4 - Airport rules)

TEXARKANA
REGIONAL AIRPORT

201 Airport Drive
Texarkana, Arkansas 71854
(870) 774-2171

Rules and Regulations

Texarkana Regional Airport Authority

Texarkana Regional Airport (TXK)

October 4, 2023

Attachment: 2023-139 EXH 'A' (Rules & Regs)TR (4110 : 2023-139 ORD Amending Code Chapter 4 - Airport rules)

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Attachment: 2023-139 EXH 'A' (Rules & Regs)TR (4110 : 2023-139 ORD Amending Code Chapter 4 - Airport rules)

1. INTRODUCTION

1.1. Purpose

The purpose of these Rules and Regulations is to protect the health, safety, interest, and general welfare of the public and the Tenants and users of the Texarkana Regional Airport (Airport), and to prevent any activities or actions which would negatively interfere with the safe, orderly, and efficient use of the Airport.

1.2. PMCD General Provisions

General Provisions, which are those provisions common to all Primary Management Compliance Documents (PMCDs) are set forth in Appendix A of these Rules and Regulations and are incorporated into these Rules and Regulations and all PMCDs by reference.

1.3. PMCD Definitions and Acronyms

The definitions and acronyms utilized throughout the PMCDs are set forth in Appendix B of these Rules and Regulations, are capitalized whenever used in the PMCDs, and are incorporated into these Rules and Regulations and all PMCDs by reference. Words that are not defined shall be construed consistent with common meaning or as generally understood.

1.4. Airport Sponsor, Operator, and Governing Body

The Airport is owned and operated by Texarkana Regional Airport Authority (Authority) and governed by the Board of Directors (Authority Board).

1.5. Authority of the Director

The Authority Board has authorized the Executive Director (Director) to interpret, administer, and enforce these Rules and Regulations and the PMCDs. During emergency situations, the Director is empowered to issue such directives, variances, and/or exemptions and to take such action that, within Director's discretion and judgement, are necessary or desirable to safeguard the safety, security, and efficiency of the Airport and the public.

The Director shall be subject to the direction, authority, and control of the Authority Board and shall act as their official representative pertaining to aviation and Airport matters for the Authority. The Director's powers and duties include, but are not limited to, the following:

- designate aircraft operating, parking, and other such areas necessary for the safe, secure, and efficient operation of the Airport;
- assign aircraft parking, Hangar, and tiedown spaces;
- order unauthorized aircraft to leave the Airport; and
- promulgate rules and regulations for the use, operation, and administration of the Airport.

1.6. Enforcement

In addition to enforcement authority designated to the Director, the enforcement of all federal, state, and local statutes and ordinances pertaining to fire protection and Hazardous Materials (within its jurisdiction) shall be administered by the Texarkana Regional Airport Rescue and Fire Department (Fire Department). All other statutes and ordinances (within its jurisdiction) shall be enforced by the City of Texarkana, Arkansas Police Department (Police Department) and Law Enforcement Officers.

Attachment: 2023-139 EXH 'A' (Rules & Regs)TR (4110 : 2023-139 ORD Amending Code Chapter 4 - Airport rules)

Violation of these Rules and Regulations, the PMCDs, applicable federal, state, and local statutes and ordinances, or directives issued by the Authority, Fire Department, or Law Enforcement Officers or jeopardizing the safety or security of persons and entities utilizing the Airport, or harassment or obstruction of Airport employees in their enforcement of these Rules may result in suspension, revocation, and/or prohibition of access privileges, engaging in activities on Airport property, and use of the Airport. Violators shall be subject to all legal, equitable, statutory, and common law rights and remedies available to the Authority. Violators of these Rules and Regulations, the PMCDs, and all applicable federal, state, and local statutes and ordinances may be prosecuted for trespass.

1.7. Penalty for Violation

Violations by Tenants and users of the Airport shall be considered as follows, which excludes the Authority, Fire Department, or Law Enforcement Officers:

- committing an act that is prohibited or declared unlawful by ordinance or by rule or regulations authorized by ordinance;
- failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
- failure to perform an act if the failure is declared a violation by ordinance or by rule or regulation authorized by ordinance.

Except as otherwise provided, a person or entity convicted of a violation of these Rules and Regulations, the PMCDs, all applicable federal, state, and local statutes and ordinances, or directives issued may be issued a fine as provided in all applicable federal, state, and local statutes and ordinances, but not exceeding $1,000.00 for the first offense or violation.

If the violation is continuous in respect to time, the fine for allowing the continuance shall not exceed $500.00 for each day of unlawful continuance. If a violation is also a misdemeanor under State law, the penalty for the violation shall be as prescribed by State law for the State offense.

The imposition of a penalty does not prevent the Authority from revocation or suspension of a license, permit, or Agreement.

Violations of these Rules and Regulations, the PMCDs, all applicable federal, state, and local statutes and ordinances, or directives that are continuous with respect to time and a public nuisance may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent the simultaneous granting of equitable relief in appropriate cases.

Attachment: 2023-139 EXH 'A' (Rules & Regs)TR (4110 : 2023-139 ORD Amending Code Chapter 4 - Airport rules)

2. GENERAL

2.1. Access To, Entry Upon, or Use of the Airport

Access to or entry upon the Airport shall be made only at locations designated by the Director. Any person accessing or using the Airport shall be fully and completely responsible for their actions and all actions of any person who is provided access to or use of the Airport, whether directly or indirectly, expressed, or implied. All actions shall be in full and complete compliance with these Rules and Regulations and applicable PMCDs.

2.2. Restricted Areas, Sterile Areas, and Secured Identification Display Areas (SIDA)

Access to the Restricted Areas is limited to persons with a valid Airport Security Badge (Airport Badge), under appropriate supervision or escort, or as otherwise approved by the Director.

Unescorted access or entry to Sterile Areas or certain parts thereof, is limited to persons who have been screened by Transportation Security Administration (TSA) personnel and possess a valid boarding or gate pass, possess a valid Airport Badge with appropriate permissions, or be a person under appropriate supervision and escort by a person with escort privileges.

The Secured Areas are the areas where air carrier aircraft operate, enplane, and deplane passengers and sort and load baggage and any adjacent areas that are not separated by adequate security measures.

2.3. Airport Security Badge

Persons requiring unescorted access or entry to a Restricted Area or a Sterile Area (who do not have a valid boarding or gate pass) shall complete and submit an Airport Security Badge Application to the Authority. Prior to accessing or entering a Restricted Area, persons shall possess an approved Airport Badge which authorizes such access.

Prior to obtaining an Airport Badge for employees of Operators, Lessees, or Sublessees, an Authorization Signature Letter listing the person(s) authorized to receive Airport Badge(s) shall be submitted to the Authority. Prior to obtaining an approved Airport Badge, a person must successfully pass a Criminal History Records Check and Security Threat Assessment in accordance with 49 CFR Part 1540-1544 and applicable security directives.

Persons desiring or in possession of an approved Airport Badge shall complete all Authority training programs and meet all related requirements (including payment of applicable fees).

Any person who allows unauthorized use of an Airport Badge or fails to pay any fine or charge may lose access privileges.

No person shall make, possess, use, offer for sale, pass, or deliver any forged or falsely altered pass, permit, identification card, sign, and/or other authorization purporting to be issued by or on behalf of the Authority.

2.4. Security

The Police Department has the overall responsibility for security of the Airport. Operators, Lessees, or Sublessees are responsible for the security of entity's Leased Premises and shall comply with the Authority's security requirements and/or best practices. Security gates that provide access to the Air Operations Area (AOA) shall remain closed, locked, and secured except when actually in use. The Director may close or otherwise restrict access to any area of the Airport when safety or security considerations dictate.

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Tampering with, interfering with, or disabling the lock or closing mechanism, or breaching any other security device is prohibited unless authorized by the Director. Persons who have been provided an access code or device for access to a Restricted Area shall not, under any circumstances, divulge, duplicate, or otherwise distribute or convey the code or device to any other person unless authorized in writing by the Authority.

Unless under approved escort, no person shall follow another person into an Airport Restricted Area. Each individual must use an approved Airport Badge to access the Airport through any restricted entry point.

2.5. Commercial Activities

Any entity desiring to engage in or is actively engaging in a Commercial Aeronautical Activity at the Airport shall comply with the Airport's General Aviation Minimum Standards (Minimum Standards), as developed and amended from time to time.

Based Aircraft shall not be used for Commercial Aeronautical Activities at the Airport unless expressly authorized by an Agreement with the Authority. Based Aircraft may be used for the purpose of training or increasing the flying proficiency of the Aircraft Owner or members of the Aircraft Owner's Immediate Family.

Any entity desiring to engage in any non-aeronautical Commercial activity (including photography or filming) at the Airport shall obtain written permission from the Authority prior to engaging in such activity.

2.6. Accidents

Any person involved in or witnessing an Accident resulting in injury, death, or damage to Property shall immediately call "911" and notify the Authority. If reasonably able to do so, such person shall remain at the scene and respond to the inquiries of (and provide the information requested by) the Authority, Director, Police Department, Law Enforcement Officers, Fire Department, and/or investigative personnel. Unauthorized entry to the AOA to gain access to an Accident scene is prohibited.

No person shall tamper with an Accident scene or fail to comply with any directive issued by the Authority, Director, Police Department, Law Enforcement Officers, Fire Department, or any other Agency having jurisdiction over the Accident scene.

2.7. First Amendment Activities

Conduct of or participation in solicitation, picketing, demonstrating, parading, marching, patrolling, sit-ins, sit-downs, or other similar activities and/or assembling, carrying, distributing, or displaying pamphlets, signs, placards, or other materials is prohibited without prior written permission of the Director.

All authorized activities listed above shall be conducted (a) in those areas identified by the Authority without obstructing the use of the Airport by others; (b) in a peaceful and orderly manner; (c) without physical harm, molestation, threat, or harassment of any person; (d) without obscenities, violence, breach of the peace, or other unlawful conduct; (e) without hindrance to or interference with the proper, safe, orderly, and efficient access to, and operation of the Airport and activities conducted thereon; and (f) in strict conformance with any rules and regulations governing such activities on the Airport and the direction and conditions prescribed in writing by the Director.

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2.8. Advertisements

Advertisements, including notices, circulars, and/or handbills, may not be posted, displayed, or distributed without the prior written permission of the Director. The posting of advertisements on Authority physical property shall conform with established Authority policies and directives. The Authority has the right to remove or relocate any such advertisement.

2.9. General Conduct

No person shall use or otherwise conduct themselves in any area of the Airport in any manner contrary to the directions posted in or for that area. Destroying, damaging, injuring, defacing, disturbing, or tampering with Property is prohibited. Any and all Property damaged or destroyed shall be replaced (or replacement shall be paid for) by the person(s) responsible for such damage or destruction.

Smoking, vaping, or carrying lighted cigars, cigarettes, or pipes in any public use area of the Airport, except in areas specifically designated by the Authority and posted as public smoking areas, is prohibited.

Starting, moving, using, or interfering with the safe operation of any aircraft, vehicle, or equipment without the permission of the Owner or by specific direction of the Authority is prohibited. If requested by the Authority or a Law Enforcement Officer, satisfactory evidence of the right to do so shall be presented.

No person shall engage in behavior that is disruptive or creates a hazard or risk of injury, death, or damage to Property.

The Airport shall not be used to camp or stay overnight unless approved in writing by the Director. The Airport shall not be used for any improper, objectionable, or illegal purposes.

Leased Premises are expressly for the conduct of the Tenant's activities. Persons without an Airport Badge or under appropriate supervision or escort shall not make use of the Leased Premises without permission of the Tenant or as otherwise approved by the Director.

2.10. Abandoned or Lost Property

Property shall not be Abandoned at the Airport. Abandoned or Lost Property found in Public Areas shall be reported or submitted to the Authority.

Abandoned or Lost Property unclaimed by its proper owner within 30 calendar days shall become the property of the Authority to be disposed of at the discretion of the Authority.

Disposition of Abandoned or Lost Property to which the finder is not entitled to lawful possession shall be disposed of at the sole discretion of the Authority in accordance with federal, state, and local statutes and ordinances and its policies.

No provision in this Section shall be construed to deny the right of Lessees or Sublessees to maintain a lost and found service for Abandoned or lost Property found on Leased Premises so long as the lost and found service is consistent with federal, state, and local statutes and ordinances.

2.11. Use of Roadways and Walkways

No person shall travel at the Airport other than on the roadways, walkways, or other areas provided or designated for a specific type or class of traffic and no person shall occupy the roadways or walkways in such a manner as to hinder or obstruct proper use.

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2.12. Animals

No person shall bring animals, except for service animals or animals used for law enforcement purposes in Public Areas, unless destined for air transport and restrained by a leash, container, or crate. Domestic pets may be at the Airport only if kept on a leash or inside a Lessee's or Sublessee's facilities, aircraft, or vehicles.

No person, except authorized personnel by the Authority for the purposes of wildlife management shall intentionally hunt, pursue, trap, catch, injure, or kill any animal at the Airport. No person shall feed or perform any other act to encourage the congregation of animals on any portion of the Airport.

2.13. Weapons and Explosives

Weapons (including, but not limited to, firearms, tear gas, mace, pepper spray, or other similar devices, materials, or substances) or explosives may only be possessed in accordance with applicable federal, state, and local statutes and ordinances.

- No person shall carry a weapon inside the Passenger Terminal Building except in accordance with State of Arkansas Statute A.C.A. § 5-73-306(14) for the sole purpose of checking an unloaded, encased weapon for shipment purposes as baggage for lawful transport on an aircraft.
- Weapons stored in locked containers (and not immediately accessible) for the purposes of shipping for legal uses are permitted.

No person shall possess or ignite Class C explosives (e.g., fireworks, firecrackers, etc.) as defined in Part 1910 of the Occupational Safety and Health Administration with exception of explosives that may be used by authorized personnel for purposes of wildlife management or during approved special events.

2.14. Alcoholic Beverages

Alcoholic beverages may only be consumed in accordance with all applicable state and local statutes and ordinances. The Authority reserves the right to exclude or expel any person who, in the judgment of a Law Enforcement Officer, is intoxicated or under the influence of alcoholic beverages or drugs. The Authority reserves the right to restrict the consumption of alcoholic beverages at the Airport.

2.15. Use of Public Areas

Marking or defacing the floors, walls, windows, ceilings, or any other surface is prohibited. Use of the Public Area in any facility including the Passenger Terminal Building during Air Carrier service interruptions for purposes of sleeping in lieu of a hotel, motel, or other accommodations is prohibited unless authorized by the Authority.

2.16. Trash and Recycling

Trash of any kind shall not be placed, discharged, or deposited at the Airport except in properly designated trash receptacles.

Exterior trash receptacles and recycling containers shall be equipped with securely fastened lids. Trash and recyclable materials shall not be brought to or burned on Airport property. Trash receptacles and recycling containers shall be kept clean and emptied on a regular basis to prevent overflowing.

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2.17. Fire and Flammable Materials

Tenants and users shall comply with the Arkansas Fire Protection Code and all fire codes, regulations, or directives issued by the Fire Department and/or the Authority.

In no event shall smoking, vaping, or carrying lighted cigars, cigarettes, or pipes occur within 50 feet of any aircraft, Refueling Vehicle, or fuel storage facility. Open flames (i.e., candles, fixtures, or fires) are prohibited without the prior written permission of the Authority and the Fire Department.

- This excludes open flames utilized by a Tenant in the performance of Aircraft Maintenance.
- With the prior written permission of the Authority and the Fire Department, Aircraft Rescue and Fire Fighting (ARFF) personnel may engage in training exercises which require open flames.

Uncontrolled fires (regardless of size or whether the fire has been extinguished) shall be reported immediately to "911". No person shall tamper with any fire extinguisher or related equipment or use the same for any purpose other than fire prevention or firefighting.

- Such equipment may be inspected by the Fire Department and/or Authority at any time and shall be fully operational and inspected annually.
  - A tag showing the date of the last inspection by a certified vendor (and who performed the inspection) shall be attached to each unit and records, acceptable to fire underwriters, shall be kept documenting the status of each unit.

No person shall block or modify any self-closing fire door or do anything which would interfere or prevent closing in the event of a fire. Flammable materials shall only be used or stored in accordance with the Arkansas Fire Protection Code and in compliance with applicable federal, state, and local statutes and ordinances.

The use of flammable, volatile liquids having a flash point of less than 100 degrees Fahrenheit is prohibited unless such operations are conducted in open air or in a room specifically approved for the purpose for which the liquid is being used. The room must be properly fireproofed and equipped with appropriate and readily accessible fire-extinguishing apparatus.

2.18. Hazardous Materials

No person shall store, keep, handle, use, dispense, discharge, or transport any Hazardous Materials or Hazardous Materials container in contravention of any federal, state, and local statutes and ordinances. Proper permits must be obtained from the Agency having jurisdiction over such materials, copies must be maintained on file for review by the Authority, and prior notification must be given to the Authority.

If any person or entity stores, uses, or dispenses any Hazardous Materials in such a way as to be subject to any of the requirements under the Environmental Protection Agency (EPA) Emergency Planning and Community Right-to-Know Act (EPCRA) such entity shall be responsible for any reporting obligations under EPCRA. The Authority will not be responsible for compliance with any EPCRA requirements, except to the extent the Authority stores, uses, or transports Hazardous Materials.

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- If the storage of Hazardous Material is approved, such material must be placed in suitable containers designed specifically for storage of Hazardous Materials with self-closing, tight-fitting, leak-proof lids which are properly secured.
  - Safety Data Sheets (SDS) for all Hazardous Materials shall be maintained by the Tenant on-site so as to be readily available to emergency responders in the event of an emergency and for review, at any time, by the Authority and the Fire Department.
- Hazardous Materials shall not be stored in close proximity to operating aircraft, vehicles, equipment, or sources of heat nor be stored in excess of amounts needed as current inventory. All Hazardous Material shall be kept enclosed in a clearly marked and properly labeled container, the type and design of which must meet the approval of the Fire Department.
  - Secondary containment is required for Hazardous Materials being stored in tanks, drums, or other similar storage receptacles.
  - Fuels or deicing fluids in containers greater than 55 gallons shall not be stored without providing prior notification and a copy of a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) to the Authority and the Fire Department.

Hazardous Materials and Hazardous Materials containers shall be disposed of in a manner consistent with the Arkansas Fire Protection Code and in full compliance with these Rules and Regulations, the Authority's Storm Water Pollution Prevention Plan (SWPPP), the Authority's directives, and federal, state, and local statutes and ordinances.

- Used or spent engine oil shall be disposed of only at waste oil stations or approved disposal locations. No person shall bring used or spent engine oil onto the Airport.

No Hazardous Materials shall be disposed of on the ground or into the air during aircraft preflight inspections. Any release of Hazardous Materials shall comply with this Section of these Rules and Regulations and federal, state, and local statutes and ordinances.

2.19. Environmental (Hazardous Materials) Clean Up

The party responsible for an environmental incident (to include the overflowing or spilling of fuel, oil, lubricants, grease, dope, paint, varnish, lacquer, solvent, acid, or other Hazardous Materials) is responsible for: the immediate mitigation and cleanup of the overflow or spill, proper disposal of the substance(s) and used cleanup materials, immediate notification of the Fire Department and the Authority, and assumption of the risk and expense of cleanup and mitigation efforts.

In the event the Authority determines the responsible party is unavailable, unable, or unwilling to take the appropriate action to mitigate the adverse environmental incident in a timely manner (at the responsible party's risk, cost, and expense), the Authority may act as necessary to control and/or clean up the site at the risk, cost, and expense of the responsible party, without liability to the Authority.

Hazardous Materials Overflow or Spills – In the event a Hazardous Materials overflow or spill occurs, regardless of the amount of the overflow or spill, the responsible party shall take appropriate action to contain the overflow or spill, notify the Fire Department and other appropriate Agencies and clean up, mitigate, and remediate the site. The use of deicing fluids is exempt when such use complies with federal, state, and local statutes and ordinances pertaining to the deicing of aircraft and/or paved surfaces (e.g., Runways, Taxiways, Taxilanes, or Ramp).

The following procedures shall be followed in the event of a Hazardous Materials overflow or spill unless otherwise required under an approved SPCC Plan or instructed by the Authority or the Fire Department.

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Minor Hazardous Materials Overflow or Spills are defined as overflows or spills of less than five gallons which do not compromise public safety. The responsible party shall:

- Stop the source of the spill immediately.
- Contain the spill with appropriate absorbent material(s).
- Block all stormwater drains in the immediate area to prevent the spill from flowing into the drain(s).
- Contact the Authority.

Major Hazardous Materials Overflow or Spills are defined as overflows or spills in excess of five gallons (or which compromises public safety), but less than 25 gallons or any spill causing an immediate threat to public safety. In addition to following all the procedures in the Minor Hazardous Materials Overflow or Spill response, the responsible party shall:

- Determine the threat to the immediate public and make any arrangements to secure the safety of the immediate public (e.g., evacuation).
- Assess the damage to land and/or ground water in conjunction with the Authority.
- Provide a written summary of the spill to the Authority within 24 hours of the spill.

Serious Hazardous Materials Overflow or Spills are defined as overflows or spills in excess of 25 gallons or which may pose a serious threat to the public safety. In addition to following all the procedures in the Minor and Major Hazardous Materials Overflow or Spill response, the responsible party shall:

- Provide a detailed written summary of the spill to the Authority within five business days of the spill which shall also identify the measures which the responsible party will take to eliminate the potential for such a spill in the future.

Entities with fueling capability or responsibility for maintenance of fuel systems shall have on hand sufficient: (a) containment booms to form a barrier around the spill and (b) sufficient absorbent material(s), booms, blankets, pads, pillows, and other clean-up materials available to pick up the spilled product and store it in a sealed container(s) until proper disposal can be made. Salvage drum(s) shall be approved by the Department of Transportation (DOT) (DOT-E-10102).

2.20. Painting

Doping, painting, or paint stripping shall only be performed in those facilities specifically approved for such activities and in accordance with the Arkansas Fire Protection Code and in full compliance with the Authority's SWPPP, the SPCC Plan, the Authority's directives, and applicable federal, state, and local statutes and ordinances.

2.21. Emergency Conditions

Emergency conditions shall not mitigate or cancel these Rules and Regulations. Emergency directives or procedures may be issued at the discretion of the Director.

2.22. Special Events

Any person or entity desiring to conduct a Special Event at the Airport shall complete and submit the Special Event Permit Application to the Authority along with prior payment of all applicable fees paid to the Authority and any other Agency having jurisdiction. The entity shall receive a signed and approved Special Event Permit from the Authority prior to conducting the Special Event. Special event attendees shall remain clear of Airport operations, aircraft, active Taxiways, Runways, and other areas designated by the Director.

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2.23. Skydive/Parachute Jumping

Unless conducted by an approved Skydiving Operator at the Airport, no person shall skydive/parachute jump onto the Airport without the prior written permission of the Director. Skydive/parachute landings shall only occur at an Authority approved and designated Drop Zone. Skydive/Parachute operations shall be conducted in conformance with Advisory Circular (AC) 105-2E "Sport Parachuting" (as amended), and the most current version of the Skydiver's Information Manual published by the United States Parachute Association (USPA).

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3. AIRCRAFT

3.1. Statutes and Ordinances

Aeronautical Activities shall conform to 14 Code of Federal Regulations (CFR), these Rules and Regulations, the directives of the Director, or Air Traffic Control (ATC) personnel.

3.2. Based Aircraft Registration

Based Aircraft must be registered with the Authority or through an authorized Fixed Base Operator (FBO) or Specialized Aviation Service Operator (SASO) where the aircraft is based. Registration information shall include the following:

- Aircraft make, model, registration number, and maximum gross landing weight.
- Aircraft Owner's and Aircraft Operator's (if different) name, address, and phone number.
  - If more than one person or entity owns and/or operates the aircraft, the name, address, and phone number of all Aircraft Owners and Aircraft Operators shall be provided.
- A Certificate of Insurance identifying the applicable insurance coverages and amounts required by the Authority.
  - Aircraft Owner and/or Aircraft Operator shall procure, maintain, and pay all premiums and carry and keep policy in full force and effect throughout the registration period for the applicable insurance coverages.
  - Coverage shall not be suspended, voided, or canceled by either party or reduced in coverage or in limits except after 30 calendar days prior written notice, 14 calendar days prior written notice for cancelation for non-payment of premium, by certified mail, return receipt requested, has been given to the Authority.
  - The insurance company or companies underwriting the required policy shall be authorized to write such insurance in the State of Arkansas (with a Best rating of A or above) or be approved in writing by the Authority.
  - The Authority reserves the right to require more or different types of insurance coverage based on entity's individual risks or exposures.

Entities responsible for Based Aircraft must have a lease or license agreement with either the Authority or an authorized FBO or SASO.

3.3. Non-Airworthy Aircraft

Only aircraft considered airworthy or with a special flight authorization by the FAA and military aircraft shall use the Airport for aircraft parking, staging, or storage. Consistent with 14 CFR Chapter I [Docket No. FAA 2014–0463] FAA *Policy on the Non-Aeronautical Use of Airport Hangars*, as amended, non-airworthy aircraft (including Non-Commercial construction of amateur-built or kit-built aircraft in compliance with construction progress benchmarks) may undergo long-term major renovation or restoration as long as the aircraft is stored in a Hangar approved for such Aircraft Maintenance or as otherwise previously authorized in writing by the Director.

- Aircraft Owner or Aircraft Operator shall remove non-airworthy aircraft from the Airport within 90 days of becoming non-airworthy unless otherwise previously authorized in writing by the Director.

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- If Aircraft Owner or Aircraft Operator is unknown or cannot be located, the Director shall conspicuously post and affix such written notice to the aircraft and after 30 calendar days, the aircraft will be deemed abandoned in accordance with Section 3.4 of these Rules and Regulations.

3.4. Disabled and Abandoned Aircraft

Aircraft Owner or Aircraft Operator shall be responsible for the safe and prompt removal of disabled aircraft and any part thereof from a Movement Area, unless otherwise required or directed by the Authority, FAA, National Transportation Safety Board (NTSB), or Agency having jurisdiction.

Abandoning an aircraft on the Airport is prohibited.

- An aircraft shall be considered Abandoned if the Aircraft Owner or Aircraft Operator (1) has not paid in full applicable rents or fees to the Authority or an authorized Fixed Based Operator (FBO) or Specialized Aviation Service Operator (SASO) for a period greater than 90 calendar days, (2) has not responded to written notification from or on behalf of the Authority, by certified or registered mail, and/or (3) aircraft does not have a current and valid registration with the FAA (or similar agency of a foreign country).

In the event the Authority determines the Aircraft Owner or Aircraft Operator is unavailable, unable, or unwilling to remove a non-airworthy, disabled, or Abandoned aircraft in a timely manner (at Aircraft Operator's risk, cost, and expense), the aircraft may be impounded by the Authority at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator, without liability to the Authority.

- Once an aircraft is impounded by the Authority, the Authority shall charge reasonable impoundment fees and thereafter publish a notice of intent to remove the aircraft in the legal organ of Miller County, Arkansas.
- The Aircraft Owner or Aircraft Operator may claim the aircraft by responding to the Authority in writing, paying the impoundment fees in full, and promptly removing the aircraft from the Airport.
    - If the aircraft is not claimed within 90 calendar days by the Aircraft Owner or Aircraft Operator, the Authority shall dispose of aircraft in accordance with federal, state, and local statutes and ordinances.
- The Authority shall retain any surplus arising from the sale of the aircraft after expenses, incurred by the Authority in connection with the aircraft, have been paid.
- The Authority may assess and recover from the Aircraft Owner or Aircraft Operator all applicable rents and fees, impoundment charges, and other related expenses including reasonable attorney fees incurred by the Authority in connection the enforcement of these provisions.

3.5. Airport Hours of Operation

The public use aeronautical areas (Runways, Taxiways, and supporting infrastructure) of the Airport are available for use 24 hours per day, 7 days per week, unless closed by Notice to Air Missions (NOTAM).

3.6. Accidents and Incidents

Any person involved in an Aircraft Accident or Aircraft Incident shall make a full and complete report to the appropriate Agencies in a timely manner and provide a copy to the Authority, complete any additional required forms and/or reports, and comply with NTSB Regulations Part 830.

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- The report to the Authority shall include copies of any forms, reports, and/or documentation provided to the NTSB, FAA, or other Agencies having jurisdiction.

Aircraft involved in an Accident may not be removed from the scene of the Accident until authorized by the Authority who shall receive authorization from the FAA, NTSB, or Agencies having jurisdiction, as applicable. Once authorization to remove the aircraft has been issued, the Aircraft Owner or Aircraft Operator shall be responsible for the safe and prompt removal of the aircraft (and any parts) to a designated area and the clean-up, repair, and restoration of any damage caused to Airport facilities and any associated costs.

3.7. Prohibiting Use of the Airport

The Director shall have the right at any time to close or restrict use of the Airport or any portion thereof to aircraft operations (except for an emergency operation) or deny the use of the Airport to any entity when the Director considers such actions to be necessary and desirable in the interest of safety or security.

- The Director, the FAA, or ATC may issue or cancel a NOTAM to close or open the Airport (or any portion thereof) or to restrict or terminate any activity at the Airport.
- Under no circumstance shall an authorized Airport closure or restriction constitute grounds for reimbursement of any expense, loss of revenue, or damage which may be incurred by any entity.

3.8. Maintenance

Aircraft Maintenance, including aircraft painting or paint stripping, may only be performed within Hangars, buildings or those areas specifically designated by the Authority and shall be limited solely to that specifically permitted by the type rating established by Building and Fire Codes, and then, only in compliance with the instructions of the Authority and the orders of the Fire Department.

Aircraft Line Maintenance may be performed on aircraft owned or operated by passenger or cargo Air Carriers on the Air Carrier Ramp if the aircraft is disabled and cannot be moved into a Hangar or if a Hangar of sufficient size to accommodate the aircraft does not exist at the Airport.

3.9. Cleaning

Aircraft cleaning shall only be performed in full and complete compliance with the Authority's SWPPP. Aircraft cleaning, which creates runoff, shall be approved by the Authority. Requests for permission shall be submitted in writing and include the name of the Aircraft Operator, location, time and duration, entity conducting aircraft cleaning, description of methods and materials to be used, and methods utilized to contain contaminated materials resulting from the activity.

When non-biodegradable soap, solvents, and/or degreasers are used for aircraft cleaning, all residual fluids (cleaning byproducts) must flow to an oil/water separator, be removed from the Airport, and/or be disposed of in accordance with federal, state, and local statutes and ordinances.

3.10. Deicing

Aircraft deicing (the removal of snow and/or ice with chemical substances) shall only be accomplished in full compliance with the Authority's SWPPP and at location(s) specified and permitted by the Authority.

3.11. Engine Operation

Aircraft engine Runups are not permitted between the hours of 10:00 p.m. and 6:00 a.m. except for Runups required in preparation for aircraft departure or conducted in approved maintenance Runup facilities. Engine Runups are prohibited in Non-Movement Areas or on the Air Carrier Ramp(s).

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- Aircraft engines shall not be started within any structure.
- Aircraft controls shall be attended while aircraft engine(s) are operating.
- Propeller, engine, and exhaust noises shall be kept to a minimum.

Any person operating an aircraft engine in an area which is accessible to the public shall be alert and take precautions to protect the public from potential hazards resulting from such operations. Starting an aircraft engine when flammable liquid is on the ground in the immediate vicinity of the aircraft is prohibited.

3.12. Parking and Storage

Aircraft shall be parked in such a manner as to be completely contained within the parking or Tiedown space and shall not be positioned in such a manner so as to block a Taxiway or Taxilane, or obstruct access to Hangars, parked or staged aircraft, parked or staged vehicles, equipment, gates, or fuel storage facilities.

Unless utilizing the Airport identified general parking areas on a Leased Premises or otherwise provided in an Agreement, no person shall use any area for the parking, staging, and storage of aircraft, without prior written permission of the Authority.

- In the event a person uses any area for aircraft parking, staging, or storage not in compliance with the preceding provision, the Authority may remove and store the aircraft at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator without liability to the Authority

Aircraft Operators shall ensure aircraft are properly secured, as set forth in AC 20-35 "Tiedown Sense" (as amended), when parked and/or stored.

- Moored lighter-than-air aircraft shall have at least one person monitoring the safety of the mooring for the duration of the mooring.

Upon request of the Authority for the purpose of safe, orderly, and efficient operation and use of the Airport, the Aircraft Owner or Aircraft Operator shall move the aircraft to a location and/or position identified by the Director. In the event the Aircraft Owner or Aircraft Operator is unavailable, unable, or unwilling, the Director may move the aircraft at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator without liability to the Authority.

3.13. Aircraft Security

In the event the type, use, or condition of an aircraft requires that security be obtained, provided, and/or maintained, the Aircraft Owner or Aircraft Operator shall be responsible for such security and may only provide (and/or arrange for) such security after notifying the Authority. Security measures shall not hinder, delay, or prevent relocation or removal of aircraft at the direction of the Authority.

- No person shall interfere or tamper with any aircraft in contradiction to these Rules and Regulations without the Aircraft Owner's or Aircraft Operator's permission.

3.14. Aircraft Operations

Operating an aircraft in a careless, negligent, or reckless manner which endangers or is likely to endanger persons or Property is prohibited. Aircraft Operators shall obey all pavement markings signage, and lighted signals unless instructed otherwise by ATC or by written notification of the Authority or NOTAM.

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- Aircraft radio transmissions, if not for maintenance purposes, are prohibited while an aircraft is inside a Hangar. Testing of an aircraft radar on the ground requires prior permission of the Authority.

The starting, positioning, or taxiing of aircraft shall be done in such a manner to avoid generating propeller or engine blast which may endanger persons or damage Property. It may be necessary to tow the aircraft to a location or position at the Airport where the propeller or engine blast will not endanger persons or damage Property when the engines are started or operated.

Aircraft shall not land, takeoff, taxi, park, or be staged in any area that has been restricted to a maximum weight bearing capacity of less than the maximum weight of the aircraft or on any closed Runway or Taxiway, unless authorized in writing by the Authority or due to an emergency.

- It shall be the Aircraft Operator's responsibility to repair any damage caused by excessive weight and/or other operations.

3.15. Taxiing and Towing Operations

Aircraft shall not be taxied until the Aircraft Operator has determined (by visually inspecting the area) there shall be no danger of collision with any person or Property.

- Aircraft shall not be taxied into, out of, or within any structure.

Aircraft being taxied shall have a person at the controls of the aircraft who shall monitor the radio transmitting frequency in use by ATC or CTAF when ATC is not in operation at the Airport if the aircraft is equipped with a radio and the radio is functional.

Taxiing aircraft shall yield the right-of-way to Emergency Vehicles, equipment, or aircraft unless otherwise directed by written notice of the Authority. Aircraft Operators shall not taxi at a speed greater than is reasonable and prudent under the conditions that exist with regard for actual and potential hazards and other aircraft so as not to endanger persons or Property.

Aircraft shall only be taxied or towed in areas normally used for operation of aircraft unless prior written approval has been provided by the Authority.

3.16. Rotorcraft Operations

Rotorcraft shall park or operate only in Movement Areas, aircraft parking areas, or areas designated by the Authority for rotorcraft operations. Rotorcraft shall not be operated within 50 feet of any structure or fuel storage facility. Rotorcraft shall not be operated within 200 feet of any area where Light Aircraft are parked or operating. Rotorcraft rotors must be stopped during fueling operations.

3.17. Balloon Operations

Prior to entering the AOA, all balloon operators shall register the intended flight with the Director and be familiar with the Airport.

Use of a handheld transceiver radio monitoring the radio transmitting frequency in use by ATC or CTAF when ATC is not in operation at the Airport.

During balloon inflation, care shall be taken to avoid blocking roadways, Taxiways or interfering with Airport operations. Landing balloons on Runway is prohibited except in the event of an emergency.

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3.18. Noise Abatement Procedures

Consistent with the Aircraft Operator's responsibility for complying with 14 CFR, the instructions of ATC personnel, and the operating parameters of the aircraft as set forth by the aircraft manufacturer, Aircraft Operators are requested to use procedures which minimize the noise impact on surrounding areas.

3.19. Restricted Activities

Aircraft Operators shall receive prior written approval from the Director before engaging in any of the following activities and shall conduct these activities in accordance with specific requirements stipulated by the Authority:

- Use of motorless aircraft – the landing upon or towing of gliders and other certificated motorless aircraft.
- Use of ultralight vehicles – the landing or taking off of ultralight vehicles unless approved in writing by the Director.
- First flight or test flights after major airframe and/or powerplant modifications.
- Use of lighter-than-air aircraft – the landing or taking off of airships, dirigibles, blimps, balloons, and other certificated lighter-than-air aircraft which utilize gasses or hot air to provide lift.
- Banner or glider towing – the landing or taking off of aircraft which tow banners, gliders, or other devices.
- Sky diving, parachuting, or powered parachute operations. Skydive/Parachute operations shall be conducted in conformance with AC 105-2E "Sport Parachuting" (as amended), and the most current version of the Skydiver's Information Manual published by the United States Parachute Association (USPA).
- Operation of model aircraft.
- Operators of unmanned aerial vehicle (UAV), unmanned aircraft system (UAS), or model aircraft shall comply with all applicable federal, state, and local statutes and ordinances (including 49 CFR Part 107). This may include, but is not necessarily limited to, notifying and obtaining written permission from the Director to fly UAV, UAS, or model aircraft within the Airport's protected airspace.
- Operation of aircraft with a maximum certificated takeoff weight in excess of the published weight bearing capacity for the Runway(s) and/or Taxiway(s).
- Agricultural spraying.
- Transportation of Hazardous Materials – landing or taking off with flammable, explosive, or corrosive materials, except those which are carried aboard (and necessary) for the operation of the aircraft or use by crewmembers or passengers. All shipments of Hazardous Materials shall comply with regulations established in 49 CFR Parts 100-199 and federal, state, and local statutes and ordinances governing such shipments. Hazmat and Aircraft Rescue and Fire Fighting equipment and trained personnel will be required for this type of operation as a precautionary measure. Costs associated with trained hazmat personnel and related equipment shall be borne solely and completely by the Aircraft Operator.

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3.20. Fees

Aircraft shall not land or takeoff unless the Aircraft Owner or Aircraft Operator has paid the fees which may be established and assessed by the Authority unless exempt by Agreement.

- Aircraft that may be exempt from Authority fees include aircraft owned and/or operated by the United States of America, military forces of the United States of America, and foreign military forces in support of allied military operations that do not utilize the Airport significantly (as defined by the FAA).

The Authority shall have the authority to detain any aircraft for non-payment of any fees.

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4. PASSENGER TERMINAL BUILDING

4.1. Public Address System

Only those types of public address systems that are commonly employed to announce the arrival and departure of scheduled aircraft or other information relevant to the operation of the Airport shall be permitted for use in the Passenger Terminal Building.

- No person shall use or cause to be used the public-address system for the solicitation of business.
- The public-address system shall only be used in accordance with individual Agreements.

4.2. Vending Machines (Concessions)

Vending machines for the sale of goods, unless approved by Agreement, shall not be permitted in the Public Areas of the Passenger Terminal Building.

4.3. Smoking and Vaping

Smoking and vaping are prohibited in the Passenger Terminal Building and within 20 feet of the main entrances, exits, operable windows, or ventilation system intakes. Cigarette/cigar butts, matches, and lighters must be disposed in fireproof waste receptacles.

4.4. Locks and Keys

The Authority will provide all initial door locks (and keys) and/or access media to authorized individuals for access to the Passenger Terminal Building and for each Leased Premises, at the expense of the Authority. All subsequent lock changes or lost key replacements requested by the Lessee, if approved by the Authority, shall be completed by the Authority at the Lessee's sole cost and expense.

- Duplicate keys shall not be made and additional locks shall not be placed in or on the Leased Premises without prior written authorization by the Authority.

4.5. Premises

Premises and adjacent areas shall be kept clean and free from rubbish. Corridor doors when not in use shall be closed. No debris, trash, dirt, dust, or other like material shall be swept or thrown into corridors, hallways, or stairwells.

- In the event infestation occurs of insects or animals, the Lessee shall take immediate action utilizing licensed eradication methods (if the responsibility of the Lessee through Agreement).
- In the event the Lessee is unable to take immediate action, the Authority may take appropriate action and shall have the right to collect the expense of such action for the Lessee (if the responsibility of the Lessee through Agreement).

No area of the Passenger Terminal Building shall be used for storage of equipment, fixtures, or cargo without prior authorization of the Authority. All decorations at ticket counters and gate areas are prohibited without prior written authorization from the Authority. Any damage to Airport facilities as a result of the application of decorations may be charged to the Lessee as additional rent or cost recovery. Lessees shall not erect, install, or otherwise maintain any aerials, transmitters, or antenna without prior written authorization from the Authority.

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4.6. Baggage Conveyor System and Unclaimed Baggage

No person shall ride, walk, sit, or stand on the baggage conveyor system (or any portion thereof) and no unauthorized items shall be placed on the baggage conveyor system. Entities responsible for operating and loading the baggage conveyor system shall be responsible for unloading all unclaimed baggage.

4.7. Airline Operations

Passengers shall not be permitted to enplane or deplane an aircraft except in the presence of and only after receiving express permission from authorized personnel. Aircraft must only be enplaned or deplaned in designated areas unless prior permission by the Authority has been obtained. Authorized personnel must escort and safely channel passengers through established routes to and from the aircraft.

Gate Usage and Assignments – Aircraft gates are pre-assigned or allocated for common use and reserved for scheduled commercial, commuter, and approved contract Air Carrier aircraft only.

- Gates may only be used by the entity with an Agreement. An entity authorizing use of a gate to another entity assumes full responsibility and must ensure usage is in accordance with the Agreement.

It is the responsibility of flight and ground employees to ensure aircraft are taxied to and from gate positions or parking locations without injuring or damaging any persons, equipment, building, other aircraft, or any Property. All ground handling entities shall submit a Charter Flight Advisory form to the Director at least 48 hours prior to the operation.

The assignment of Remain Overnight (RON) Air Carrier aircraft parking positions will be conducted by the Authority.

4.8. Engine Operation

Power back and power out procedures are prohibited without prior authorization from the Authority.

Use of auxiliary power units (APU) or ground power units (GPU) shall be kept at a minimum. Operators shall use bridge power whenever possible.

Engine cross bleed shall not be started until the aircraft is positioned on the Taxiway/Taxilane centerline and the ground crew confirms procedure can be initiated without adverse impact on other aircraft, vehicles, or personnel.

4.9. Ground Support Equipment

Ground support equipment (including, but not limited to, chocks, air stairs, etc.) shall not be stored outside the boundaries of the Leased Premises or designated area by the Authority. Lavatory service equipment shall be well maintained and compatible with the waste receptacles provided by the Authority. All Ramp scrubbing shall be accomplished through use of approved vacuum type scrubbers and the wastewater shall be disposed of in compliance with federal, state, and local statutes and ordinances. All spillage of lavatory waste shall be immediately cleaned by the responsible party.

4.10. Music in Passenger Terminal Building

No person may perform any live music without prior written authorization from the Director.

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5. VEHICLES

5.1. Statutes and Ordinances

All Vehicle Operators shall comply with the State of Arkansas code, these Rules and Regulations, directives issued by the Director, and the orders of the Police Department and Law Enforcement Officers.

5.2. Licensing and Permit

Except for vehicles which are exclusively used on the AOA, all vehicles shall meet licensing and registration requirements. Vehicle Operators must have a valid license and evidence of insurance as required by state and local statutes and ordinances, including those vehicles operated exclusively on the AOA.

Vehicle Operators who desire to operate on the AOA are required to successfully complete an Authority training program and shall possess an Airport Badge prior to operating a vehicle with an Authority approved hang tag on the AOA.

5.3. Equipment

Vehicles shall not be operated at the Airport unless the vehicle is in sound mechanical order, has adequate lights, horn, and brakes, and provides clear and unobstructed visibility from the driver's position. Trailers and semi-trailers are not permitted at the Airport unless equipped with lights (or reflectors) on all sides and a proper brakes/braking system. Trailers and semi-trailers shall not be disengaged from towing vehicles.

5.4. Operations

Vehicles shall not be operated in a careless, negligent, unsafe, or reckless manner; in disregard of the rights, safety, and security of others; and without due caution and circumspection; or at a speed or in a manner which endangers, or is likely to endanger, persons or Property. Vehicles constructed, equipped, loaded, or maintained (or having attached thereto any object or equipment which drags, swings, or projects) which endangers or is likely to endanger persons or Property is prohibited.

No tank vehicle, truck, or semi-trailer used for the transportation of flammable liquids or Fuel Handling, shall be operated on the AOA unless approved in writing by the Authority.

Vehicles shall not be operated in any Hangar or structure for a prolonged period unless the vehicle exhaust is protected by screens or baffles to prevent the escape of sparks, or the propagation of flame and a vent system exists to prevent exhaust fumes from building up in the Hangar.

Vehicle Operators shall not, after receiving a visual or audible signal from an Authority employee or a Law Enforcement Officer, fail to stop the vehicle being operated, operate the vehicle in disregard of the signal, or interfere with or endanger persons or Property. Vehicle Operators shall provide proper signals and obey all traffic lights, signs, mechanical or electrical signals, and pavement markings unless directed otherwise by the Authority or a Law Enforcement Officer.

The operation of vehicles which are overloaded (as defined in the vehicle owner's operation manual) is prohibited.

Persons shall not ride on the running board, in the beds of pickup trucks, ride on the outside of a vehicle, or allow arms or legs to protrude from a vehicle except for Emergency Vehicles that are designed specifically for such operations. Vehicle Operators shall yield the right of way to aircraft, Emergency Vehicles, and pedestrians.

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Vehicles shall not be operated in such a manner as to create a hazard or interfere with the safe and secure operation of the aircraft.

- Vehicles, except Emergency Vehicles responding to an emergency, shall not overtake or pass in front of a moving aircraft.
- Vehicles shall come no closer than 50 feet to a taxiing aircraft and shall pass to the rear of taxiing aircraft.
- Vehicles shall not pass closer than 20 feet from any wing or tail section of a parked or staged aircraft where practical.

Vehicles used for hauling trash, dirt, or any loose material(s) shall be operated in such a fashion as to prevent the contents from dropping, leaking, or otherwise escaping including, at a minimum, covering the load.

Airside and Landside Speed Limits

Safe Speed – Vehicles shall not be operated at a speed greater than is reasonable and prudent under prevailing conditions and/or in a manner that endangers persons or Property.

Minimum Speed – Vehicles shall not be operated at such a slow speed as to impede or block traffic, except necessary for safety or in compliance with state and local statutes and ordinances.

Maximum Speed – Vehicles, except Emergency Vehicles or equipment responding to an emergency, shall not be operated in excess of the posted speed limits or in excess of any speed stipulated in these Rules and Regulations. In areas where signs, markers, or devices are not used or posted, the speed limit shall be:

Maximum Speed (miles per hour)	
Airside	10
Landside	15

Tugs (Towing Vehicles and Related Equipment)

Positive locking couplings are required for all towing vehicles and related equipment. Aircraft towing vehicles and related equipment shall be returned to designated parking or staging areas immediately following unloading.

5.5. Access Gate Security

Vehicle Operators shall stop and ensure the gate is fully closed before proceeding and shall also ensure that no unauthorized vehicles or persons gain access to the Airport while the gate is in operation. If the gate fails to close or the Vehicle Operator cannot prevent such access, the Vehicle Operator shall immediately contact the Authority at 870-724-2171 or "911".

5.6. Air Operations Area

Vehicles on the AOA may only be operated by persons with a proper and current Airport Badge and displaying an Authority hang tag.

Vehicle Operators using the AOA on an irregular basis must be escorted by an authorized Vehicle Operator or obtain permission from the Authority in writing and shall proceed directly to the Vehicle Operator's destination on the Airport without entering the Movement Area. The Authority may restrict

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vehicles to a certain area(s) of the AOA. Such restrictions may prohibit vehicle operations outside the designated area(s).

The recreational use of motorhomes, mini-bikes, dirt bikes, all-terrain vehicles, go-carts, roller blades, skateboards, bicycles, unicycles, or other similar devices is not permitted on the AOA without the prior written permission from the Authority.

5.7. Movement Area

No vehicle shall enter the Movement Area without prior approval of the Director. Unless otherwise provided herein, or approved in advance by the Director, coordination and two-way radio communications with ATC (when in operation) and an Airport escort is required prior to entering the Movement Area.

Vehicles routinely using the Movement Area shall be painted and/or properly marked in a manner approved by the Authority. No person shall take or drive any vehicle on the Movement Area unless permission has been granted in an Agreement or obtained in writing, in advance, from the Authority.

- Vehicle Operators having access to the Movement Area shall comply with the Letter of Agreement between the Authority and ATC regarding Airport Surface Traffic Procedures. Vehicle Operators shall obtain clearance from ATC and ensure that no aircraft is approaching prior to entering the Movement Area.

Vehicles operating on the Movement Area on a regular basis shall be equipped with a functioning two-way radio capable of communicating on the proper aeronautical frequencies (ranging from 108.00 MHz to 136.00 MHz). In the event a vehicle in the Movement Area experiences radio failure, the vehicle must vacate the area utilizing perimeter roadways or other non-controlled routes. If exit via non-controlled route is not possible, the Vehicle Operator shall indicate radio failure by facing the vehicle towards the control tower and flashing the vehicle's headlights or calling the control tower directly at (870) 773-7901.

Vehicles operating on the Movement Area on a regular basis shall be equipped with an approved and fully operational amber (or red for Emergency Vehicles only) rotating beacon on the roof or uppermost point of the vehicle providing a 360-degree view and in compliance with AC 150/5210-5D "Painting, Marking and Lighting of Vehicles Used on an Airport" (as amended). The beacon shall be activated and remain in operation by the Vehicle Operator prior to entering the Movement Area.

Vehicles other than those that routinely traverse any portion of the AOA under the control of ATC, which are not escorted by an Authority vehicle in constant two-way radio communication with ATC and properly equipped and authorized to operate in the AOA, must be provided with a flag on a staff attached to the vehicle so that the flag will be readily visible.

Vehicle Operators operating in the Movement Area must be conversant with standard colored light signals, regardless of whether or not the vehicle is radio equipped.

- Steady Green – Cleared to cross, proceed, or go
- Steady Red – Stop
- Flashing Red – Clear the Runway/Taxiway
- Flashing White – Return to starting point on the Airport
- Alternating Red and Green – Exercise extreme caution

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5.8. *Accidents Involving Vehicles*

A Vehicle Operator involved in an Accident resulting in any injury, death, or damage to Property shall stop at the scene (or as close as possible to the scene without creating a safety hazard) and immediately call "911". The Vehicle Operator (and the vehicle) must remain at the scene until the Police Department, Law Enforcement Officers, and/or the Fire Department take a full report.

5.9. *Cleaning and Maintenance*

Vehicles shall not be cleaned and/or maintained on the Airport, except for minor repairs which are necessary to remove such vehicles from the Airport or in designated areas approved in writing by the Authority.

5.10. *Parking or Stopping*

Vehicles shall be parked only in designated areas unless otherwise authorized in writing by the Authority. Vehicles shall not be parked or stopped in a manner that obstructs aircraft, vehicles, or pedestrians: within 15 feet of a fire hydrant or within a fire lane within 6 feet of either side of a security fence; and in violation with applicable signage and postings.

Vehicles, other than those loading and unloading aircraft, shall not stop for any purpose other than in the areas specifically designated for loading, unloading, parking, and/or staging and only in the manner prescribed by signs, painted markings, or other means. Displaying vehicles and/or equipment for sale, lease, or rent at the Airport is prohibited unless previously authorized in writing by the Authority.

- Parallel parking along the perimeter of the vehicle parking area shall be prohibited.
- Parking in designated public parking areas is open to any person using the Airport.

Employees of Operators, Lessees, or Sublessees may park Private Vehicles in the employee parking areas designated by the Authority. Vehicles parked in a designated employee parking area must have a valid parking permit or pass, if so required, attached to the front windshield or mirror of the registered vehicle.

All service vehicles or equipment (including utility companies, delivery companies, government owned/operated, etc.) shall park in specially reserved and marked areas or other areas designated by the Authority.

Aircraft Operators may park vehicles which are fully operational, completely functional and properly permitted by the Authority inside the Hangar or outside the Hangar (but only in designated parking areas) while the Based Aircraft in the Hangar is gone.

- Vehicles parked outside of a Hangar more than 30 calendar days without prior written notification to the Authority shall be considered Abandoned and the Authority may take whatever action is deemed appropriate to remove and/or dispose of the vehicle. Such action shall be at the Vehicle Operator's risk, cost, and expense and without any liability to the Authority.
- Vehicles may not be parked on Tiedown areas.
- Abandoning a vehicle anywhere on the Airport, including on Leased Premises, is prohibited. A vehicle shall be considered Abandoned if it is of unknown ownership or parked in an undesignated area.

Unless approved in writing by the Director, boats, rafts, jet skis, snow mobiles, dune buggies, dirt bikes, all-terrain vehicles, race cars, recreational vehicles, trailers, and other similar vehicles may not be parked or stored in a Hangar or anywhere else on the Airport.

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The Authority may boot, tow, or otherwise remove any vehicle which is disabled or parked in violation of these Rules and Regulations (or if the vehicle creates a safety or security hazard or interferes with Airport operations) at the vehicle owner or Vehicle Operator's risk, cost, and expense and without any liability to the Authority.

5.11. Fees and Permits

Vehicles shall not be parked in any public parking area unless the vehicle owner or Vehicle Operator pays the fees which may be established and assessed from time to time by the Authority unless the vehicle owner or Vehicle Operator is exempt from payment as may be stipulated in an Agreement with the Authority.

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6. COMMERCIAL VEHICLES

6.1. Statutes and Ordinances

Commercial Vehicle Operators shall comply with these Rules and Regulations and applicable federal, state, and local statutes and ordinances (including 49 U.S.C. § 14501).

6.2. Vehicle and Operator Licensing

The Authority may, at the Authority's sole option, require a Commercial Vehicle Operator (CVO) desiring to provide commercial ground transportation services at the Airport to obtain a CVO Permit with the Authority.

6.3. Parking or Stopping

After discharging passengers, each Commercial vehicle shall immediately leave the Airport (not Loiter) or proceed by the most direct route to the designated area for passenger pickup. Commercial vehicles shall not be parked, staged, or stopped in such a manner as to interfere with vehicular or pedestrian traffic, with moving aircraft, moving Refueling Vehicles, Emergency Vehicles, ramp service personnel, pilots and passengers, and pedestrians.

6.4. Operator Conduct and Appearance

CVO shall remain in its vehicle or immediately adjacent to its vehicle except when necessary to use the restroom facilities, vending machines, or obtain flight information in which case, the CVO may be absent from the vehicle (or the immediate vicinity of the vehicle) for no more than five minutes.

- CVO is prohibited from Loitering.

CVO is prohibited from standing inside the Passenger Terminal Building while the Commercial vehicle is in position in the designated area for passenger pickup.

CVO shall not:

- solicit, persuade, or urge any person (by words, gestures, or other form of communication) to use or hire any CVO.
- use offensive, abusive, or obscene language, gestures, or other forms of communication.

CVO shall maintain a professional look and appearance (i.e., clean shirt and pants, shoes, and socks). CVO shall conduct themselves in a courteous and professional manner and treat members of the traveling public with the utmost respect.

6.5. Passenger Loading or Unloading

CVO shall only receive passengers for hire in an area designated by the Authority following authorized procedures. CVO may not refuse a passenger for any reason unless stipulated herein.

- CVO may refuse service if the CVO has been dispatched on another call or if passenger(s) appear to be intoxicated or under the influence of drugs or alcohol or is disorderly.

Nothing in these Rules and Regulations shall be construed to prevent a passenger from boarding the Commercial vehicle of the passenger's choice. CVO shall be trained and provide transportation services for disabled or handicap passengers.

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6.6. Commercial Vehicle Operations

CVO shall use the most direct available route on all trips unless otherwise specifically requested by the passenger. CVO shall provide a receipt identifying the amount paid, persons' name, vehicle license number, and Authority CVO number to the passenger.

6.7. Commercial Vehicle Equipment and Condition

All Commercial vehicles shall be kept in good operating condition and appearance. Each Commercial vehicle shall be subject to inspection by the Authority at any time to determine compliance with these Rules and Regulations.

- Failure to pass any portion of the inspection may result in the Commercial vehicle being prohibited from picking up and/or dropping off passengers until the discrepancies have been corrected to the satisfaction of the Authority.

If Commercial vehicle is required to have a taximeter, CVO shall ensure the taximeter is in proper recording position and visible to all passengers as well as a meter light burning during the hours of darkness.

6.8. Fees

Nothing in these Rules and Regulations shall be construed as granting any CVO the right to operate at the Airport without first obtaining written authorization from the Authority.

6.9. Complaints

CVO shall respond fully in writing and/or as otherwise requested by the Authority within 14 calendar days to any written customer compliant to or from the Airport and shall assist the Authority to investigate and resolve customer complaints. CVO shall respond fully in writing and/or as otherwise requested by the Authority within 14 calendar days to any inquiry by the Authority.

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7. TENANT

7.1. Introduction

Tenant used herein refers to any person, Association, and/or entity that has entered into an agreement with either the Authority or an Operator to occupy land and/or improvements (Leased Premises) at the Airport.

7.2. Security

All gates, chains, doors, fences, lighting, locks, and all other safeguards which are part of the Leased Premises or have been installed by the Tenant must be continually and conscientiously maintained by the Tenant and kept in working conditions. Gates or doors which provide access to a Restricted Area through Leased Premises must remain closed, locked, and secured except when in use. Perimeter fencing and associated doors, gates, lighting, and locks will be maintained by the Authority.

Active logs of keys, Airport Badges, access cards, and other media issued (and to whom issued) which allow access to the Leased Premises must be maintained. The log shall be made available to the Authority upon request. Any lost or stolen keys, Airport Badges, access cards, or other media shall be reported to the Authority immediately. All applicable reporting requirements must be fully complied with as established by the Authority, FAA, Department of Homeland Security (DHS), TSA (if applicable), and any other Agency having jurisdiction. Objects which could facilitate unauthorized access to a Restricted Area shall not be located within six feet of the Airport perimeter fence or any other distance which may facilitate unauthorized access.

7.3. Construction or Alteration of Improvements

Any construction or alteration of an Improvement on the Leased Premises shall be performed in compliance with the Authority's Minimum Construction Standards, FAA Advisory Circulars, FAA Form 7460-1 *Notice of Proposed Construction or Alteration*, or local building codes.

7.4. Maintenance of Premises

Leased Premises (including all related and associated appurtenances, landscaping, paved areas, installed equipment and utility services, oil/water separators, and security improvements) shall be:

- kept free from all fire, safety, and security hazards,
- kept free and clear of snow as much as practicable,
- maintained in a clean, neat, orderly, and fully operational condition consistent with best practices and equal or better in appearance and character to other similar Improvements at the Airport, normal wear and tear expected, and
- maintained in a condition of repair and maintenance in accordance with the Agreement.

Tenants shall be fully responsible for and replace, or in the Authority's sole discretion, reimburse the Authority for all damage to facilities, equipment, Property, related appurtenances, and all other Improvements at the Airport caused by Tenant or its employees, agents, customers, visitors, suppliers, or persons with whom Tenant does business.

Tenants shall provide all necessary cleaning services for the Leased Premises, including janitorial and custodial services, trash removal services, removal of foreign objects debris, removal of spent oils or other fluids, cleaning of oil/water separators, and any related services necessary to maintain the Improvements in a good, clean, neat, orderly, and fully operational condition consistent with best practices, normal wear and tear expected. Facilities (including Hangar floors) shall be kept clean and clear of the accumulation of fuel, oil, grease, flammable liquids, rags, trash, or other waste materials.

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- The use of volatile or flammable solvents for cleaning floors is prohibited.

Facades of all buildings and structures shall be kept in good repair, condition, and appearance at all times. Failure to properly maintain the Leased Premises (including failure to maintain the Leased Premises within the period stipulated in the Agreement or failure to maintain the Leased Premises within the timeframe stated in any written notice provided by the Authority) may result in the Authority conducting or contracting the maintenance at Tenant's sole cost and expense without liability to the Authority.

7.5. Fire Prevention

Tenants shall be responsible to ensure fire prevention practices and/or procedures are followed and comply with the Arkansas Fire Protection Code and all fire codes, regulations, or directives issued by the Fire Department and/or the Authority.

Employees conducting Fuel Handling must receive fire prevention training and instruction in accordance with an FAA Approved Part 139 Fuel Handling Training course immediately upon employment and receive such fire prevention training and instruction annually thereafter.

Proper, appropriate, inspected, certified, and readily accessible fire extinguishers (which are approved by fire underwriters) shall be provided by Tenants.

- Fire extinguishers shall be maintained in accordance with the Arkansas Fire Protection Code.
- A tag showing the date of last inspection (and inspection entity) shall be attached to each fire extinguisher and records, (acceptable by fire underwriters) shall be maintained identifying the status of each unit.

Tenant shall identify and provide contact information to the Fire Department for a responsible person and secondary contact. Contact information shall include the name of each individual and a daytime and after-hours telephone numbers.

7.6. Heating Equipment

All heating equipment and fuel burning appliances installed or used at the Airport shall comply with all federal, state, and local statutes and ordinances (as applicable) of the Authority, the State of Arkansas, and the Fire Department.

7.7. Aircraft Hangars

The use of Hangars shall conform with all federal, state, and local statutes and ordinances including applicable building codes as well as the Arkansas Fire Protection Code and all fire codes, regulations, or directives issued by the Fire Department and the Authority. Each Hangar shall be equipped with a proper, appropriate, inspected, certified, and readily accessible fire extinguisher that conforms with federal, state, and local statutes and ordinances.

Aircraft Hangars shall only be used for the parking and storage of aircraft and associated aircraft equipment and supplies as approved by the Authority and the Fire Department or as otherwise stipulated in an Agreement. Use of aircraft Hangars shall be subject to the following restrictions:

- Unless otherwise directed by the Authority, the use of Hangars shall conform with 14 CFR Chapter I [Docket No. FAA 2014–0463] FAA *Policy on the Non-Aeronautical Use of Airport Hangars*, as amended.

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- Aircraft Hangars shall only be used by the Tenant and its employees, agents, customers, visitors, suppliers, or persons for the parking and storage of Aircraft and associated Aircraft equipment and supplies as approved in writing by the Director and the Fire Department or as otherwise stipulated in an Agreement. All items stored must belong to the Tenant authorized to use the Hangar.
- The pre-flight sumping of fuel systems may only be performed while the aircraft is outside of the Hangar.
- Space heaters may be utilized in Hangars so long as not left unattended while operating and all applicable fire prevention/safety measures are continually observed.
- Oily rags, waste oil, or other materials soiled with petroleum-based products may only be stored in containers with self-closing, tight-fitting lids in accordance with applicable federal, state, and local statutes and ordinances.

Aircraft parked in Hangars shall be parked in a manner to be completely contained in the Hangar and shall not be positioned in such a manner to block a Taxiway or Taxilane, or obstruct access to Hangars, parked or staged aircraft, parked or staged vehicles, doors, gates, or fuel storage facilities except for temporary staging and/or Fuel Handling of such aircraft.

Aircraft Maintenance may be conducted on Tenant's owned Aircraft within Tenant's premises, provided such individuals are permitted to conduct such Aircraft Maintenance in compliance with FAA regulations. Aircraft Maintenance within Hangars shall not include the following, unless expressly approved in writing by the Director:

- Welding
- Cutting
- Open flames and torches
- Servicing any part of a fuel system or transferring fuel

The above list is not intended to represent all Aircraft Maintenance items prohibited within Hangars based on the Building and Fire Codes; but is intended to identify those items that may commonly be performed as part of Aircraft Maintenance. As outlined in the PMCDs, all Activities and uses within Tenant's premises must comply with all applicable federal, state, and local statutes and ordinances.

7.8. Aircraft Tiedowns

Aircraft parked in a Tiedown space shall be parked in a manner to be completely contained in the Tiedown space and shall not be positioned in such a manner to block a Taxiway or Taxilane, or obstruct access to Hangars or Tiedowns, parked or staged aircraft, parked or staged vehicles, doors, gates, or fuel storage facilities except for temporary staging and/or Fuel Handling of such aircraft.

- If performed in full compliance with federal, state, and local statutes and ordinances, preventative Aircraft Maintenance, as defined in 14 CFR Part 43, may be performed on the aircraft listed in the Agreement for the Tiedown space.

7.9. Storage of Materials and Equipment

Materials and equipment shall be stored in such manner as to preclude creating any hazard, obstructing any operation, or littering.

- Storage of materials or equipment, excluding Refueling Vehicles, shall not be permitted outdoors, unless approved in writing by the Authority.

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- Non-hazardous items can be stored in a fully enclosed and secured container on the Leased Premises as long as such storage fully complies with federal, state, and local statutes and ordinances.
- Unless expressly permitted in an existing Agreement or approved in writing by the Authority, the Leased Premises shall not be used to store non-aviation merchandise, supplies, or equipment excluding those items utilized to fulfill the obligations of an Agreement.

Railroad (box or tanker) cars, intermodal containers, or tanker, truck, or flatbed trailers, etc. shall not be stored or used to store any type of materials, vehicles, or equipment without the prior written permission of the Authority.

7.10. Compressed Gases

Oxygen or any compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart designed and approved specifically for the cylinder(s) or tank(s) being secured.

- Compressed gas cylinders or tanks must have approved, and fully operational pressure relief devices installed.
- Cylinders or tanks not in use shall have an approved transportation safety cap installed.
- Cylinders or tanks shall be stored and maintained in accordance with the Arkansas Fire Protection Code.

7.11. Lubricating Oils

Lubricating oils having a flash point at or above 150 degrees may be stored in Hangars provided the product is stored in the original container and the capacity of the container is less than 55 gallons and the original manufacturer's labeling or marking is on the container (or the product is stored in other suitable containers approved by the Authority and the Fire Department).

Storage of more than 55 gallons of lubricating oil or containers having a capacity of more than 55 gallons require a SPCC Plan be provided to the Authority. Such containers may only be stored in compliance with federal, state, and local statutes and ordinances and consistent with the Authority's SWPPP.

7.12. Right of Entry

The Authority shall have the right of entry at reasonable times for repairs, maintenance, modification, or inspection of all Improvements whether the right of entry is provided for in any Agreement.

- For Improvements owned by the Authority, the Tenant shall provide the Authority with a key capable of gaining access to the facilities, buildings, and Improvements.
- For Improvements owned by the Tenant, the Authority shall provide 48-hours advanced notification.

The Authority and the Fire Department shall have the right of entry to Improvements without advanced notification during emergencies. Emergencies may include, but shall not be limited to, fire, acts of nature, or Hazardous Materials spill or leak, or for the protection of persons or Property.

7.13. Non-Commercial Flying Club

A Non-Commercial Flying Club (Flying Club) is an entity that is legally formed as a non-profit entity with the State of Arkansas, operates on a non-profit basis, and does not hold the Flying Club out to the public as an FBO or SASO. A Flying Club shall conform with FAA Order 5190.6B *Airport Compliance Manual*, Section 10.6 (as amended).

This section does not apply to social flying clubs or groups who do not jointly own or operate aircraft.

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- Each Flying Club member (Member) must have an ownership interest in the Flying Club. The property rights of the Flying Club Owners shall be equal.
- Flying Club shall keep on file and available for review by the Authority, a complete membership list and ownership share held by each member including a record of all members (past and present) with full names, addresses, and the date the membership began and ended.

The Flying Club shall file and keep the following current with the Authority:

- articles of incorporation, copies of bylaws, operating membership agreements, and the location and address of the club's registered office,
- roster of all officers and directors including home and business addresses and telephone numbers, and
- designee responsible for compliance with applicable federal, state, and local statutes and ordinances.

Flying Clubs shall not conduct any Commercial Activity. If the Flying Club is operated for Commercial purposes, the Flying Club shall be required to meet the applicable Minimum Standards for a Commercial Activity.

Members may conduct flight instruction relating to aircraft checkout and/or currency (e.g., flight reviews, instrument proficiency checks, etc.) for other Members. The Non-Commercial Flying Club shall not permit its aircraft to be utilized for flight instruction to any person, including members (Owners), when such person pays or becomes obligated to pay for such flight instruction, except when flight instruction provided by an approved Flight Training Operator on the Airport. The Flying Club may permit its aircraft to be used for flight instruction as long as both the instructor and person receiving instruction are members of the Flying Club, or instruction is given by a Flight Training (as defined in the Minimum Standards) and the person receiving the training is a member of the Flying Club. A flight instructor may receive Compensation for instruction or may be compensated by credit against payment of dues or flight time; however, that individual may not receive both Compensation and waived or discounted dues or flight time concurrently.

- Flying Club aircraft shall only be used by Members.

A qualified mechanic who is a Member of the Flying Club may perform maintenance work on aircraft owned by the Flying Club. The mechanic may receive Compensation for such maintenance work or may be compensated by credit against payment of dues or flight time; however, that individual may not receive both Compensation and waived or discounted dues or flight time concurrently.

Insurance – Except as otherwise provided for herein, a Non-Commercial Flying Club shall procure, maintain, and pay all premiums throughout the term of Agreement for the insurance minimum coverages and limits required by federal, state, and local statutes and ordinances and set forth below:

- General Liability (Combined Single Limit):
  - Each occurrence – $1,000,000
  - Unlicensed vehicles – $1,000,000
- Vehicular Liability (Combined Single Limit):
  - Each occurrence – $1,000,000
- Aircraft and Passenger Liability (Each Occurrence):
  - Each occurrence – $1,000,000 Club and $100,000 sub limit per person

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The insurance company(ies) underwriting the required policies shall be authorized to write such insurance in the State of Arkansas (with a Best rating of A or above) or be approved in writing by the Authority.

When coverages or limits set forth in the Airport's Minimum Insurance Requirements are not commercially available, appropriate replacement coverages or limits must be approved in writing by the Authority at least 30 calendar days before Non-Commercial Flying Club is scheduled to commence operation at the Airport.

The Authority reserves the right to require more or different types of insurance coverage based on entity's individual risks or exposures associated with Non-Commercial Flying Club operation.

All insurance policies, which Non-Commercial Flying Club is required to carry and keep in full force and effect, shall contain, or be endorsed to contain, the following provisions.

- "Texarkana Regional Airport Authority, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers are to be covered as additional insured with respect to: liability arising out of activities performed by or on behalf of entity; premises owned, leased, occupied, or used by entity; or vehicles, equipment, or aircraft owned, leased, hired, borrowed, or operated by entity. Such insurance shall provide primary coverage and shall not seek any contribution from any insurance or self-insurance carried by agent or the Texarkana Regional Airport Authority."
- "Such insurance, as to the interest of the Texarkana Regional Airport Authority only, shall not be invalidated by any act or neglect or breach of contract of entity. Any failure to comply with reporting or other provisions of the policies, including any breach of warranty, shall not affect coverage provided to Texarkana Regional Airport Authority, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers. Entity's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the aggregate limits of the insurer's liability."
- "Coverage shall not be suspended, voided, or canceled by either party or reduced in coverage or in limits except after 30 calendar days prior written notice, 14 calendar days prior written notice for cancelation for non-payment of premium, by certified mail, return receipt requested, has been given to Texarkana Regional Airport Authority."

Companies issuing required insurance policies shall have no recourse against the Authority for payment of premiums or assessments for any deductibles that are the sole responsibility and risk of the Non-Commercial Flying Club. Certificates of insurance for the insurance coverages required by federal, state, and local statutes and ordinances and set forth herein shall be delivered to the Authority upon execution of any Agreement. Thereafter, Non-Commercial Flying Club shall provide certificates of insurance to the Authority every 12 months. In addition, Non-Commercial Flying Club shall furnish a certificate of insurance if any change (e.g., changing underwriters, coverages, or amounts) occurs.

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Indemnification – Non-Commercial Flying Club shall defend, indemnify, save, protect, and hold harmless the Authority, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers from and against (and reimburse the Authority for) any and all actual or alleged claims, demands, damages, expenses, costs, fees (including, but not limited to, attorney, accountant, paralegal, expert, and escrow fees), fines, environmental costs, and/or penalties (collectively referred to as costs) which may imposed upon, claimed against or incurred or suffered by the Authority and which, in whole or in part, directly or indirectly, arise from or are in any way connected with any of the following, except to the extent resulting from the Authority's negligence or willful misconduct: (a) any act, omission, or negligence of Non-Commercial Flying Club or Non-Commercial Flying Club's partners, officers, directors, agents, employees, invitees, or contractors; (b) any use or occupation, management, or control of the Non-Commercial Flying Club's Leased Premises, whether or not due to Non-Commercial Flying Club's own act or omission; (c) any condition created in or about the Non-Commercial Flying Club's Leased Premises after the effective date; and (d) any breach, violation, or nonperformance of the Non-Commercial Flying Club's obligations under any Agreement and use of the Airport.

In the event a party indemnified hereunder is responsible, in part, for the loss, the indemnitor shall not be relieved of the obligation to indemnify; however, in such a case, liability shall be shared in accordance with the State Arkansas's principles of comparative fault.

In the event of an environmental law violation or an environmental contaminating accident or incident caused by Non-Commercial Flying Club or Non-Commercial Flying Club's employees, vendors, suppliers, contractors, or any other entity associated with Non-Commercial Flying Club or in the event any of these entities violates any environmental law, the Non-Commercial Flying Club shall accept total responsibility and defend, indemnify, save, protect, and hold harmless the Authority, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers.

Nothing herein shall constitute a waiver of any protection available to the Authority, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers under the State of Arkansas' governmental immunity act or similar statutory provision.

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8. AVIATION FUELING

8.1. General

Statutes and Ordinances – Fuel Handling, Refueling Vehicles, and fuel storage facilities at the Airport shall conform to the federal, state, and local statutes and ordinances including without limitation, those prescribed by the State of Arkansas and Authority and appropriate provisions of 14 CFR; A4A 103; Applicable ACs including AC 150/5230-4B "Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports" (as amended), AC 00-34A "Aircraft Ground Handling and Servicing"(as amended), and AC 150/5210-5D "Painting, Marking and Lighting of Vehicles Used on an Airport" (as amended); the Authority's SWPPP; federal, state, and local statutes and ordinances established by the Environmental Protection Agency (EPA), Arkansas Department Of Energy and Environment, Arkansas Department Of Agriculture , and any other Agency having jurisdiction.

Fuel Quality Control – Fuel shall comply with the quality specifications outlined in American Society for Testing and Materials (ASTM) D1655 (Jet Fuel), ASTM D910 (Avgas), or ASTM D4814 (Mogas). Ensuring the quality of the fuel is the sole responsibility of entity engaged in Fuel Handling.

Diesel Exhaust Fluid (DEF) Contamination – Personnel are to be trained on the proper storage and handling of DEF to prevent the contamination of Fuel System Icing Inhibitor (FSII) or Jet Fuel. If used in Refueling Vehicles or other ground service equipment, DEF must be stored in a separate cabinet or facility from FSII storage and handling areas should be clearly labeled. All DEF transfers between containers must be handled by trained personnel and logged appropriately.

Training – No person shall engage in Fuel Handling until that person is trained. Training records documenting the qualifications of (and the training provided to) each person shall be maintained and kept on file.

- Records shall indicate the initial and recurrent training provided (and the date such training was provided and by whom).
- Recurrent training shall be provided on a regularly scheduled basis, but not less than every year.
- Records shall be subject to review of and/or inspection by the Authority or other designated representative(s).
- Training shall be performed in accordance with 14 CFR Part 139.

Standard Operating Procedure (SOP) – SOP shall be developed and maintained for Fuel Handling to include compliance with standards set forth in AC 00-34A "Aircraft Ground Handling and Servicing" (as amended). The SOP shall include a training plan, fuel quality assurance procedures, record keeping, and emergency response procedures related to fuel spills and fires. The SOP shall also address regular safety and security inspections, bonding and fire protection, public protection, marking and labeling of (and controlling access to) Refueling Vehicles and fuel storage facilities. The SOP shall be made available to the Authority for review upon request no later than 30 calendar days before any Fuel Handling is scheduled to commence and it shall be made available for review upon request any time changes are planned.

Fuel Handling – Aircraft shall not be engaged in Fuel Handling in an area where aircraft engines are operating, aircraft or engines are being warmed by application of heat, or while the aircraft is in a congested area.

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All Fuel Handling shall be treated with due caution and circumspection with regard to the rights, safety, and security of others so as not to endanger, or be likely to endanger, persons or Property. If any malfunction or irregularity is detected on or within the aircraft, Fuel Handling shall cease immediately, and the malfunction or irregularity shall be brought to the attention of the Aircraft Owner or Aircraft Operator immediately. Persons engaged in Fuel Handling shall exercise care and extreme caution to prevent overflow or spills of fuel or oils.

- Should a fuel or oil spill occur at the Airport, the party responsible shall comply with Section 2.19. of these Rules and Regulations.

Fuel Handling shall be conducted in accordance with the procedures stipulated in the Aircraft Operator's Manual. Fuel Handling shall not occur if an electrical storm is in progress within 5 miles of the Airport and may resume 15 minutes following any reported or observed lightning flash within 5 miles of the Airport.

Unless engaging in Rapid Refueling, Fuel Handling shall not occur while passengers are on board the aircraft unless a passenger-loading ramp is in place at the aircraft's cabin door, the door is in the open position, and a qualified attendant is present at the door. No person shall operate any cellphone, radio transmitter, or receiver or switch the transmitter or receiver on or off during Fuel Handling unless said radio transmitter or receiver is designed specifically for such environment.

No person shall operate aircraft electrical systems or switch aircraft electrical appliances on or off during Fuel Handling.

- Smoking, vaping, matches, lighters, and open flames (e.g., candles, fixtures, or fires) are prohibited within 50 feet of any aircraft, Refueling Vehicle, fuel storage facility.

Fire extinguishers shall be immediately available during Fuel Handling to comply with the Arkansas Fire Protection Code and all fire codes, regulations, or directives issued by the Fire Department and/or the Authority.

- All extinguishers shall be inspected and certified, as required by law, and all personnel involved with fueling or defueling operations shall be qualified and trained to use all fire extinguishers.

The Authority assumes no liability or responsibility for any violation of any aircraft, Refueling Vehicle, or refueling requirement or procedure, any error, omission, negligence, or any violation of any Legal Requirement relating to Fuel Handling.

- Entities engaged in Fuel Handling shall be solely, fully, and completely responsible for any such violation, error, omission, or negligence incident to or in connection with the entities fuel storage facilities, Refueling Vehicles, Fuel Handling, and training.
- Entities engaged in Fuel Handling shall fully reimburse the Authority for any fines, legal or court costs, incurred by the Authority for any such violation, error, omission, or negligence.

Prior to engaging in Fuel Handling, entity shall provide the Authority with a written SPCC Plan that meets all applicable federal, state, and local statutes and ordinances. An updated copy of the SPCC Plan shall be filed with the Authority at least 30 calendar days prior to any planned change in operations. A trained person shall be present and responsive while fuel is being transferred into or out of any fuel storage facility or any Refueling Vehicle.

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- The person shall remain within the immediate vicinity, in close proximity to, and in direct view of all operating controls and Refueling Vehicles.
- The person shall not leave the discharge end of any hose(s) unattended at any time while the transfer of fuel is in progress.
- The person shall not block open, bypass, disengage, or deactivate the deadman or any related controls while Fuel Handling.

Refueling Vehicles shall be positioned so the vehicle can be safely driven away in the event of spill or fire. Fuel Handling shall be conducted outdoors and at least 25 feet from any Hangar or building and 50 feet from any combustion and ventilation air-intake to any boiler, heater, or incinerator room or as approved by the Authority and the Fire Department.

Vehicles shall be refueled only at refueling stations approved by the Authority and the Fire Department. In the absence of suitable ground support equipment, a turbine-powered APU mounted at the rear of the aircraft or on the wing on the side opposite from the fueling point may be operated during Fuel Handling. A turbine-powered APU may be operated during Fuel Handling provided its design, installation, location, and combustion air source do not constitute a fuel vapor ignition source.

The Refueling Vehicle shall be bonded to the aircraft or fuel storage facility to equalize the voltage potential. All hoses, nozzles, spouts, funnels, and appurtenances used in Fuel Handling shall be Factory Mutual (FM) or Underwriters Laboratories (UL) approved and shall be equipped with a bonding device to prevent ignition of volatile liquids.

Hold down or hold open devices on Refueling Vehicle nozzles are prohibited. For single point fueling, deadman controls or mechanisms shall be utilized and shall remain in safe operating condition and good working order. No person shall deactivate or bypass a deadman control or mechanism at any time. During Fuel Handling, no person shall use any material or equipment which is likely to cause a spark or ignition within 50 feet.

Refueling Vehicles (including fuel tankers) shall only use the entrance, exit, and route designated by the Authority during the transportation and delivery of fuel. Refueling Vehicles (including fuel tankers) shall be subject to inspection at any time to determine compliance with these Rules and Regulations.

Appropriate and proper absorbent material(s) and fuel spill containment capable of damming/diking a fuel spill shall be immediately available or as required in the entity's approved SPCC Plan.

Rotorcraft Rapid Refueling (Hot Fueling) – In the event Rotorcraft fueling occurs while an onboard engine is operating, an entity must comply with all federal, state, and local statutes and ordinances.

Only turbine engine Rotorcraft fueled with Jet Fuel shall be permitted to be fueled while an onboard engine is operating. All sources of ignition must be located above the fuel inlet port(s), vents, or tank openings. An FAA licensed Rotorcraft pilot shall be at the Rotorcraft controls during the entire Fuel Handling process. If applicable, medical crew members shall be ready to remove the patient from the Rotorcraft to a safe area if needed.

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Only designated personnel approved by the Authority, trained in rapid refueling operations, shall operate the Refueling Vehicle. All doors, windows, and access points allowing entry to the interior of the Rotorcraft which are adjacent to, or in the immediate vicinity of, the fuel inlet ports shall be closed and shall remain closed during Fuel Handling. Fuel shall be dispensed into an open port from approved type nozzles, with a flow rate not to exceed 60 gallons per minute or it shall be dispensed through close-coupled pressure fueling ports.

When fuel is dispensed from fixed piping systems the hose cabinet shall not extend into the rotor space. The Refueling Vehicle shall be pre-positioned in a designated area and the Rotorcraft will land after the Refueling Vehicle has been parked and the wheels chocked (maintaining no less than 20 feet between any Rotorcraft rotating component and the Refueling Vehicle). The Refueling Vehicle shall not be moved or relocated while the Rotorcraft is on the ground or hovering in the vicinity.

Refueling Vehicles

Refueling Vehicles shall be equipped and maintained to comply with all applicable federal, state, and local statutes and ordinances including, without limitation, those prescribed by:

- Arkansas Fire Protection Code;
- 14 CFR Part 139, Airport Certification, Section 139.321 "Handling/Storing of Hazardous Substances and Materials"; and
- Applicable ACs including AC 00-34A "Aircraft Ground Handling and Servicing" (as amended) and AC 150/5210-5D "Painting, Marking and Lighting of Vehicles Used on an Airport" (as amended).

Refueling Vehicles shall be equipped with metering devices that meet all applicable federal, state, and local statutes and ordinances and shall be bottom loaded.

Only those fuel storage facilities and Refueling Vehicles which are approved by the Authority and the Fire Department shall be used for Fuel Handling. Refueling Vehicles, pumps, meters, hoses, nozzles, funnels, fire extinguishers, and bonding devices used during Fuel Handling shall be maintained in a safe operating condition. All hoses, funnels, and appurtenances used in Fuel Handling shall be equipped with a bonding device to prevent ignition of volatile liquids.

- When Refueling Vehicles are found in a state of disrepair, malfunction, or their use constitutes an undue fire or safety hazard, or the operation of Refueling Vehicles would violate these Rules and Regulations, the entity shall immediately discontinue the use of such Refueling Vehicles until repairs, replacements, or changes are made to render the same safe for continued use.
- Hoses or piping connections shall be secured and capable of holding under the pump's rated pound per square inch PSI discharge.
- Hoses or nozzles shall be FM or UL approved with self-closing valve and no hold-down or hold-open devices. All pumps shall be FM or UL approved.
- All storage tanks shall be rated in accordance with Universal Fire Code (UFC) Article 24, Division II and Article 79, Division XII.

Refueling Vehicles shall not be operated in reverse unless another person is present to safely monitor and direct the movement of the Refueling Vehicle. Refueling Vehicles and fuel storage facilities shall be placarded, marked, or color coded in accordance with the Arkansas Fire Protection Code and applicable FAA ACs.

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- A copy of all applicable permits, registrations, and certificates shall be maintained in each Refueling Vehicle.

Storage of Refueling Vehicles

Refueling Vehicles shall be stored outdoors at a distance of at least 50 feet from a building or at the distance approved by the Fire Department unless the building is designed, constructed, and used exclusively, and approved by the Fire Department specifically for this purpose. Refueling Vehicles shall be parked in a manner that provides a minimum of 10 feet of separation between Refueling Vehicles and any other vehicle or aircraft and a minimum of 20 feet from a storm water inlet.

Maintenance of Refueling Vehicles

Maintenance of Refueling Vehicles shall be performed outdoors or in a building which is approved by the Fire Department specifically for this purpose. Entities engaged in Fuel Handling shall document and maintain and keep on file Refueling Vehicle maintenance records. These records shall be made available to the Authority upon request.

Fuel Storage Facilities

Entities shall be liable and shall defend, indemnify, save, protect, and hold harmless the Authority for all leaks, spills, or other damage that may result from Fuel Handling. fuel storage facilities shall be operated and maintained in accordance with the Arkansas Fire Protection Code and in full compliance with federal, state, and local statutes and ordinances and shall be approved by all Agencies having jurisdiction. fuel storage facilities shall be constructed and/or tanks shall be installed in accordance with the Arkansas Fire Protection Code and in full compliance with federal, state, and local statutes and ordinances. Plans for installation and operation of fuel storage facilities shall be submitted to the Authority and the Fire Department and approval shall be received from the Authority and the Fire Department prior to installation and operation.

- All vehicle and/or pedestrian gates leading into fuel storage facilities shall remain closed, locked, and secured except when actually in use.

8.2. Non-Commercial Self-Fueling (Jet and Avgas)

Introduction – Any entity engaged in Non-Commercial Self-fueling of jet and avgas shall comply with this Section and all applicable provisions of Section 8.1 of these Rules and Regulations. Non-Commercial Self-Fueling is defined as fueling of an aircraft by the Aircraft Owner or the Owner's Employee(s) using the Aircraft Owner's vehicles, Equipment, and resources.

Permit – No Aircraft Owner or Aircraft Operator shall engage in Self-Fueling unless a valid Non-Commercial Self-Fueling Permit (Self-Fueling Permit) authorizing such activity has been issued by the Authority (herein after referred to as Self-Fueling Permittee).

The Self-Fueling Permit shall not reduce or limit Self-Fueling Permittee's obligations with respect to these Non-Commercial Self-Fueling rules which shall be included in the Self-Fueling Permit by reference. Self-Fueling Permittee shall provide evidence of aircraft ownership, lease, or operation (full and exclusive control).

- If the aircraft is being leased or operated by (and under the full and exclusive control of) and fueled by Self-Fueling Permittee, Self-Fueling Permittee shall provide the Authority with a copy of the lease or operating agreement.

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- The Authority will determine if the lease or operating agreement demonstrates that the Self-Fueling Permittee has the full and exclusive control of the aircraft.

Self-Fueling Permittee shall maintain written records of compliance with all federal, state, and local statutes and ordinances (including tax or fee payments) for the use of fuel utilized in aircraft and provide records upon request by the Authority.

Reporting – On or before the 10th day of the subsequent month, Self-Fueling Permittee shall: (a) provide a summary report to the Authority identifying the number of gallons of aviation fuel by fuel type: (i) purchased by Self-Fueling Permittee, (ii) delivered to Self-Fueling Permittee's fuel storage facility, and (iii) dispensed to Self-Fueling Permittee's aircraft at the Airport and (b) pay the appropriate fees due to the Authority.

Records and meters shall be made available for review by the Authority or its designated representative. In the case of a discrepancy between the amount of fuel purchased, delivered, or dispensed, the greater amount shall prevail, and the Self-Fueling Permittee shall promptly pay all additional fees due and owing the Authority, plus interest on the unpaid balance at the maximum rate allowable by law from the date originally due.

Operations – Self-Fueling shall be conducted only in those areas designated by the Authority as identified in the Self-Fueling Permit.

- Self-Fueling at any other location at the Airport is prohibited.
- Pouring or gravity transfer of fuel and fueling from containers having a capacity of more than 5 gallons is prohibited.

Equipment – Self-Fueling Permittee shall utilize a Refueling Vehicle for dispensing fuel into Self-Fueling Permittee's aircraft. Refueling Vehicle(s) shall be solely owned, leased, and/or operated by (and under the full and exclusive control of) the Self-Fueling Permittee. Truck-to-truck fuel transfer is prohibited.

Self-Fueling Permittee may utilize a single Refueling Vehicle for each type of fuel to be dispensed as follows:

Refueling Vehicles	
Jet Fuel	
Minimum capacity (gallons)	1,000
Avgas	
Minimum capacity (gallons)	500

- Self-Fueling Permittee's utilizing off Airport fuel storage must park the Refueling Vehicle off Airport when not in use.

Fuel Storage Facilities – Self-Fueling Permittee shall demonstrate that satisfactory arrangements have been made for the storage of fuel, as follows:

- off Airport or
- through Self-Fueling Permittee's fuel storage facility at the Airport in a location consistent with the Master Plan, Airport Layout Plan, and/or Land Use Plan and approved by the Authority.

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Self-Fueling Permittee's authorized by the Authority shall lease land and own or lease an above ground fuel storage facility in the designated fuel storage area as follows:

Fuel Storage Facility	
Jet Fuel	
Number of tanks	1
Minimum total capacity (gallons)	8,000
Avgas	
Number of tanks	1
Minimum total capacity (gallons)	8,000

Fuel storage facility shall denote the aircraft FAA N-Number(s) identified on the Self-Fueling Permittee's Self-Fueling Permit with 12-inch characters on each side of the fuel storage facility.

Limitations – Self-Fueling Permittee shall not sell and/or dispense fuel to aircraft that are not owned, leased, and/or operated by (and under the full and exclusive control of) Self-Fueling Permittee and identified to the Authority. Any such selling or dispensing shall be grounds for revocation of the Permit by the Authority as well as the collection of all applicable fines or other charges.

- Revocation upon first violation will be for a period of one year.
- Revocation upon a second violation shall be permanent.

Public Service Agency – Entities providing an Emergency Public Service are not required to meet the fueling equipment and storage facility requirements identified in this Section unless fuel is being delivered to aircraft by Refueling Vehicles or through a fixed fueling station.

Fuel storage facilities and delivery of fuel for aircraft operated by Public Service Agency must be approved in writing, in advance by the Authority.

Insurance – Except as otherwise provided for herein, Non-Commercial Self-Fueling Permittee shall maintain, at a minimum, the coverage and limits of insurance set forth below:

- General Liability (Combined Single Limit)
  - Each occurrence – $1,000,000
  - Unlicensed vehicles – $2,000,000
- Business Automobile Liability (Combined Single Limit)
  - Non-Movement Area – $1,000,000
  - Movement Area – $2,000,000
- Environmental Liability – $2,000,000

8.3. Non-Commercial Self-Fueling (Mogas)

Introduction – Any entity engaged in Non-Commercial Self-Fueling of Mogas (Mogas Self-Fueling) shall comply with this Section. Non-Commercial Self-Fueling is defined as Fuel Handling of an aircraft by the Aircraft Owner or the Owner's Employee(s) using the Aircraft Owner's vehicles, Equipment, and resources.

Statutes and Ordinances – Fuel Handling shall conform to all applicable federal, state, and local statutes and ordinances.

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Fuel Quality Control– Fuel shall comply with the quality specifications outlined in ASTM D4814 without ethanol (Mogas). Ensuring the quality of the fuel is the sole responsibility of entity engaged in Fuel Handling. Mogas may not be stored at the Airport.

Training – Persons engaging in Fuel Handling shall possess a valid and current pilot's license.

Fuel Handling – Aircraft shall not be engaged in Fuel Handling in an area where aircraft engines are operating, aircraft or engines are being warmed by application of heat, or while the aircraft is located in a congested area.

All Fuel Handling shall be treated with due caution and circumspection with regard to the rights, safety, and security of others so as not to endanger, or be likely to endanger, persons or Property. If any malfunction or irregularity is detected on or within the aircraft, Fuel Handling shall cease immediately, and the malfunction or irregularity shall be brought to the attention of the Aircraft Owner or Aircraft Operator immediately. Persons engaged in Fuel Handling shall exercise care and extreme caution to prevent overflow or spills of fuel or oils.

- Should a fuel or oil spill occur at the Airport, the party responsible shall comply with Section 2.19. of these Rules and Regulations.

Fuel Handling shall be conducted in accordance with the procedures stipulated in the Aircraft Operator's Manual. Fuel Handling shall not occur if an electrical storm is in progress within 5 miles of the Airport and may resume 15 minutes following any reported or observed lightning flash within 5 miles of the Airport.

Fuel Handling shall not occur while passengers are on board the aircraft. No person shall operate any cellphone, radio transmitter, or receiver or switch the transmitter or receiver on or off during Fuel Handling unless said radio transmitter or receiver is designed specifically for such environment.

No person shall operate aircraft electrical systems or switch aircraft electrical appliances on or off during Fuel Handling.

- Smoking, vaping, matches, lighters, and open flames (e.g., candles, fixtures, or fires) are prohibited within 50 feet of any aircraft, Refueling Vehicle, fuel storage facility.

Fire extinguishers shall be immediately available during Fuel Handling to comply with the Arkansas Fire Protection Code and all fire codes, regulations, or directives issued by the Fire Department and/or the Authority.

- All extinguishers shall be inspected and certified, as required by law.

The Authority assumes no liability or responsibility for any violation of any aircraft, Refueling Vehicle, or refueling requirement or procedure, any error, omission, negligence, or any violation of any Legal Requirement relating to Fuel Handling.

- Entities engaged in Fuel Handling shall be solely, fully, and completely responsible for any such violation, error, omission, or negligence incident to or in connection with the entities fuel storage facilities, Refueling Vehicles, Fuel Handling, and training.
- Entities engaged in Fuel Handling shall fully reimburse the Authority for any fines, legal or court costs, incurred by the Authority for any such violation, error, omission, or negligence.

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Permit – No Aircraft Owner shall engage in Mogas Self-Fueling unless a valid Non-Commercial Self-Fueling Permit (Self-Fueling Permit) authorizing such activity has been issued by the Authority (herein after referred to as Self-Fueling Permittee).

The Self-Fueling Permit shall not reduce or limit Self-Fueling Permittee's obligations with respect to these Non-Commercial Self-Fueling rules which shall be included in the Self-Fueling Permit by reference. Self-Fueling Permittee shall provide evidence of Aircraft Ownership, lease, or operation (full and exclusive control).

- If the aircraft is being leased or operated by (and under the full and exclusive control of) and fueled by Self-Fueling Permittee, Self-Fueling Permittee shall provide the Authority with a copy of the lease or operating agreement.
- The Authority will determine if the lease or operating agreement demonstrates that the Self-Fueling Permittee has the full and exclusive control of the aircraft.

Self-Fueling Permittee shall maintain written records of compliance with all federal, state, and local statutes and ordinances (including tax or fee payments) for the use of fuel utilized in aircraft and provide records upon request by the Authority.

Reporting – On or before the 10th day of the subsequent month, Self-Fueling Permittee shall: (a) provide a summary report to the Authority identifying the number of gallons dispensed to Self-Fueling Permittee's aircraft at the Airport and (b) pay the appropriate fees due to the Authority. Records shall be made available for review by the Authority or its designated representative.

Fueling Operations – Mogas Self-Fueling shall be conducted only in those areas designated by the Authority as identified in the Self-Fueling Permit.

- Mogas Self-Fueling at any other location at the Airport is prohibited.
- Pouring or gravity transfer of fuel and fueling from containers having a capacity of more than 5 gallons is prohibited.
- Hand or power operated pumps shall be used when using drums or other metal containers.
- Hoses shall be approved for flammable liquids and shall be maintained in compliance with federal, state, and local statutes and ordinances.

Limitations – Self-Fueling Permittee shall not sell and/or dispense Mogas to aircraft that are not owned, leased, and/or operated by (and under the full and exclusive control of) Self-Fueling Permittee and identified to the Authority. Any such selling or dispensing shall be grounds for revocation of the Permit by the Authority as well as the collection of all applicable fines or other charges.

- Revocation upon first violation will be for a period of one year.
- Revocation upon second violation shall be permanent.

8.4. Commercial Self-Serve Fueling

Introduction – Entities using a Commercial self-serve fuel pump shall comply with this Section and all applicable provisions of Section 8.1. of these Rules and Regulations

Training – No person shall engage in Fuel Handling until that person is trained or possesses a valid and current pilot's license.

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9. APPENDIX A – PMCD GENERAL PROVISIONS

A-1. Purpose

The PMCD General Provisions set forth in this section are common to all PMCDs and are incorporated into each PMCD by reference.

A-2. Authority of Airport Sponsor and Governing Body

The authority to implement, supplement, amend, or adopt any policy, standard, rule, regulation, or directive, including the PMCDs, is delegated to the Authority by the Arkansas Code Annotated Title 14 Local Government, Subtitle 22 Airport Facilities Generally, Chapter 22 County and Municipal Airports, Section 22.073 Additional Authorization.

The authority to: (a) lease Airport land and/or Improvements, (b) allow the occupancy and/or development of Airport land or Improvements, and (c) grant the right to engage in any activity at the Airport is expressly reserved to the Authority by and through the Authority Board.

A-3. Applicability

Provisions of the PMCDs apply within the defined boundaries of the Airport as illustrated in the Airport Layout Plan (ALP) and include all access roads on the Airport.

A-4. Statement of Policy

It is the desire of the Authority to: (a) plan, develop, operate, and manage the Airport in such a manner to ensure the Airport's long-term financial health, (b) protect and promote the health, safety, security, and general welfare of the public, and (c) encourage the provision of the type, level, and quality of General Aviation products, services, and facilities desired by the public.

For situations not specifically addressed in the PMCDs, the Authority reserves the right to make such policies, standards, rules, regulations, and directives as may be appropriate given the situation and/or circumstances pertaining to the use of the Airport.

The Airport is required to operate for the use and benefit of the public and shall be made available to all types, kinds, and classes of Aeronautical Activity on reasonable terms and without unjust discrimination.

A-5. Non-Discrimination

No person, in the use of the Airport's land and Improvements, shall discriminate against any person or class of persons because of race, color, national origin, religion, sex (including pregnancy and gender identity), genetic information, age, disability, sexual orientation in providing any products or services or in the use of any of the Airport's land and Improvements provided for the public, or in any manner prohibited by applicable federal, state, and local statutes and ordinances.

A-6. Airport Management

The Director is responsible for the planning, development, operation, administration, management, maintenance, and security of the Airport and all Authority owned and operated land, Improvements, facilities, vehicles, and equipment associated with the Airport. The Authority Board has authorized the Director to: (a) interpret, administer, and enforce Agreements and the PMCDs, (b) allow, where and when appropriate, temporary, short-term occupancy or use of Airport land or improvements, and (c) obtain and receive copies of all licenses, permits, certifications, ratings, certificates of insurance, and other documents required to be provided to the Authority. All inquiries regarding the PMCDs and/or compliance therewith shall be directed to the Director.

A-7. Effective Date

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The PMCDs shall be in effect and shall remain in effect from the date of adoption by the Authority, unless repealed by the Authority.

A-8. Compliance with Statutes, Ordinances, and Agreements

All entities leasing, occupying, and/or developing Airport land and/or Improvements and/or engaging in an Aeronautical Activity at the Airport shall comply, at the entity's sole cost and expense, with all applicable federal, state, and local statutes and ordinances.

No Agreement, nor any payment or performance required there under, shall excuse any entity from compliance with the PMCDs. Compliance with the PMCDs shall not excuse any responsibility or obligation an entity may have to the Authority under any existing Agreement.

A-9. Conflicting Statutes, Ordinances, and Agreements

If any provision of the PMCDs is found to conflict with any other Authority policy, standard, rule, regulation, or directive; any provision of any applicable Legal Requirement; or any provision of an Agreement (if provided for in the Agreement), the provision that establishes the higher or stricter standard shall prevail to the extent permitted by law.

A-10. Right to Self-Service

An Aircraft Owner or the Aircraft Owner's Employees may perform Self-Services (fueling, maintenance, or repair) on the Aircraft Owner's aircraft utilizing the Aircraft Owner's vehicles, equipment, and resources (Self-Service). An Aircraft Owner or the Aircraft Owner's Employees are permitted to perform such Self-Services on the Aircraft Owner's aircraft provided there is no attempt to perform such services for others and further provided that such right is conditioned upon compliance with the PMCDs and all applicable federal, state, and local statutes and ordinances.

If the right to Self-Service is not exercised, an Aircraft Owner is only permitted to have the Aircraft Owner's aircraft fueled, maintained, repaired, or otherwise serviced at the Airport by those Operators authorized to engage in such Commercial Activities at the Airport.

An Operator may restrict the use of its exclusive Leased Premises for Self-Service activities.

Section does not apply to persons utilizing a Commercial self-serve fueling facility as provided in Section 8.4 of these Rules and Regulations.

A-11. Prohibited Activities

Through-the-Fence activities are prohibited at the Airport.

A-12. Fines or Penalties

Entities shall have the responsibility to pay any fine or penalty levied against entity, the Authority, or the Authority Board individually or collectively, as a result of entity's failure to comply with any applicable Legal Requirement. If the fine or penalty is contested, entity shall pay the fine or penalty if upheld by the Agency having jurisdiction.

A-13. Severability

If any provision of the PMCDs shall be held to be unlawful, invalid, or unenforceable by final judgment of any Agency or court of competent jurisdiction, the judgment shall not in any way affect the validity of any other provisions of the PMCDs.

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A-14. Subordination

The PMCDs are subject and subordinate to the provisions of any agreement between the Authority and the State of Arkansas or the United States Government pertaining to the planning, development, operation, and management of the Airport.

The Authority recognizes the jurisdiction of the federal government, delegated to the FAA, concerning the licensing and regulation of pilots, air carriers, and aircraft; and concerning the navigable airspace. The PMCDs are not intended to assert jurisdiction by the Authority over matters under the exclusive jurisdiction of the federal government, and the provisions of the PMCDs shall be interpreted consistent with this purpose.

A-15. Notices, Requests for Approval, Applications, and Other Filings

Any notice, request for approval, application, or other filing required or permitted to be given or filed with the Authority and any notice or communication required or permitted to be given or filed with any existing or prospective Operator, Lessee, or Sublessee pursuant to the PMCDs shall be in writing, signed by the party giving such notice, and shall be sent by overnight courier, United States certified mail, facsimile (confirmed by dated return signature), email (confirmed by return email), or in person (confirmed by dated and signed receipt). Such notice, request for approval, application, or other filing shall be deemed to have been given when delivered to the Authority or existing or prospective Operator, Lessee, or Sublessee at its principal place of business or such other address as may have been provided. Operator, Lessee, or Sublessee shall provide notice to the Authority of a change of address within 14 calendar days of change of address.

A-16. Amendments

The PMCDs may be supplemented, amended, or modified from time to time and in such a manner and to such extent as deemed appropriate or necessary by the Authority Board. The Authority Board may provide for public notification of pending supplements, amendments, or modifications to the PMCDs to provide the opportunity for public comment. The Authority Board may issue emergency policies, standards, rules, regulations, or directives from time to time.

A-17. Variance or Exemption

The Authority Board may, but is not obligated to, approve variances or exemptions to the PMCDs when special conditions or unique circumstances exist. Requests for variance or exemption shall be submitted in writing to the Director and must state:

- the specific PMCD provision(s) for which the variance or exemption is being sought,
- describe the proposed variance or exemption, state the reason for the proposed variance or exemption;
- identify the anticipated impact on the Airport (and other entities including Operators, Lessees, Sublessees, users of the Airport, and the public); and
- identify the duration of the proposed variance or exemption.

Prior to the Authority Board approving or denying a variance or exemption, the Authority shall conduct a review of all relevant information. Approval or denial by the Authority Board of a variance or exemption shall be reasonable, not unjustly discriminatory, and consistent with prior decisions involving similar conditions or circumstances at the Airport (if any) and shall be provided in writing within 90 calendar days from the receipt of the written request.

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- An approved variance or exemption shall not serve to amend, modify, or alter the PMCDs or any existing Agreement.
- Requests for variance or exemption can be denied in accordance with Appendix A-18 of these Rules and Regulations.

A-18. Possible Grounds for Rejecting Application, Variance, or Exemption

In this section, the term "activity" is inclusive of all Commercial Aeronautical Activities, Non-Commercial Aeronautical Activities, and non-aeronautical activities.

The Authority may reject any application, request for variances or exemption, assignment, change in majority ownership, encumbrance, or application for any one or more of the following reasons (as determined in the sole discretion of the Authority).

- The entity, for any reason, does not fully meet the qualifications, standards, and requirements established by the Authority. The burden of proof shall be on the entity and the standard of proof shall be by clear and convincing evidence.
- The Authority or the FAA has determined that the proposed activity and/or Improvement would create a safety or security risk or constitute a Hazard, obstruction, or danger to air navigation.
- The Authority would be required to expend funds and/or supply labor and/or materials in connection with the proposed activity and/or Improvement that the Authority is unwilling and/or unable to expend or supply.
- The financial plan associated with the proposed activity and/or Improvement is not realistic and attainable and/or will result in a financial operating loss or hardship for the entity.
- No appropriate, adequate, or available land and/or Improvement exists at the Airport to accommodate the proposed activity or Improvement at the time the proposal or application is submitted, nor is such availability contemplated within a reasonable period.
- The proposed activity and/or Improvement do not comply with the ALP currently in effect or anticipated to be in effect.
- The entity's occupancy, use, or development of Airport land and/or Improvements could be detrimental to the public, result in congestion of aircraft, and/or negatively impact the safety and/or efficiency of the Airport, Operators, Lessees, Sublessees, or users of the Airport.
- The entity intentionally or unintentionally misrepresented or failed to disclose material fact in a proposal, in an application, and/or in supporting documentation.
- The entity or any officer, director, agent, representative, shareholder, or key employee thereof has a record of violating the federal, state, and local statutes and ordinances of the Authority, any other airport sponsor, the State of Arkansas, the FAA, or any other Legal Requirement applicable to the Airport and/or the entity's proposed activity or Improvement.
- The entity or any officer, director, agent, representative, shareholder, or key employee thereof has defaulted in the performance of any Agreement or agreement or sublease at any other airport.
- The entity does not exhibit adequate financial capability, capacity, or responsibility to undertake and sustain the proposed activity or Improvement.
- The entity cannot obtain a bond or insurance in the type and amounts required by the Authority for the proposed activity.
- The Entity or an officer, director, or shareholder has been convicted of a felony.

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- The entity seeks terms and conditions which are inconsistent with the PMCDs and/or any request for qualifications and/or proposals (or any other document) issued by the Authority.
- The entity's interests and/or the proposed activity or Improvement are inconsistent with the mission, vision, values, goals, or objectives of the Airport; the best interest of the Authority; or any Airport Sponsor Assurances.
- The entity has been party to vexatious or frivolous litigation, including, without limitation, administrative litigation, against the Authority.

A-19. Enforcement

The Director is empowered by the Authority to require compliance with and enforce the PMCDs. The Fire Department is authorized to enforce all fire and Hazardous Materials related federal, state, and local statutes and ordinances (within jurisdiction). Law Enforcement Officers are authorized to enforce all federal, state, and local statutes and ordinances (within jurisdiction).

Representatives of the Authority, as designated by the Director, shall enforce these Rules and Regulations. Any person or entity who violates these Rules and Regulations may be cited, removed from the Airport, denied use of the Airport, and/or prevented from engaging in Activities at the Airport and shall be subject to all legal, equitable, statutory, and common law rights and remedies available to the Authority.

A-20. Appeals

Any party aggrieved by a decision of airport management may appeal (in writing) such decision to the Director within 14 calendar days after such decision is issued. Any claim not timely submitted to the Director is waived.

- The Director shall respond to such written claim within 30 calendar days of the receipt of the claim by either (a) making a written determination with respect to the claim, or (b) making a written request for additional information. If requested, the party shall provide all requested additional information within 14 calendar days of the date of the Director's request, or the claim is waived. Thereafter, the Director shall make a written determination with respect to the claim within 30 calendar days after receipt of the additional information. In either case, the Director's written determination shall be final and conclusive unless within 30 calendar days from the date of the Director's written determination, the party requests, in writing, an appeal to the Authority Board stating specifically all grounds of appeal.

The Authority Board shall use its best efforts to hear any such appeal within 120 calendar days after the Authority Board's receipt of the written appeal. At such hearing, the party shall be afforded such opportunity to be heard and to offer relevant evidence in support of its appeal, as may be determined by the Authority Board in its sole discretion.

A-21. Rights and Privileges Reserved

In this section, the term "activity" is inclusive of all Commercial Aeronautical Activities, Non-Commercial Aeronautical Activities, and non-aeronautical activities.

In addition to the following enumerated reserved rights and privileges, the Authority reserves all the rights and privileges outlined under federal and/or state Airport Sponsor Assurances as such rights and privileges may be amended from time to time.

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- Nothing contained within the PMCDs shall be construed to limit the use of any area of the Airport by the Authority (and its representatives, officers, officials, employees, agents, and volunteers) or to prevent any FAA, DHS, TSA, Law Enforcement Officer, or Fire Department personnel from acting in official capacities.
- The Authority reserves the right for the use of the Airport by others pursuant to applicable federal, state, and local statutes and ordinances pertaining to the Airport and such use.
- The Authority reserves the right to designate specific Airport areas for activities in accordance with the currently approved ALP. Such designation shall consider the nature and extent of current and/or future activities and the land and/or Improvements that may be available and/or used for specific activities and shall be consistent with the safe, secure, orderly, and efficient use of the Airport.
- It is the policy of the Authority that any occupancy, use, and/or development (construction or modification) of land and/or Improvements that is inconsistent with the ALP is undesirable. Any development that is substantially different than that depicted on the ALP could adversely affect the safe, secure, orderly, or efficient use of the Airport. Nothing contained in the PMCDs shall require or obligate the Authority to apply to the FAA for approval of the revision of the ALP on behalf of a current or prospective Operator, Lessee, Sublessee, or user of the Airport.
- The Authority reserves the right to develop and make any Improvements and/or repairs at the Airport that it deems necessary. Except in cases determined by the Authority to constitute an emergency, the Authority will provide advance notice of the date and time to impacted parties that such development, improvements, and/or repairs will be made. The Authority shall not be obligated to reimburse or compensate any Operator, Lessee, Sublessee, or other entity for any cost and/or expense incurred, loss of revenue, or inconvenience that may result from such development, improvement, and/or repair
- The Authority reserves the right to prohibit any Entity from using the Airport, engaging in activities at the Airport, and/or revoke or suspend any privileges granted to any Lessee, Sublessee, Operator, Permittee, or User upon determination by the Authority that such Lessee, Sublessee, Operator, Permittee, or User has not complied with these Rules and Regulations, or has otherwise jeopardized the safety or security of Entities or the land and/or Improvements located at the Airports.
- The Authority (and its representatives, officers, officials, employees, agents, and volunteers) shall not be responsible for loss, injury, or damage to persons or Property at the Airport related in any way to any natural disaster or illegal activity.
- The Authority reserves the right to prohibit any entity from using the Airport, engaging in activities at the Airport, and/or revoke or suspend any privileges granted to any Lessee, Sublessee, Operator, Permittee, or user upon determination by the Authority that such Lessee, Sublessee, Operator, Permittee, or user has not complied with the PMCDs, or has otherwise jeopardized the safety or security of entities or the land and/or Improvements located at the Airport.

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- During time of war or national emergency, the Authority shall have the right to enter into an agreement with the United States Government for military use of part or all of the landing area, the publicly owned air navigation facilities, and/or other land and Improvements of the Airport. If any such agreement is executed, any agreement, insofar as it is inconsistent with the agreement between the Authority and the United States Government, shall be suspended, without any liability on the part of the Authority.
- The Authority will not relinquish the right to take any action the Authority considers necessary to protect the aerial approaches of the Airport against obstruction or to prevent a person from erecting or permitting to be erected any facility or other structure which might limit the usefulness of the Airport or constitute a hazard to aircraft.
- The Authority will not waive any sovereign, governmental, or other immunity to which the Authority may be entitled, nor shall any provision of any Agreement be so construed.
- The Authority will not submit to the laws of any state other than those of the State of Arkansas.
- The Authority is under no obligation to provide financing and/or make any improvements to Airport land and/or Improvements to facilitate any development or consummate any proposed Agreement. In addition, the Authority is under no obligation to: (a) pursue federal, state, or other funds to contribute to such development or (b) provide matching funds to secure such funding.
- The Authority reserves the right to take such actions as it may deem necessary, appropriate, and/or in the best interest of the Authority including preserving the assets of the Authority and the Airport, protecting the safety and security of the people who work at and/or use the Airport, and maintaining the integrity of the Authority's mission, vision, values, goals and objectives for the Authority and the Airport.

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10. APPENDIX B – PMCD DEFINITIONS AND ACRONYMS

B-1. Definitions

Abandoned – Property, other than aircraft or vehicles, that has been voluntarily given up by the owner and left at the Airport for 48 hours without the owner moving or claiming it.

Accident – A collision or other contact between any part of an aircraft, vehicle, equipment, person, stationary object and/or other thing which results in Property damage, personal injury, or death; or an entry into or emergence from a moving aircraft, vehicle, or equipment by a person which results in personal injury or death to such person or some other person or which results in Property damage.

Aeronautical Activity (Activity) – Any activity or service that involves, makes possible, facilitates, is related to, assists in, or is required for the operation of aircraft. Any activity which contributes to, or is required for, the safety of such operations. Any activities which have a direct relationship to the operation of aircraft or the operation of the Airport.

Affiliate – Any entity that shall directly or indirectly control, be under the control of, or be under common control with Operator. Control for these purposes shall mean the direct and indirect ownership of 50% or more of the outstanding voting stock of a corporation or 50% or more equity or controlling interest if not a corporation.

Agency – Any federal, state, or local governmental entity, unit, organization, or authority.

Agreement – A written contract (e.g., lease agreement, license agreement, permit, etc.), enforceable by law, executed by both parties, between the Authority and entity transferring rights or interest in land and/or Improvements and/or otherwise authorizing the conduct of certain activities.

Air Carrier – An entity engaged in the operation of an aircraft for the purpose of transporting passengers, mail, express, freight, or cargo, on a scheduled or non-scheduled basis, whose operation is either intrastate or interstate.

Air Operations Area (AOA) – A portion of an airport which includes aircraft Movement Areas, Ramps, and safety areas, and any adjacent areas that are not separated by adequate security systems, measures, or procedures.

Aircraft and Passenger Liability – Insurance coverage pertaining to bodily injury, Property damage, and passenger injury for all owned, leased, or operated aircraft.

Aircraft Accident – An occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage (as described in 49 CFR 830).

Aircraft Design Group – A FAA designated grouping of aircraft based upon wingspan. The groups are as follows:

Group I: Up to but not including 49 feet
Group II: 49 feet up to but not including 79 feet
Group III: 79 feet up to but not including 118 feet
Group IV: 118 feet up to but not including 171 feet
Group V: 171 feet up to but not including 214 feet
Group VI: 214 feet up to but not including 262 feet

Aircraft Incident – An occurrence other than an Aircraft Accident that affects or could affect the safety of operations (as described in 49 CFR 830).

Aircraft Line Maintenance – Aircraft Maintenance typically required to return an aircraft to service within a short period of time. Examples include, but are not limited to: replenishing lubricants, fluids, nitrogen, and oxygen; servicing of landing gear, tires, and struts; lubricating aircraft components; and avionics/instrument removal and/or replacement.

Aircraft Maintenance – The repair, maintenance, alteration, calibration, adjustment, preservation, or inspection of aircraft airframe, powerplant, propeller, and accessories (including the replacement of parts) as described in 14 CFR Part 43.

Aircraft Operator – A person who uses, causes to be used, or authorizes to be used an aircraft, with or without the right of legal control (as Owner, lessee, or otherwise) for the purpose of air navigation including the piloting of aircraft or the operation of aircraft on any part of the surface of an airport.

Aircraft Owner – The registered legal Owner of an aircraft according to FAA records.

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Airframe and Powerplant Mechanic (A & P Mechanic) – A person who holds an aircraft mechanic certificate with both airframe and powerplant ratings. This certification is issued by the FAA under the provisions of 14 CFR Part 65.

Airport – All land, Improvements, and appurtenances within the legal boundaries as it now exists on the ALP (or Exhibit A of the most recent FAA grant) and as it may hereinafter be modified at Texarkana Regional Airport (TXK).

Airport Layout Plan (ALP) – The FAA approved drawing, as may be amended from time to time, which reflects an agreement between the FAA and Authority depicting the physical layout of an airport and identifying the location and configuration of current and proposed Runways, Taxiways, buildings, roadways, utilities, navaids, etc.

Airport Security Badge – A media allowing access to certain parts of the Airport.

Airport Security Program (ASP) – The current Airport Security Program, as may be amended from time to time, approved by the Transportation Security Administration (if necessary), that specifies the systems, measures, and procedures that are used to meet an airport's regulatory and statutory responsibilities relating to airport security.

Airport Sponsor Assurances – Those contractual obligations that are described by law in 49 U.S.C. 47107 and are undertaken by a public airport sponsor as a condition of receipt of federal airport development grants or federal surplus Property.

Airside – The Runways for landing and taking off of aircraft, designated helipads, Taxiways and Taxilanes for ground movement of aircraft, and Ramp for parking, loading, unloading, fueling, and servicing of aircraft.

Applicant – An entity desiring to use land and/or Improvements at the Airport to engage in an Aeronautical Activity and who shall apply in writing and in the manner or form prescribed herein for authorization to engage in such Activities at the Airport.

Association – An entity legally formed and recognized under the laws of the State of Arkansas having an existence separate and apart from its members or shareholders (e.g., Limited Liability Company, Corporation, Partnership, Limited Partnership, etc.).

Based Aircraft – An aircraft identified in an Agreement with the Authority or in a Sublease with an FBO or SASO.

Business Automobile Liability – Insurance coverage pertaining to bodily injury and Property damage for all licensed vehicles arising out of (or relating to) the use, loading, and unloading of owned, non-owned, or hired vehicles.

Capital Investment – Any Authority approved expenditure made by a Lessee to: (a) the Lessee's Leased Premises which will, at the end of the term of the Agreement, revert to the Authority and/or (b) Airport Infrastructure which will immediately revert to the Authority.

Certified Flight Instructor (CFI) Professional Liability – Insurance coverage pertaining to bodily injury and property damage not only during dual flight instruction, but also after instruction has been given.

Certificates of Insurance – A certificate provided by and executed by an insurance company to the Authority providing evidence of the insurance coverages and policy limits.

City of Texarkana, Arkansas Police Department (Police Department) – The City of Texarkana, Arkansas Police Department provides law enforcement services as well as several other community services to the Authority.

Co-Op fueling – The fueling of an aircraft by the Owner of the aircraft or the Owner's Employee using vehicles, Equipment, and resources owned by an approved Association.

Commercial – For the purpose of securing earnings, income, Compensation (including exchange or barter of goods and services), and/or profit.

Commercial General Liability – Insurance coverage pertaining to bodily injury, personal injury, Property damage, contractual liability, products and completed operations and, if applicable, use of unlicensed vehicles that in any way arise from the use of the Leased Premises and operations or Activities of the

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entity. Unlicensed vehicles operated on the Movement Area will require coverage in an amount not less than that identified for combined single limit per occurrence for bodily injury, personal injury, and Property damage.

Compensation – Any form of reimbursement for goods or services such as monetary, exchange, barter, favors, gratuity, etc.

Competitive Proposal Process – A process that is used to seek competitive proposals from qualified entities when land and/or Improvements are or become available at the Airport for occupancy or use.

Condemnation – The taking of land and/or Improvements for any public or quasi-public use under any Legal Requirement or by the right of eminent domain.

Contiguous – Land and/or apron that shares an edge or boundary or is separated by no more than a Taxilane.

Courtesy Vehicle – A vehicle used to transport persons, baggage, or goods, or any combination thereof, on the Airport or between the Airport and off-airport locations such as hotels, motels, or other attractions for which no charge is levied (no Compensation is paid).

Current – All rents, fees, and other charges required to be paid under any and all Agreements are paid in full.

Drop Zone - intended parachute landing area.

Emergency Public Service – Services provided to the general public including law enforcement (police), fire, rescue, and emergency medical or ambulatory transportation.

Emergency Vehicle – Vehicle of any Agency providing law enforcement, fire protection, rescue, emergency medical or ambulatory transportation, or any vehicle conveying an Airport official or an Airport employee in response to an emergency call.

Employee – Any individual employed by an entity whereby said entity collects and pays all associated taxes on behalf of Employee. The determination of status between an Employee and an independent contractor shall be made according to current IRS codes.

Environmental Liability – Insurance coverage pertaining to liability for bodily injury, Property damage, and environmental damage resulting from sudden and accidental releases of pollution and covering related or resultant cleanup and/or remediation costs arising out of the occupancy and use of the Leased Premises.

Equipment – All Property and machinery, together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the Activity being performed.

Exclusive Right – A power, privilege, or other right excluding or preventing another from enjoying or exercising a like power, privilege, or right. An Exclusive Right may be conferred either by express agreement, by imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties, but excluding others from enjoying or exercising a similar right or rights, would be an Exclosive Right. An Exclusive Right to conduct an Aeronautical Activity, which is forbidden by federal regulation, is distinguished from an Exclusive Right to occupy real estate, which is permitted by federal regulation under certain conditions.

Executive Director (Director) – That person (or designated representative thereof), appointed by the Authority, responsible for the administration and day-to-day operation and management of the Airport, all Authority owned Property, vehicles, equipment, material, financial assets, and Employees at the Airport, and all employees assigned to the Airport.

Fixed Based Operator (FBO) – A Commercial Operator engaged in the sale of products and services and the renting or subleasing of facilities consistent with the Authority's Minimum Standards.

Fuel Handling – The transporting, delivering, fueling, dispensing, or draining of fuel or fuel waste products.

General Aviation – All aviation with exception of Air Carriers and the military.

Good Standing – Full compliance with all applicable federal, state, and local statutes and ordinances and not in default of any Agreement with the Authority.

Hangar – Any fully or partially enclosed storage facility for an aircraft.

Attachment: 2023-139 EXH 'A' (Rules & Regs)TR (4110 : 2023-139 ORD Amending Code Chapter 4 - Airport rules)

Hangar Keeper's Legal Liability – Insurance coverage pertaining to Property damage for all non-owned aircraft under the care, custody, and control of the Operator.

Hazardous Materials – A hazardous or toxic substance, material, or waste which is or becomes regulated by any Agency.

Immediate Family – Individual with any of the following relationships to tenant: (1) spouse and parents thereof, (2) sons and daughters, and spouses thereof, (3) parents, and spouses thereof, (4) brothers and sisters, and spouses thereof, (5) grandparents and grandchildren, and spouses thereof, and (6) domestic partner and parents thereof, including any domestic partners of any individuals in Items (2) through (5) of this definition.

Immediately – The ability to occupy Leased Premises and offer products, services, and/or facilities (to the public) on the effective date of the Agreement. When construction and/or alteration of facilities are involved, immediately shall mean the ability to obtain a certificate of occupancy from the authorizing Agency for the proposed facilities within 18 months following the possession of the Leased Premises.

Improvements – All buildings, structures, additions, and facilities including pavement, fencing, and landscaping constructed, installed, or placed on, under, or above any land on the Airport.

Independent Operator – An entity offering aeronautical service(s) but without an established place of business on the Airport.

Infrastructure – Runways, Taxiways, Taxilanes, Ramps, navaids, airport roadways, utilities, etc.

Landside – The portion of the Airport used for activities other than the movement of aircraft, such as vehicle access roads and parking.

Land Use Plan – A document approved by the FAA as part of the ALP used to guide land use surrounding the Airport.

Law Enforcement Officer – A public-sector employee or agent charged with upholding the peace who is empowered to effect an arrest with or without warrant and who is authorized to carry a firearm in the performance of that person's duties.

Leasing Policy – PMCD that sets forth the parameters for leasing Airport land and Improvements, as may be amended from time to time.

Leased Premises – The land and/or Improvements used exclusively under Agreement by a Lessee.

Lessee – An entity that has entered into an Agreement to occupy, use, and/or develop land and/or Improvements.

Light Aircraft – Aircraft having a maximum takeoff weight of 12,500 pounds or less.

Light Sport Aircraft – An aircraft certificated by the FAA, which is restricted by maximum takeoff weight, maximum operating airspeeds, maximum seating capacity, engine and related controls type (if powered), and type of landing gear.

Limousine – A vehicle, for hire, that is not configured with a taximeter. Transportation services using limousines are provided for unmetered predetermined rates.

Loitering – Remaining in an area for no obvious reason or not being able to give a satisfactory explanation of one's presence in an area.

Lost Property – Property that has been involuntarily or unintentionally dropped or left without an intent to abandon it.

Master Plan – An assembly of documents and drawings (which have been approved by the FAA and adopted by the Authority) covering the development of the Airport from a physical, economic, social, and political jurisdictioonal perspective. The Airport Layout Plan is part of the Master Plan.

Minimum Standards – PMCD that sets forth those qualifications, standards, and criteria set forth as the minimum requirements to be met as a condition for the right to engage in Activities at the Airport, as may be amended from time to time.

Mogas – Unleaded motor gasoline meeting the specifications of ASTM D4814 which is utilized to power piston-engine aircraft with an original airworthiness certificate or Supplemental Type Certificate (STC) authorizing use of unleaded motor gasoline.

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Movement Area – The Runways, Taxiways, and other areas of the Airport which are utilized for taxiing, hover taxiing, takeoff, and landing of aircraft (exclusive of aircraft parking, loading, unloading, fueling, and servicing areas) where aircraft are moved with radio contact with ATC or other aircraft. The Movement Area includes all areas under the direct and positive control of ATC. Specific approval for entry onto the movement area must be obtained from ATC.

Non-Commercial – Not for the purpose of securing earnings, income, Compensation (including exchange or barter of goods and services), and/or profit.

Non-Commercial Lessee – An entity that either owns or leases and operates aircraft for private purposes. In the case of a business, the operation of aircraft must be an ancillary activity to support the business's purposes by providing private transportation for the exclusive use of its Employees, agents, and/or customers. In all cases, the Non-Commercial Lessee neither offers nor engages in Commercial Aeronautical Activities.

Non-Commercial Flying Club – An entity that is legally formed as a non-profit entity with the State of Arkansas that collectively owns and operates aircraft and restricts membership from the public.

Non-Movement Area – Those portions of the Airport where aircraft taxi or are moved without radio contact with ATC or other aircraft.

Notice to Air Mission (NOTAM) – Guidelines regarding aeronautical operations issued by a representative of the FAA, Airport Operations, ATC, or other authorized Agency.

Object Free Area (OFA) – An area on the ground centered on a Runway, Taxiway, or Taxilane centerline provided to enhance the safety of aircraft operations by having the area free of object, except for objects that need to be in the Object Free Area for air navigation or aircraft ground maneuvering purposes.

Obstacle Free Zone (OFZ) – A defined volume of airspace centered above the Runway centerline extending 200 feet beyond each end of the Runway.

Operator – An entity that has entered into an Agreement to engage in Commercial Aeronautical Activities at the Airport.

Passenger Terminal Building – The building at an airport where the passenger processes of ticketing, baggage check-in, security screening, aircraft boarding, baggage claim, customs, and immigration are accomplished for Commercial Air Carrier activities.

Participant – Persons paying a fee to an Operator and subsequently participating in Commercial Skydiving.

Paved – Covered with asphalt or concrete that forms a firm level surface.

Permittee – An entity who has entered into an Agreement to conduct an Activity at the Airport.

Primary Management Compliance Documents (PMCDs) – A compendium of rules, regulations, standards, and policies that govern the development, operation, and management of the Airport, adopted by resolution of the Authority, as may be amended from time to time, including Rules and Regulations, Leasing Policy, Minimum Standards, and Development Standards.

Private Vehicle – Any vehicle operated for transportation of persons or baggage for which no revenue is being derived either directly or indirectly.

Property – Any tangible or intangible possession that is owned by an entity or a person.

Public Area – Those areas normally used by the public. Such areas include concessionaire shops, restrooms, Passenger Terminal Building lobbies, hallways, passageways, public transportation waiting areas, viewing areas, roadways, walkways, sidewalks, and vehicle parking lots. Public areas do not include the areas owned and/or leased by Commercial businesses unless such businesses so designate certain areas as public use areas. Public Areas do not include the AOA, Restricted Areas, and employee parking lots.

Ramp – Those paved areas of the Airport within the AOA designated by the Authority for parking, loading, unloading, fueling, or servicing of aircraft.

Readily Available – Conveniently located (in close proximity) and accessible, but not necessarily located on the Leased Premises.

Refueling Vehicle – Any vehicle used for transporting, handling, or dispensing of fuels and lubricants.

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Repair Station – A certificated Aircraft Maintenance facility approved by the FAA to perform specific maintenance functions. Repair Stations are certificated under 14 CFR Part 145.

Restricted Area – Areas of the Airport, other than Public Areas, wherein entry or use thereof is restricted to authorized personnel (pursuant to applicable federal, state, and local statutes and ordinances) including, but not limited to the AOA, Runways, Taxiways, Taxilanes, and fire lanes, fuel farm, Airport maintenance facilities/shop, mechanical rooms, electrical vaults, computer server room, fire breaks and any other areas marked/posted as restricted with signage, or placards.

Rules and Regulations – PMCD that sets forth the rules and regulations for the safe, secure, orderly, and efficient use of the Airport, as may be amended from time to time.

Runup – Aircraft engine operation above normal idle power for purposes other than initiating or sustaining taxiing or takeoff.

Runway – An area of the Airport developed and improved for the purpose of accommodating the landing and takeoff of aircraft.

Runway Safety Area (RSA) - A defined surface surrounding the Runway prepared or suitable for reducing the risk of damage to aircraft in the event of an undershoot, overshoot or excursion from the Runway.

Secured Area – A portion of an airport, specified in the Airport Security Program, in which certain security measures specified in 49 CFR Part 1542 are carried out. This area is where Aircraft Operators and foreign air carriers that have a security program under 49 CFR Part 1544 or 1546 enplane and deplane passengers and sort and load baggage and any adjacent areas that are not separated by adequate security measures.

Security Identification Display Area (SIDA) – A portion of the AOA identified in the Airport Security Program where each person is required to continuously display, on their outermost garment, an airport approved identification medium unless under Authority approved escort.

Security Plan – A document developed by Operators to ensure the safety and security of people and property at the Airport.

Self-Fueling – The Non-Commercial fueling of an aircraft by the Aircraft Owner or the Owner's Employee(s) using the Aircraft Owner's vehicles, Equipment, and resources.

Self-Service – The servicing of an aircraft (i.e., maintaining, repairing, fueling, etc.) by the Aircraft Owner or the Aircraft Owner's Employees using the Aircraft Owner's vehicles, Equipment, and resources.

Skydive/Parachute Jumping – Jumping from an aircraft at a moderate or high altitude and deploying a parachute to create drag or lift for descent to the ground.

Special Event – Any event at the Airport whereby individuals have unescorted access to the AOA or any event that may or will require: the assistance of Authority staff (outside the realm of typical duties); the closure of any portion of any roadway, walkway, vehicle parking area, Ramp, Taxilane, Taxiway, or Runway; and/or the issuance of an airspace waiver or NOTAM.

Specialized Aviation Service Operator (SASO) – A Commercial Operator that provides any one or a combination of the following Activities: Aircraft Maintenance, avionics or instrument maintenance, aircraft rental or flight training, aircraft charter or aircraft management, aircraft sales, and other Commercial Aeronautical Activities.

Spill Prevention, Control, and Countermeasures Plan (SPCC) – A written contingency plan defined by the EPA that covers procedures, points of contact, the chain of command, and individual responsibilities for preventing and controlling spills.

Texarkana Regional Airport Rescue and Fire Department (Fire Department) – The Authority Fire Department providing aircraft rescue and fire services as well as several community services to the Authority.

Sterile Area – The area in the Passenger Terminal Building beyond the security screening checkpoint(s).

Attachment: 2023-139 EXH 'A' (Rules & Regs)TR (4110 : 2023-139 ORD Amending Code Chapter 4 - Airport rules)

Student and Renter Liability – Insurance coverage pertaining to bodily injury, personal injury, and Property damage (excluding aircraft hull) for students and renters of aircraft.

Sublease – An agreement entered into by an entity with a Lessee that transfers rights or interests in the Lessee's Leased Premises and for which, the Authority has given proper consent.

Sublessee – An entity that has entered into a Sublease with a Lessee that has been properly consented to by the Authority.

Taxilane – The portion of the Ramp used for access between Taxiways and Ramps. Taxilanes are always outside the Movement Area and differentiated from a Taxiway by the required Object Free Area requirements stipulated by the FAA.

Taxiway – A defined path, usually paved, over which aircraft can taxi from one part of an airport to another (excluding the Runway). ATC must have a clear line of sight to all Taxiway centerlines. Additionally, a Taxiway is further differentiated from a Taxilane by the required Object Free Area requirements stipulated by the FAA.

Tenant – A person, Association, or entity that has entered into an agreement with either the Authority or Operator to occupy land and/or Improvements at the Airport for commercial or non-commercial purposes.

Through-the-Fence – When an airport sponsor grants an entity ground access by an aircraft across the airport's property boundary to the airport's airside infrastructure (commonly through-the-fence) and permission to engage in associated activities from property adjacent to the airport.

Tiedown – An area paved or unpaved suitable for parking and mooring of aircraft wherein suitable anchoring points and related equipment are located.

Transient Aircraft – Any aircraft utilizing the Airport for occasional or temporary purposes which is not a Based Aircraft.

Vehicle Operator – Any person who is in actual physical control of a vehicle.

Weapons – Including, but not limited to, firearms, tear gas, mace, pepper spray, or other similar devices, materials, or substances) or explosives.

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B-2. Acronyms

A&P Mechanic	Airframe and Powerplant Mechanic
AC	Advisory Circular
ACM	Airport Certification Manual
ALP	Airport Layout Plan
AOA	Air Operations Area
APU	Auxiliary Power Unit
ARFF	Aircraft Rescue and Fire Fighting
ASP	Airport Security Program
ATC	Air Traffic Control
Avgas	Aviation Gasoline
CFR	Code of Federal Regulations
CVO	Commercial Vehicle Operator
DEF	Diesel Exhaust Fluid
DHS	Department of Homeland Security
DOT	Department of Transportation
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
FAA	Federal Aviation Administration
FM	Factory Mutual
FY	Fiscal Year
FBO	Fixed Base Operator
ME	Multi-Engine Aircraft
NPIAS	National Plan of Integrated Airport Systems
NOTAM	Notice To Air Mission
SASO	Specialized Aviation Service Operator
SE	Single-Engine Aircraft
SIDA	Security Identification Display Area
SMS	Safety Management System
SPCC Plan	Spill Prevention, Control, and Countermeasures Plan
SWPPP	Storm Water Pollution Prevention Plan
TSA	Transportation Security Administration
UAS	Unmanned Aircraft System
UAV	Unmanned Aerial Vehicle
UFC	Universal Fire Code
UL	Underwriters Laboratories
USPA	United States Parachute Association

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THE TEXARKANA AIRPORT AUTHORITY
MEETING MINUTES
September 28, 2023

Board Members

TEXAS		ARKANSAS	
Chair – Mr. Mike Mayo	X	Vice - Mr. Adjer Smith	[redacted]
Mr. David Potter	[redacted]	Mr. Ronald Bruce	[redacted]
Mr. Matt Robertson	[redacted]	Dr. Robin Hickerson	[redacted]
Mr. David Baumgardner	[redacted]	Mr. Ray Abernathy	[redacted]

Economic Dev. Representative
Mr. Rob Sitterley [redacted]

Paul Mehrlich – Executive Director

Guests:

Mitch Rose	Kelly Birdwell
Matt Vinyard	Ken Shuman
Josh Ruminer	
Billy Mayfield	

Call to Order: Mr. Adjer Smith called the meeting to order. Ms. Shannon Elliott called the roll.

Comments from the Public:

None

Action Item- Consent Agenda: Mrs. Rob Sitterley made a motion to approve the meeting minutes and financials for the August 2023 TRAA Board meeting and Mr. Ron Bruce seconded the motion. Approval was unanimous.

Audit Report: Kelly Birdwell with the firm Wilff and Anderson, gave the airport audit report.

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Mr. Matt Roberston made a motion to approve the audit and Mr. David Baumgardner seconded the motion. Approval was unanimous.

Director's Report

1. **Terminal**
   - a) **Terminal Phase 1 (Site work and Slab)** – Completed
   - b) **Terminal Phase 2 (Building – Shell & Core)** – Elevators and escalators are being installed.
   - c) **Terminal Phase 3 (Interior Completion)** – Nabholz is continuing to install dry wall, paint, millwork, and flooring. Architectural Glulam is also being installed.
   - d) **Terminal Phase 4 (Jet Bridges/Apron Paving/Landscaping)** – Jet bridges manufacturing is nearly complete. Apron paving should begin near the end of September and will be the area within 60 feet from the back of the terminal.
     i. Terminal furniture quote was not included in Phase 4. We are working on providing FAA with a change order to see how much of the furniture they are willing to cover.
2. **Apron Phase I**
   - a) Concrete Paving is Scheduled to begin October 12th.
3. **Terminal Parking Lot**
   - a) Nabholz is grading the parking lot and installing drainage structures.
   - b) The design team is coordinating with Integrity to complete the Solar Canopy design for the Short-Term parking lot
4. **Terminal Access Road (Design Only)**
   - a) The FAA grant was awarded on May 23rd and MCE is working to complete the plan set (85% complete).
5. **Taxiways and Apron Crack Seal**
   - a) The ADA grant application was approved on August 16th. MCE has finalized plans and will be taking bids at 2 pm on September 28th.
6. **Apron and Taxilane Expansion**
   - a) No Update

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7. **Master Plan**
   - **a)** A note regarding the potential future runway closure. As outlined in Chapter 3 of the Master Plan, the FAA considers two things with a secondary runway. The first is wind data, over the last 10 years, the orientation of Runway 4-22 provided 95.89 percent coverage for a 10.5 knot crosswind, and greater than 97 percent coverage for 13 knots and greater. To qualify for a secondary runway, operations need to be over 60% of capacity, our operations numbers are currently at 33% capacity. However, this would only be for a parallel runway so runway 13/31 would not qualify. As a result the crosswind runway is no longer eligible for federal funding. This means that the FAA is not requiring us to close the runway, but all future maintenance will be solely at the cost of the airport.
   - **b)** The draft development plan has been submitted to the PAC for approval. Scott Norton made a motion to approve, Mayor Bob Bruggeman seconded with a unanimous vote to approve. Coffman will be moving forward with conducting an airspace obstruction analysis of the ultimate runway layout and engaging with DKMG to conduct the financial analysis. These items make up the final phase of the master plan. The last PAC meeting will be held later this fall followed by the development of the draft final master plan.

8. **Governing Documents Update**

AMCG (Governing Documents):

a. On August 11, the final revised documents were provided to airport staff. AMCG integrated changes from the attorneys as well as language to reference the new Minimum Construction Standards. After staff provide final approval of the changes, the final documents will be sent.
b. The Rules and Regulations will be sent to the two cities for approval. **- Motion**

   Mr. David Baumgardner made a motion to approve the Airport Rules and Regulations and Mr. Ronald Bruce seconded the motion. Approval was unanimous.

c. Governing Documents 2 -10 – **Motion**

   Mr. Matt Robertson made a motion to approve accepting Airport documents (2-10) and Mr. Ronald Bruce seconded the motion. Approval was unanimous.

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9. **Website**
   a) Aviatrix – Is working with Director to establish Flight Information Displays for both the website and the terminal. Three proposals have been sent to the Website Committee to consider. Director recommends moving forward with Flyte Systems. One time cost $16,802 and the annual cost is $10,560. The system will allow us to push advertising to the monitors in the terminal building. First year cost would go under budget of building website. Annual cost would be offset from additional advertising revenue, currently we split 50% of revenue with a third party and will be able to bring all this in house. Last year we only got to us $4,175 of $8,350. **- Motion**
   Mr. Rob Sitterley made a motion to approve the contract with Flyte System and Mrs. Robin Hickerson seconded the motion. Approval was unanimous.

      i. Display will have a 10-minute loop for advertising, with a 5 second ad we can have a maximum of 120 spots. 15 second video ads can also be done. We will charge $50 a month for one of these slots. To break even ($14,735) we would need to fill 25 slots (21%). Currently users are charged $150 a month, if we offer each of these individuals 3 slots then we start with 15 slots filled. We estimate with the ability to advertise companies in Hot Springs, Little Rock, and Shreveport we can easily fill at least 50% of the slots.
      ii. Potential Advertisers – Four States Furniture, Aldi, 7 Brew, Scooter's, Starbucks, Apricot Lane Boutique, Conn's Furniture, Texarkana Emergency Center, Farmer's Bank, Bodcaw Bank, UofA, Texas A&M, Texarkana College, RRCU, Local Habit, Freeman Landscape, Newks, Taco's 4 Life, Big Jakes BBQ, Milway Credit Union, TexAmerica's Center, Redbone Magic, TEXAR, Alexander's Jewelry, Christus St. Michael, Oaklawn, Main Street Texarkana, Perot Theater, Gregg Orr, Hampton, Holiday Inn, Hilton, Marriott, Best Western, Comfort Suites.
      iii. The other bid of OAG as a FIDS is $10,255 a year without an ability to recoup cost for advertising resulting in a net loss. Infax first year was $61,047 which is cost prohibitive for an airport of our size.

10. **Advertisement**
    a. Holiday Advertisement will run from October 15th – December 15th **https://vimeo.com/862201459/c0b7d62e89?share=copy**

11. **Real Estate**
    a. Harvest Ministries – The CatEX has been completed by the FAA. Before the airport can close on the property deal the FAA needs an approved

Exhibit A and ALP updated to reflect the property acquisitions and disposal. An updated draft Exhibit A was submitted to the FAA with the land deal details included. A pen and ink change to the current ALP will also be prepared and submitted to the FAA. This should satisfy FAA requirements to close on the deal.

b. We are in early talks with a site selector to consider utilizing the EOC property as a gas station.

c. Project Paint – I had a recent discussion with the paint company. Rob and I are going to look into the option of utilizing an Industrial Revenue Bond to have the airport build and own the hangars which would allow for a more reasonable lease rate for the company.

d. MRO – We are waiting for a response from another paint company, and have had good feedback from a large MRO in Texas, as well as a LOI from a MRO out of Miami. We will be working on funding sources should more of these projects get further traction.

e. We will be approaching the runway project in three distinct phases. The first phase will be the runway overlay and taxiway widening, the second phase will be the taxiway and runway lengthening, and the third phase will be the hangar and apron. This allows us to apply for environmental review of each of these separately and will allow us to break ground early next year. We need to start the environmental review process and request a CatEx from the FAA to begin work. MCE and Coffman will be working together through this process, we do not pay until funds are released from the Federal Government and the State. WO# 12 – Environmental Coordination for Runway Strengthening and Taxiway Delta Widening $15,000.00 **- Motion**

Mr. Ray Abernathy made a motion to approve WO# 12 – Environmental Coordination for Runway Strengthening and Taxiway Delta Widening $15,000.00 and Mrs. Rob Sitterley seconded the motion. Approval was unanimous.

12. Operations

a) American Airlines is looking into bringing in the ERJ – 175 starting in November. It is a larger aircraft with two restrooms, 12 first class seats, larger seats, and the ability to hold 70 passengers. This will increase the comfort for our passengers; however, we will see a decline in load factors. This will most likely only be for the early morning flight.

b) Many of you will have received a call from a gentleman regarding the parking lot. The current parking system has a few issues, from faded tickets to an inability to read debit cards. This can cause backups of people waiting

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to get out of the lot. To reduce these issues, I have instructed our fireman in the evening to be at the gate to assist individuals until all parties are out.

c) ADA awarded a 90/10 grant of $199,980 for crack sealing TWY A and GA ramp, Airport match is $22,220. We will be doing the bid opening at 2pm Sept 28th. MCE has given us Work Order #11 to cover their engineering costs associated with this grant request. Their portion is $33,600. **– Motion** Mrs. Robin Hickerson made a motion to approve Work Order #11 to cover the engineering costs associated with this grant request. Their portion is $33,600 and Ronald Bruce seconded the motion. Approval was unanimous.

Metrics: June 2023

Operations: -22%
Enplanements: 29%
Rental Cars: -7%
Parking: 4%
Load factors: 16%

Old Business: None

New Business: None

Sub-Committees: None

Executive Session: None

Action Item- Adjourn: Mr. Rob Sitterley made a motion to adjourn. Mr. Ray Abernathy seconded the motion. The meeting was adjourned.

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City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2023-139 Goals & Perspectives (4110 : 2023-139 ORD Amending Code Chapter 4 - Airport rules)

City of Texarkana, Texas

Version: B

Briefing Sheet

Update Date: 12/5/2023 12:11 PM

Lead Department: Public Works Department **Action Officer:** Dusty Henslee,

Subject: Resolution No. 2023-148 adopting and approving Highly Qualified Professional Services Providers for future architectural, engineering, and surveying projects.

Briefing: 12/11/2023 **Public Hearing:** 12/11/2023 **Council Vote:** 12/11/2023

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Public Works Department issued a Request for Qualifications (RFQ 23-1901-12 – ATTH 01) for evaluation of the qualifications and competence of architectural, engineering, and surveying professional services providers for future projects. The RFQ categorized anticipated architectural, engineering, and land surveying projects and invited responses from providers to one or more categories of projects in an effort, as advertised, to submit to the Council for approval a list of those providers who ranked highest in the evaluative process.

Timeline of RFQ publication and review:

Posting on city website:	September 8, 2023
Newspaper publication:	September 10, 2023 and September 17, 2023
Opened responses to RFQ:	October 10, 2023 at 10 am

The Public Works Department evaluated the submissions received to the RFQ and ranked the responding professionals set out in Section 1 of the proposed resolution as highly competent – the highest ranking – in the respective project category or categories. (ATTH 02.) The Public Works Department submits and recommends to the City Council that these professional services providers are the most "highly qualified" providers for use by City administration on future architectural, engineering, or surveying projects, as applicable, subject to the contract negotiation process as required by law and City purchasing policies.

In the event a professional services provider for architectural, engineering, and land surveying projects not on this list desires to have its qualifications reviewed, the Resolution provides for Council discretion to amend this list if the provider is evaluated by the Public Works Department as highly competent, meeting all RFQ submittal requirements, and is recommended for inclusion.

Potential Options:

Adopt and approve (or not) the list of highly qualified professional services providers for use by city

administration on future architectural, engineering, or surveying projects.

Fiscal Implications:

Funds will be available to cover these expenses.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2023-148 Goals & Perspectives (DOCX)
b. 2023-148 ATTH 01 RFQ 23-1901-12 (PDF)
c. 2023-148 ATTH 02 Ranking (PDF)
d. 2023-148 RES list arch eng surv (DOCX)

Staff Coordination

Public Works Department	Dusty Henslee	Department Head Review	Completed	10/26/2023 8:44 AM
City Attorney	Jeffery C. Lewis	Review	Completed	10/26/2023 4:11 PM
Finance Department	Kristin Peeples	Review	Completed	10/30/2023 9:37 AM
City Manager	David Orr	City Manager Review	Completed	11/08/2023 7:52 AM
City Council	Jennifer Evans	Meeting	Completed	11/13/2023 6:00 PM

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2023-148 Goals & Perspectives (4116 : 2023-148 RES Professional Service Providers for Architectural, Engineering, and Surveying

SUBMIT RESPONSE TO: CITY OF TEXARKANA, TEXAS PUBLIC WORKS/CONTRACTS DEPARTMENT MAILING ADDRESS: 220 TEXAS BLVD TEXARKANA, TEXAS 75501 CONTACT PERSON: **Angela Humphrey** TEL: 903–798-3942 humphrey@txkusa.org	CITY OF TEXARKANA **REQUEST FOR QUALIFICATIONS**	
TITLE: **PROFESSIONAL ARCHITECTURAL, ENGINEERING, AND SURVEYING SERVICES [AS NEEDED]**	NUMBER: **23-1901-12**	**Bid Opening Date:** Tuesday, October 10, 2023 @ 10:00 AM
Enter Name of Responder:		
Enter Responder's Mailing Address:		
For direct City contact, enter Responder's primary contact person, telephone number, and e-mail address: ***Contact person:*** _____ ***Telephone Number: ( )*** _____ - _____ ***Email Address:*** _____		

THE UNDERSIGNED RESPONDER, HAVING EXAMINED THE REQUEST FOR QUALIFICATIONS AND BEING FAMILIAR WITH THE CONDITIONS TO BE MET, HEREBY SUBMITS THE ATTACHED RESPONSE. AN INDIVIDUAL AUTHORIZED TO BIND THE COMPANY MUST SIGN THE FOLLOWING SECTION. FAILURE TO EXECUTE THIS PORTION MAY RESULT IN REJECTION OF THE RESPONSE.

Authorized Signature	**Title**
Print/Type Name	**Date**

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR RESPONSE.
ELECTRONIC RESPONSES SHALL NOT BE ACCEPTED.

Attachment: 2023-148 ATTH 01 RFQ 23-1901-12 [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural,

CITY OF TEXARKANA, TEXAS, TEXAS
RFQ #23-1901-12
PROFESSIONAL ARCHITECTURAL, ENGINEERING, AND SURVEYING SERVICES [AS NEEDED]

ALL RESPONDERS MUST FAMILIARIZE THEMSELVES WITH THE FOLLOWING INSTRUCTIONS AND GENERAL REQUIREMENTS.

I. INSTRUCTIONS

1 RESPONSE DELIVERY, TIME & DATE

1.1 The City of Texarkana, Texas will receive written responses until **10:00 a.m. CST, Tuesday, October 10, 2023,** at the office of the Contract Administrator listed below. Any response received after the date and hour specified will be rejected and returned unopened to the responder. Responses must be addressed to:

Physical/ Mailing Address:
City of Texarkana, Texas
Public Works and Contracts Department
Attn: Angela Humphrey
220 Texas Blvd, 4th Floor
Texarkana, Texas 75501

1.2 Each responders is responsible to ensure delivery of its response to City of Texarkana, Texas – City Hall, 220 Texas Blvd, Texarkana, Texas, Attn: Angela Humphrey [deliver either to the City Hall 1st floor Kiosk or 4th Floor Public Works and Contract Department Office]. Mailing a response does not ensure that the response will be delivered on time or delivered at all.

1.3 The City of Texarkana, Texas reserves the right to postpone the date and time for accepting responses through an addendum.

2 EXAMINATIONS OF DOCUMENTS AND REQUIREMENTS

2.1 Each responder shall carefully examine all RFQ documents and thoroughly familiarize itself with all requirements prior to submitting a response to ensure that the response meets the intent of this RFQ.

2.2 Before submitting a response, each responder shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and requirements affecting the requirements of this RFQ. Failure to make such investigations and examinations shall not relieve the responder from the obligation to comply, in every detail, with all provisions and requirements of the Request for Qualifications.

Attachment: 2023-148 ATTH 01 RFQ 23-1901-12 [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural,

2.3 To facilitate the clarification of requirements, please direct all questions concerning this RFQ to Angela Humphrey, Contract Administrator, by way of email to humphrey@txkusa.org. Responses to questions, if any, will be posted on the City's website. The deadline for any questions will be **Friday, September 29, 2023, at 4:00 p.m.**

3 ABOUT THIS DOCUMENT

This document is a Request for Qualifications. It differs from an Invitation for Bid in that the City of Texarkana, Texas is **requesting information on the competence and qualifications to perform professional architectural, engineering, and surveying services as needed by the City.** Responses will be evaluated based upon criteria formulated. The City will thoroughly review all responses received. For the professional services sought, Texas law directs identifying most highly qualified providers of services on the basis of demonstrated competence and qualifications.

4 SUBMISSIONS

Submissions should be limited to 25 pages, using 8.5" x 11" single sided paper. Responses must be submitted to the City of Texarkana, Texas – City Hall, 220 Texas Blvd, Texarkana, Texas, Attn: Angela Humphrey [deliver either to the City Hall 1st floor Kiosk or 4th Floor Public Works and Contract Department Office] no later than **10:00 a.m. on, Tuesday, October 10, 2023**. A total of six (6) hard copies of the Request for Qualifications (RFQ) package must be submitted to the City in a sealed envelope marked **"RFQ 23-1901-12 PROFESSIONAL ARCHITECTURAL, ENGINEERING AND SURVEYING SERVICES [AS NEEDED]."** A responder may submit responses to one or more categories of projects listed in the terms and conditions below. Each responder will clearly state the respective category of project listed in the terms and conditions below for which it is qualified to render professional services to the City.

5 EVALUATIVE CRITERIA AND RANKING DIVISIONS PER PROJECT CATEGORIES

Evaluative criteria for each of the project categories listed in Section VII, below:

- Organization & qualifications
- Category-specific project experience
- Capacity to deliver services timely
- Professional licensure, credentials, and references
- Demonstrated competence on specific City projects
- Capacity to secure insurance per City requirements

Ranking divisions:

- Highly competent
- Competent
- Not ranked
-

Attachment: 2023-148 ATTH 01 RFQ 23-1901-12 [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural,

6 SCHEDULE OF EVENTS (subject to change)

6.1	RFQ Release and Advertisement	September 10 and 17, 2023
6.2	Question and Answer Ends	September 29, 2023
6.3	RFQ Due	October 10, 2023
6.4	City Council Meeting	October 23, 2023

The City reserves the right to modify this schedule as required.

II. GENERAL REQUIREMENTS

This RFQ is intended to provide responders with sufficient information to prepare a response that will enable the City administration to submit to its governing City Council a proposed list of professional architects, engineers, and surveyors generally familiar with the needs of the City of Texarkana, Texas, meeting the selection criteria in this RFQ, for the consideration of and ranking, as may be applicable, an adopted and approved list of professional services providers for use by City administration on future architectural, engineering, or surveying projects, as applicable.

The City notifies all responders that in regard to any contract entered into as may follow this RFQ, Historically Underutilized Businesses (HUB's) will be afforded equal opportunities to submit responses and will not be discriminated against on the grounds of race, color, sex, disability, or national origin in consideration of an award. A HUB is defined as a small business concern which is at least 51% owned and controlled by one or more socially and economically disadvantaged individuals, or in the case of any publicly owned business, at least 51% of the stock of which is owned by one or more socially and economically disadvantaged individuals. Socially and economically disadvantaged include Women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans.

III. INDEPENDENT CONTRACTOR RELATIONSHIP

In the performance of Services hereunder, the RESPONDER shall be an independent contractor with the authority to control and direct the performance of the details of Services and its own means and methods. The RESPONDER shall not be considered a partner, affiliate, agent, or employee of the City and shall in no way have any authority to bind the City to any obligation.

IV. INDEMNIFICATION

TO THE FULLEST EXTENT PERMITTED BY LAW, THE RESPONDER SHALL INDEMNIFY AND HOLD HARMLESS THE CITY OF TEXARKANA, TEXAS AND ITS GOVERNING CITY COUNCIL, ELECTED OFFICIALS, OFFICERS, AGENTS, REPRESENTATIVES, AND EMPLOYEES (COLLECTIVELY, THE "INDEMNITEES") FROM AND AGAINST ANY CLAIMS, LOSSES, DAMAGES, DEMANDS, SUITS, CAUSES OF ACTION, SETTLEMENTS, LIABILITIES, COSTS, FINES, JUDGMENTS, AND EXPENSES INCLUDING WITHOUT LIMITATION REASONABLE AND NECESSARY COURT COSTS, EXPERTS' FEES, AND ATTORNEY'S FEES (COLLECTIVELY, "LOSSES"), ARISING IN FAVOR OF OR BROUGHT BY ANY THIRD PARTY, TO THE EXTENT CAUSED BY OR RESULTING FROM AN ACT OF NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER, COMMITTED BY RESPONDER, ITS AGENT, ITS CONSULTANT UNDER CONTRACT, OR ANOTHER ENTITY OVER WHICH THE RESPONDER

Attachment: 2023-148 ATTH 01 RFQ 23-1901-12 [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural,

EXERCISES CONTROL, UNDER OR IN CONNECTION WITH ANY AGREEMENT OR WORK ORDER, EVEN IF SUCH LOSSES ARE CAUSED IN PART BY THE NEGLIGENCE OR FAULT, BREACH OR VIOLATION OF STATUTE, ORDINANCE, GOVERNMENTAL REGULATION, STANDARD OR RULE, OR BREACH OF CONTRACT OF AN INDEMNITEE, OR ANY THIRD PARTY UNDER AGENCY OR EMPLOYMENT, OR SUBCONTRACTORS OF ANY TIER.

V: LIMITATION OF LIABILITY

In any professional services contract that may be negotiated with any responder, neither the City of Texarkana, Texas, nor the responder shall be liable to the other or its affiliates for any loss of profit, loss of revenue, loss of use or any other indirect, consequential, or special damages excluding fines and penalties levied by a regulatory agency, even if caused by the sole or concurrent negligence of a party, whether active or passive, and even if advised of the possibility thereof.

Nothing herein shall be construed as creating any personal liability on the part of any elected official, officer, employee or agent of the City of Texarkana, Texas.

VII. PROJECT CATEGORIES

Each responder shall submit a statement of qualifications as outlined in **Section VIII for each designated category or categories of projects for which the responder intends to provide professional services — general architectural, engineering, and / or surveying services — on an as-needed basis**. All qualifications that are determined to be highly competent and meet submittal requirements will be recommended and ranked, as may be applicable, to the City Council for consideration of adopting and approving a list of professional services providers for use by City administration on future architectural, engineering, or surveying projects, as applicable, described below:

A. Engineering Projects
    a. Street Construction Design Projects - new and reconstruction type projects
    b. Hydrology Projects - drainage studies, FEMA and floodplain related projects, and new and rehabilitation drainage infrastructure improvement projects
    c. Utility Infrastructure Projects – new and rehabilitation of water and sanitary sewer systems
    d. Geotechnical – soil testing and classifications and pavement, foundation, and subgrade designs
B. Land Surveying Projects
    a. Boundary surveying
    b. Topographic surveying
    c. ROW and Easement Document preparation and acquisition
    d. Legal descriptions preparation
C. Architectural Projects
    a. New or remodels of existing facilities related to architectural design

Attachment: 2023-148 ATTH 01 RFQ 23-1901-12 [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural,

VIII. TERMS AND CONDITIONS FOR RESPONSE

The City reserves the right to reject any or all responses to the RFQ, to advertise for new responses, or to accept any response deemed to be in the best interest of the City. A response to this RFQ should not be construed as a contract or an indication of a commitment of any kind on the part of the City, nor does it commit the City to pay for costs incurred in the submission of a response to this RFQ or for any cost incurred prior to the execution of a final contract.

Upon selection and successful negotiation of a contract, the City reserves the right to dismiss any part or all of the responder's team, as applicable, when, in the City's opinion, the project is not progressing as scheduled or is hindered in any way by the actions or personalities of team members.

Qualifications packages should include, but not be limited to, information responsive to the project categories in Section VII. At a minimum, each submission must be arranged according to the following outline, segregated per project category as applicable:

1. Title Sheet: The title sheet must provide the project category (that is, engineering, land surveying, or architectural), name(s) of the primary team members, and the name of the primary contact clearly identified.
2. Cover Letter
3. Table of Contents
4. Summary of firm's background and focus.
5. List of responder's entire team/firm (Principals, Project Managers, Support Staff, etc.)
    a. If teaming with one or more subconsultants, disclose the same information for the subconsultant(s).
6. Provide a minimum of ten (10) representative completed projects (including subconsultants if any). Please include a variety of the project types you have performed. Each past performance project description should also contain:
    a. Location;
    b. Client;
    c. Date of project involvement;
    d. Project description including illustrative materials and a written description of why this project is pertinent to this RFQ;
    e. Known or probable cost and scope of the project;
    f. Specific services performed by the responder.
7. Professional References: List a minimum of three (3) references for the responder itself. List references for the example projects. For each reference, list the contact's name, address, phone number and relationship to the firm.
8. Statement of Philosophy and Project Understanding: Provide a concise statement (one page) outlining the philosophy of the responder in approaching projects of this nature, grasp of issues, and goals to address when delivering the specific professional services to a Texas municipality.
9. Evidence of professional licensing in Texas.
10. Evidence and insurance agent certification of insurability per City requirements. Set out below is an excerpt of insurance requirements typically utilized in City contracts. Following the insurance requirements, an insurance agent certification specific to this RFQ is included that must be completed by the responder's insurance agent or broker:

Attachment: 2023-148 ATTH 01 RFQ 23-1901-12 [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural,

INSURANCE REQUIREMENTS

(a) Commercial General Liability (CGL) insurance at minimum combined single limits of $1,000,000 per-occurrence and $2,000,000 general aggregate for bodily injury and property damage. Coverage must be written on an occurrence form. Contractual liability must be maintained with respect to the contractor's obligations contained in the contract. The general aggregate limit must be at least two (2) times the per-occurrence limit. CGL shall include coverage for:

1. *Premises/Operations*
2. *Products Completed Operations*
3. *Independent Contractors*
4. *Personal Injury*
5. *Contractual Liability*

(b) Workers Compensation insurance at statutory limits.

(c) Commercial Automobile Liability insurance at minimum combined single limits of $500,000 per-occurrence for bodily injury and property damage, including owned, non-owned, and hired vehicle coverage.

The required limits may be satisfied by any combination of primary, excess, or umbrella liability insurances, provided the primary policy complies with the above requirements and the excess umbrella is following form. The successful bidder may maintain reasonable and customary deductibles, subject to approval by the City.

A comprehensive general liability insurance form may be used in lieu of a commercial general liability insurance form. In this event, coverage must be written on an occurrence basis, at limits of $500,000 per occurrence, combined single limit; and coverage must include a broad form comprehensive general liability endorsement, coverage for products/completed operations, and broad form contractual liability covering the obligations included in the contract.

With reference to the foregoing insurance requirement, the successful bidder shall specifically endorse applicable insurance policies as follows:

(1) The City shall be named as an additional insured with respect to general liability.

(2) A waiver of subrogation in favor of the City of Texarkana, Texas shall be contained in the workers compensation coverage.

(3) All insurance policies shall be endorsed to require the insurer to immediately notify the City of any material change in the insurance coverage.

(4) All insurance policies shall be endorsed to the effect that the City will receive at least 10 days' notice prior to cancellation, non-renewal, or termination of the insurance.

(5) All copies of Certificates of Insurance shall reference the project/contract number for which the insurance is being supplied.

The City prefers that all insurance be purchased from an insurance company that meets the following requirements:

1) A financial rating of A: VII or better as assigned by the BEST rating Company or A or better by Standard and Poor's.
2) Written by companies approved by the State of Texas and acceptable to the City of Texarkana, Texas.

All insurance must be written on forms filed with and approved by the Texas State Board of Insurance. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent, and shall contain provisions representing and warranting the following:

1) The insurance set forth by the insurance company are underwritten on forms, which have been approved by the Texas State Board of Insurance.

2) Sets forth all endorsements and insurance coverage according to requirements and instructions contained herein.

3) Shall specifically set forth the notice of cancellation or termination provisions to the City of Texarkana, Texas.

Attachment: 2023-148 ATTH 01 RFQ 23-1901-12 [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural,

CITY OF TEXARKANA
INSURANCE REQUIREMENT AFFIDAVIT

To Be Completed by Appropriate Insurance Agent/Broker

I, the undersigned Agent/Broker, certify that the insurance requirements contained in this RFQ have been reviewed by me with the below identified responder. If the below identified responder is awarded a professional services contract by the City of Texarkana, I or my agency will be able to, within ten (10) days after being notified of such award, furnish a valid insurance certificate to the City meeting all of the requirements described in this RFQ.

_____ _____
Agent (Signature) Agent (Print)

Name of Agency/Broker: _____

Address of Agent/Broker: _____

City/State/Zip: _____

Agent/Broker Telephone Number: _____

RESPONDER'S NAME: _____
(Print or Type)

NOTE TO AGENT/BROKER
If this requirement is not met, the City has the right to reject this response. If you have any questions, please contact the City of Texarkana at (903) 798-3942.

Attachment: 2023-148 ATTH 01 RFQ 23-1901-12 [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural,

Scoring Criteria RFQ -23-1901-12 - Architectural Services

	KSA			McCartney/Westwood		
	Highly Competent	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*
Scorer 1	X			X		
Scorer 2	X			X		
Scorer 3	X			X		

Scoring Criteria RFQ -23-1901-12 - Surveying

	MTG			EST			HALFF			JQ			Arrendondo, Zepeda, and Brunz			McCarty/Westwood		
	Highly Competent	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*
Scorer 1	X			X			X			X			X			X		
Scorer 2	X			X			X			X			X			X		
Scorer 3	X			X			X			X			X			X		

Scoring Criteria RFQ -23-1901-12 - Engineering Services - Street Projects

	MTG			EST			HALFF			McCarty/Westwood		
	Highly Competent	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*
Scorer 1	X			X			X			X		
Scorer 2	X			X			X			X		
Scorer 3	X			X			X			X		

Scoring Criteria RFQ -23-1901-12 - Engineering Services - Hydrology Projects

	MTG			EST			HALFF			McCarty/Westwood		
	Highly Competent	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*
Scorer 1	X			X			X			X		
Scorer 2	X			X			X			X		
Scorer 3	X			X			X			X		

Scoring Criteria RFQ -23-1901-12 - Engineering Services - Utility Projects

	MTG			EST			HALFF			McCarty/Westwood		
	Highly Competent	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*
Scorer 1	X			X			X			X		
Scorer 2	X			X			X			X		
Scorer 3	X			X			X			X		

Scoring Criteria RFQ -23-1901-12 - Engineering Services - Geotech Projects

	Braun			Terracon			EST			McCarty/Westwood		
	Highly Competent	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*	*Highly Competent*	*Competent*	*Not Ranked*
Scorer 1	X			X			X			X		
Scorer 2	X			X			X			X		
Scorer 3	X			X			X			X		

Attachment: 2023-148 ATTH 02 Ranking [Revision 1] (4116 : 2023-148 RES Professional Service Providers

Attachment: 2023-148 RES list arch eng surv [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural, Engineering,

RESOLUTION NO. 2023-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADOPTING AND APPROVING HIGHLY QUALIFIED PROFESSIONAL SERVICES PROVIDERS FOR USE BY CITY ADMINISTRATION ON FUTURE ARCHITECTURAL, ENGINEERING, OR SURVEYING PROJECTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 2254, Subchapter A, of the Texas Government Code provides for procuring architectural, engineering, or land surveying services, directing a governmental entity to first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications, and thereafter negotiate with that provider a contract at a fair and reasonable price; and

WHEREAS, the Public Works Department issued a request for qualifications, RFQ 23-1901-12 ("the RFQ"), inviting responders to submit information on competence and qualifications to perform professional architectural, engineering, and surveying services as needed by the City; and

WHEREAS, the RFQ identified the following project categories and invited responders to submit responses to one or more categories of projects listed:

Architectural Projects

- New or remodels of existing facilities related to architectural design

Engineering Projects

- Street Construction Design Projects - new and reconstruction type projects
- Hydrology Projects - drainage studies, FEMA and floodplain related projects, and new and rehabilitation drainage infrastructure improvement projects
- Utility Infrastructure Projects – new and rehabilitation of water and sanitary sewer systems
- Geotechnical – soil testing and classifications and pavement, foundation, and subgrade designs

Land Surveying Projects

- Boundary surveying
- Topographic surveying
- ROW and Easement Document preparation and acquisition
- Legal descriptions preparation

WHEREAS, the RFQ established the following ranking divisions and evaluative criteria:

Ranking divisions:

- Highly competent
- Competent
- Not ranked

Attachment: 2023-148 RES list arch eng surv [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural, Engineering,

Evaluative criteria for each of the project categories:

- Organization & qualifications
- Category-specific project experience
- Capacity to deliver services timely
- Professional licensure, credentials, and references
- Demonstrated competence on specific City projects
- Capacity to secure insurance per City requirements

WHEREAS, the RFQ gave notice to responders that all qualifications determined to be highly competent and meeting submittal requirements will be recommended and ranked, as may be applicable, to the City Council for consideration of adopting and approving a list of professional architects, engineers, and surveyors generally familiar with the needs of the City of Texarkana, Texas, for use by City administration on future architectural, engineering, or surveying projects, as applicable; and

WHEREAS, the Public Works Department evaluated the submissions received to the RFQ and ranked the following professionals as highly competent – the highest ranking – in the respective category or categories (professionals listed in alphabetical order per project categories):

Architectural:	KSA McCarty/Westwood
Engineering – Geotechnical Projects:	Braun Terracon McCarty/Westwood MTG
Engineering – Hydrology Projects:	EST HALFF McCarty/Westwood MTG
Engineering – Street Projects:	EST HALFF McCarty/Westwood MTG
Engineering – Utility Projects:	EST HALFF McCarty/Westwood MTG
Surveying:	Arrendondo, Zepeda, and Brunz EST HALFF JQ McCarty/Westwood MTG

Attachment: 2023-148 RES list arch eng surv [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural, Engineering,

WHEREAS, the Public Works Department submits and recommends to the City Council that the professional services providers listed in Section 1 of this Resolution, each receiving the highest ranking in their respective category or categories on the basis of demonstrated competence and qualifications, are the most "highly qualified" providers for use by City administration on future architectural, engineering, or surveying projects, as applicable, subject to the contract negotiation process as required by law and City purchasing policies.

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

SECTION 1: The City Council adopts and approves the following professional services providers as the most highly qualified providers of the respective projects and services categorized below on the basis of demonstrated competence and qualifications, each provider receiving the highest ranking in their respective category or categories of professional services following an evaluation of responses to a request for qualifications; and subject to Section 2 of this Resolution, these providers may be utilized by City administration on future architectural, engineering, or surveying projects, as applicable:

Architectural:	KSA McCarty/Westwood
Engineering – Geotechnical Projects:	Braun Terracon McCarty/Westwood MTG
Engineering – Hydrology Projects:	EST HALFF McCarty/Westwood MTG
Engineering – Street Projects:	EST HALFF McCarty/Westwood MTG
Engineering – Utility Projects:	EST HALFF McCarty/Westwood MTG
Surveying:	Arrendondo, Zepeda, and Brunz EST HALFF JQ McCarty/Westwood MTG

SECTION 2: City administration shall follow the requirements of negotiating contracts for professional services from a particular provider pursuant to Chapter 2254, Subchapter A, of the Texas Government Code, and proposed contracts shall be submitted for approval to the City Council or, if applicable pursuant to City purchasing policies, to the City Manager.

SECTION 3: The City Council may consider amending the list of providers set out in Section 1 of this Resolution in the event a professional services provider for one or more of the project categories identified in the RFQ desires to submit a response to the RFQ, and that provider is evaluated by the Public Works Department as highly competent, meeting all submittal requirements, and is recommended for inclusion.

SECTION 4: 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 December, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2023-148 RES list arch eng surv [Revision 1] (4116 : 2023-148 RES Professional Service Providers for Architectural, Engineering,

City of Texarkana, Texas

Version: I

Briefing Sheet

Update Date: 12/6/2023 11:40 AM

Lead Department: Water Utilities **Action Officer:** Pam White,

Subject: Ordinance No. 2023-149 establishing rural water and sewer infrastructure fees for residential and commercial customers outside the city limits; dedicating collected revenues from such fees to infrastructure replacement and depositing into the Texas Infrastructure Fund maintained by Texarkana Water Utilities; and amending the Master Fee List to reflect outside-city-limits water and sewer rates and fees.

Briefing: 12/11/2023 **Public Hearing:** 12/11/2023 **Council Vote:** 12/11/2023

Item Schedule

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

Updates/History of Briefing:

A revised rate sheet, restating the ten-year rate structure established by the City Council in Ordinance No. 2022-100, and now revising wording applicable to outside-city-limits rates, has been added to this proposed ordinance as Exhibit "A". This exhibit is incorporated by reference in Section 2 of the body of the ordinance; and the ordinance caption has been revised to reflect the operative effect of Section 2 amending the Master Fee List with this revised rate sheet.

Executive Summary and Background Information:

Texarkana Water Utilities proposes establishing rural water and sewer infrastructure fees for residential and commercial customers outside the city limits. Infrastructure fixed are fixed fees added to the minimum monthly charge for water and/or sewer services, with the collected revenues from such fees dedicated to infrastructure repair and replacement, segregated from water and sewer rate payments, and deposited into the Texas Infrastructure Fund maintained by TWU. Infrastructure fees for water and sewer customers inside the city limits are currently being charged and were included in the ten-year water and sewer rate structure approved by the City Council in Ordinance No. 2022-100.

The total square footage encompassing the City's OCL water or sewer service is approximately 58,510,282 square feet or 1,343 acres. The approximate number of outside city limits ("OCL") customers for water or sewer service total 812 for water (769 residential, 43 commercial) and 316 for sewer (302 residential, 14 commercial). The proposed fees for the customer classes are as follows:

Residential Customers Outside City Limits	
Water Infrastructure Fee	$2.25/month
Sewer Infrastructure Fee	$2.25/month
Commercial Customers Outside City Limits	
Water Infrastructure Fee	$5.63/month
Sewer Infrastructure Fee	$5.63/month

The proposed ordinance directs TWU staff to provide individual written notice of these changes to each of the OCL customers; the notice must include, at a minimum, the effective date of the new rates, the new rates, and the location where additional information on rates can be obtained; and the notice may be provided electronically if TWU has access to the ratepayer's e-mail address.

Potential Options:

Approve (or not) the proposed OCL water and sewer infrastructure fees for residential and commercial customers.

Fiscal Implications:

Projected annual revenue to the Infrastructure Fund of approximately $32,700.

Staff Recommendation:

Utility staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2023-149 ORD OCL water sewer infra fees (DOCX)
b. 2023-149 EXH 'A' Water Sewer Rates with OCL revision (DOCX)
c. 2023-149 Goals & Perspectives (DOCX)

Staff Coordination

Water Utilities	Gary Smith	Department Head Review	Completed	11/02/2023 2:21 PM
TWU Administration	Kenny Icenhower	Review	Completed	11/02/2023 4:05 PM
City Attorney	Jeffery C. Lewis	Review	Completed	11/08/2023 1:42 PM
City Manager	David Orr	City Manager Review	Completed	11/09/2023 8:02 AM
City Council	Jennifer Evans	Meeting	Completed	11/13/2023 6:00 PM

Meeting History

ORDINANCE NO. 2023-149

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ESTABLISHING RURAL WATER AND SEWER INFRASTRUCTURE FEES FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS OUTSIDE THE CITY LIMITS; DEDICATING COLLECTED REVENUES FROM SUCH FEES TO INFRASTRUCTURE REPLACEMENT AND DEPOSITING INTO THE TEXAS INFRASTRUCTURE FUND MAINTAINED BY TEXARKANA WATER UTILITIES; AMENDING THE MASTER FEE LIST TO REFLECT THE OUTSIDE CITY LIMITS WATER AND SEWER RATES AND FEES AS AMENDED BY THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2024.

Recitals

WHEREAS, Sections 42-42(a)(2) and 42-44(a)(2) of the Code of Ordinances of the City of Texarkana, Texas, pertaining to water and sewer service, provide that infrastructure fees shall be in amounts as established by the City Council from time to time; and

WHEREAS, infrastructure fees, originally established by the City Council in Ordinance No. 294-99, effective August 23, 1999, are fixed fees added to the minimum monthly charge for water and/or sewer services, with the collected revenues from such fees dedicated to infrastructure replacement, segregated from water and sewer rate payments, and deposited into the Texas Infrastructure Fund maintained by Texarkana Water Utilities; and

WHEREAS, the City Council, by Ordinance No. 2022-100, effective October 1, 2022, adopted and approved a ten-year water and sewer rate structure, which included in-city residential and commercial water and sewer infrastructure fees (residential water $1.50/month, residential sewer $1.50/month, commercial water $3.75/month, commercial sewer $3.75/month); and

WHEREAS, the approximate number of outside city limits ("OCL") customers for water or sewer service total 812 for water (769 residential, 43 commercial) and 316 for sewer (302 residential, 14 commercial), and the total square footage encompassing the City's OCL water or sewer service is approximately 58,510,282 square feet or 1,343 acres; and.

WHEREAS, the water and sewer rate study performed by a third-party vendor which resulted in the ten-year water and sewer rate structure approved in Ordinance No. 2022-100 included projections of revenue generated by charging rural infrastructure water and sewer fees to OCL customers; and

WHEREAS, policy considerations generally applicable to establishing infrastructure fees for OCL water or service services include infrastructure costs per connection being higher for the delivery of water and sewer services to OCL customers as OCL development is typically less dense than inside development, less dense development correlating with greater infrastructure needs per connection and thus higher costs, and higher energy costs incurred with pumps and lift stations needed to serve OCL development; and

Attachment: 2023-149 ORD OCL water sewer infra fees [Revision 2] (4125 : 2023-149 ORD Infrastructure Fee for Outside City Limits)

WHEREAS, for residential and commercial customers outside the city limits, Texarkana Water Utility staff recommends adding to the monthly minimum charge for OCL water and/or sewer services the rural water and sewer infrastructure fees set out in Section 1 of this Ordinance, with the revenues collected from such fees dedicated to infrastructure replacement, segregated from water and sewer rate payments, and deposited into the Texas Infrastructure Fund maintained by Texarkana Water Utilities; and

WHEREAS, when considering the OCL service area total customers, the approximate service area acreage, and policy considerations, the City Council finds and determines that the proposed rural water and sewer infrastructure fees for residential and commercial customers outside the city limits, with collected revenues from such fees dedicated to infrastructure replacement, are just and reasonable, necessary, and in the best interest of the City, the water and sewer utility, and all consumers benefiting from the provision and delivery of municipal water and sewer services.

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

SECTION 1: The City Council adopts and approves the following rural water and sewer infrastructure fees for residential and commercial customers outside the city limits to be added to the minimum monthly charge for OCL water and/or sewer services:

Residential Customers Outside City Limits	
Water Infrastructure Fee	$2.25/month
Sewer Infrastructure Fee	$2.25/month
Commercial Customers Outside City Limits	
Water Infrastructure Fee	$5.63/month
Sewer Infrastructure Fee	$5.63/month

Revenues collected from such fees shall be dedicated to infrastructure replacement, segregated from water and sewer rate payments, and deposited into the Texas Infrastructure Fund maintained by Texarkana Water Utilities. As of the Effective Date of this Ordinance, the ten-year water and sewer rate structure adopted and approved in Ordinance No. 2022-100 is hereby amended to include these rural water and sewer infrastructure fees for residential and commercial customers outside the city limits.

SECTION 2: This Ordinance amends the Master Fee List for the City of Texarkana, Texas. The Master Fee List shall be revised as of the Effective Date of this Ordinance to reflect, during each applicable fiscal year, the corresponding rural water and sewer infrastructure fees for residential and commercial customers outside the city limits set out in **Exhibit "A"** to this Ordinance, incorporated herein by reference for all purposes.

SECTION 3: Texarkana Water Utility staff shall provide individual written notice of the rate change to each of the OCL customers; the notice must include, at a minimum, the effective date of the new rates, the new rates, and the location where additional information on rates can be obtained; and the notice may be provided electronically if the Utility has access to the ratepayer's e-mail address.

Attachment: 2023-149 ORD OCL water sewer infra fees [Revision 2] (4125 : 2023-149 ORD Infrastructure Fee for Outside City Limits)

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

SECTION 5: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 6: This Ordinance shall be in full force and effect, after its passage and approval, on January 1, 2024.

PASSED AND APPROVED in Regular Council Session on this the **11th day of December, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-149 ORD OCL water sewer infra fees [Revision 2] (4125 : 2023-149 ORD Infrastructure Fee for Outside City Limits)

EXHIBIT A

INSIDE CITY LIMITS RESIDENTIAL DOMESTIC FIXED CHARGE-WATER SERVICE FEE											
METER SIZE	Oct-21	Oct-22	Oct-23	Oct-24	Oct-25	Oct-26	Oct-27	Oct-28	Oct-29	Oct-30	Oct-31
5/8"	$8.38	$9.50	$10.00	$10.50	$11.00	$11.50	$12.00	$12.50	$13.00	$13.50	$14.00
3/4"	8.38	9.50	10.00	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00
1"	8.38	10.14	11.34	12.61	13.95	15.35	16.82	18.36	19.97	21.64	23.38
1.5"	8.38	11.71	14.66	17.84	21.25	24.90	28.78	32.89	37.23	41.81	46.62
2'	8.38	13.61	18.66	24.14	30.05	36.40	43.18	50.39	58.03	66.11	74.62
3"	8.38	18.05	28.00	38.85	50.60	63.25	76.80	91.25	106.60	122.85	140.00
4"	8.38	24.39	41.34	59.86	79.95	101.60	124.82	149.61	175.97	203.89	233.38
6"	8.38	40.21	74.66	112.34	153.25	197.40	244.78	295.39	349.23	406.31	466.62
8'	8.38	59.21	114.66	175.34	241.25	312.40	388.78	470.39	557.23	649.31	746.62
INFRASTRUCTURE FEE	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES											

INSIDE CITY LIMITS RESIDENTIAL DOMESTIC VOLUMETRIC RATES -WATER RATE PER 1,000 GALLONS											
	Oct-21	Oct-22	Oct-23	Oct-24	Oct-25	Oct-26	Oct-27	Oct-28	Oct-29	Oct-30	Oct-31
0 - 2,000	$1.80	$1.80	$2.15	$2.45	$2.75	$3.00	$3.20	$3.40	$3.60	$3.80	$4.00
2,001 - 5,000	2.06	2.10	2.55	2.96	3.38	3.75	4.00	4.25	4.50	4.75	5.00
5,001 - 7,000	3.34	3.34	3.76	4.14	4.48	4.69	5.00	5.31	5.63	5.94	6.25
7,001 - 10,000	3.86	3.92	4.48	5.02	5.51	5.86	6.25	6.64	7.03	7.42	7.81
10,000+	4.11	4.32	5.11	5.90	6.69	7.32	7.81	8.30	8.79	9.28	9.77
RIVERBEND FEE	3.00	3.00	3.50	4.15	4.15	4.15	4.15	4.15	4.15	4.15	4.15
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES EXCLUDING THE RIVERBEND FEE											

Attachment: 2023-149 EXH 'A' Water Sewer Rates with OCL revision [Revision 1] (4125 : 2023-149 ORD

EXHIBIT A

INSIDE CITY LIMITS RESIDENTIAL SEWER RATES ALL METER SIZES											
	Oct-21	Oct-22	Oct-23	Oct-24	Oct-25	Oct-26	Oct-27	Oct-28	**Oct-29**	Oct-30	Oct-31
SEWER FIXED FEE											
SERVICE FEE	$10.81	$12.00	$12.50	$13.00	$13.50	$14.00	$14.50	$15.00	$15.50	$16.00	$16.50
INFRASTRUCTURE FEE	1.50	1 .50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
RATE PER 1,000 GALLONS											
0- 2,000	-	-	-	-	-	-	-	-	-	-	-
2,001 - 15,000	$3.88	$4.35	$4.50	$4.80	$5.10	$5.35	$5.55	$5.75	$5.95	$6.15	$6.35
15,001+	-	-	-	-	-	-	-	-	-	-	-
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES											

INSIDE CITY LIMITS RESIDENTIAL IRRIGATION FIXED CHARGE -WATER SERVICE FEE											
METER SIZE	**Oct-21**	**Oct-22**	**Oct-23**	**Oct-24**	**Oct-25**	**Oct-26**	**Oct-27**	**Oct-28**	**Oct-29**	**Oct-30**	**Oct-31**
5/8"	$8.38	$9.50	$10.00	$10.50	$11.00	$11.50	$12.00	$12.50	$13.00	$13.50	$14.00
3/4"	8.38	9.50	10.00	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00
1"	8.38	10.14	11.34	12.61	13.95	15.35	16.82	18.36	19.97	**21.64**	23.38
1.5"	8.38	11 .71	14 .66	17 .84	21 .25	24.90	28.78	32.89	37.23	41.81	46.62
2'	8.38	13.61	18.66	**24.14**	30.05	36.40	43.18	50.39	58.03	66.11	74.62
3"	8.38	18.05	28.00	38.85	50.60	63.25	76.80	91.25	106.60	122.85	140.00
4"	8.38	24.39	41.34	59.86	79.95	101.60	124.82	149.61	175.97	203.89	233.38
6"	8.38	40.21	74.66	112.34	153.25	197.40	244.78	295.39	349.23	406.31	466.62
8'	8.38	59.21	114.66	175.34	241.25	312.40	388.78	470.39	557.23	649.31	746.62
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES											

Attachment: 2023-149 EXH 'A' Water Sewer Rates with OCL revision [Revision 1] (4125 : 2023-149 ORD

EXHIBIT A

INSIDE CITY LIMITS RESIDENTIAL IRRIGATION VOLUMETRIC RATES -WATER RATE PER 1,000 GALLONS											
	Oct-21	Oct-22	Oct-23	Oct-24	Oct-25	Oct-26	Oct-27	Oct-28	Oct-29	Oct-30	Oct-31
0 - 2,000	$1.80	$2.11	$2.42	$2.73	$3.04	$3.34	$3.57	$3.79	$4.01	$4.24	$4.46
2,001 - 5,000	2.06	2.43	2.81	3.20	3.60	4.00	4.31	4.62	4.93	5.25	5.57
5,001 - 7,000	3.34	3.86	4.36	4.84	5.31	5.75	6.03	6.29	6.53	6.76	6.97
7,001 - 10,000	3.86	4.49	5.12	5.73	6.33	6.91	7.30	7.68	8.04	8.38	8.71
10,000+	4.11	4.87	5.65	6.43	7.21	8.01	8.59	9.18	9.75	10.33	10.89
RIVERBEND FEE	3.00	3.00	3.50	4.15	4.15	4.15	4.15	4.15	4.15	4.15	4.15
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES EXCLUDING THE RIVERBEND FEE											

INSIDE CITY LIMITS COMMERCIAL DOMESTIC FIXED CHARGE -WATER SERVICE FEE											
METER SIZE	**Oct-21**	**Oct-22**	**Oct-23**	**Oct-24**	**Oct-25**	**Oct-26**	**Oct-27**	**Oct-28**	**Oct-29**	**Oct-30**	**Oct-31**
5/8"	$9.54	$11.00	$11.50	$12.00	$12.50	$13.00	$13.50	$14.00	$14.50	$15.00	$15.50
3/4"	9.54	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
1"	10.91	13.16	14.36	15.62	16.92	18.29	19.70	21.17	22.69	24.26	25.89
1.5"	12.26	16.39	19.49	22.79	26.29	30.00	33.92	38.03	42.36	46.88	51.62
2'	13.61	19.99	25.38	31.17	37.35	43.92	50.88	58.23	65.97	74.10	82.62
3"	27.24	39.27	49.27	59.99	71.42	83.56	96.42	109.99	**124.28**	139.28	155.00
4"	40 .86	60 .74	77.75	95.99	115.48	136.20	158.16	181.36	205.79	231.47	258.39
6"	68.11	107.34	142.34	179.96	220.19	263.05	308.52	356.62	407.33	460.66	516.62
8'	68.11	129.34	188.34	251.96	320.19	393.05	470.52	552.62	639.33	730.66	826.62
INFRASTRUCTURE FEE	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES											

Attachment: 2023-149 EXH 'A' Water Sewer Rates with OCL revision [Revision 1] (4125 : 2023-149 ORD

EXHIBIT A

INSIDE CITY LIMITS COMMERCIAL DOMESTIC VOLUMETRIC RATES -WATER RATE PER 1,000 GALLONS											
	Oct-21	**Oct-22**	**Oct-23**	**Oct-24**	**Oct-25**	**Oct-26**	**Oct-27**	**Oct-28**	**Oct-29**	**Oct-30**	**Oct-31**
0 - 2,000	$3.34	$3.34	$3.99	$4.55	$5.11	$5.57	$5.94	$6.32	$6.69	$7.06	$7.43
2,001 - 5,000	3.34	3.68	4.47	5.21	5.98	6.66	7.43	7.90	8.36	8.82	9.29
5,001 - 7,000	3.34	4.05	5.01	5.97	6.99	7.96	9.29	9.87	10.45	11.03	11.61
7,001 - 10,000	3.34	4.45	5.61	6.83	8.18	9.51	11.61	12.34	13.06	13.79	14.51
10,000+	3.34	4.90	6.28	7.82	9.57	11.37	14.51	15.42	16.33	17.24	18.14
RIVERBEND FEE	3.00	3.00	3.50	4.15	4.15	4.15	4.15	4.15	4.15	4.15	4.15
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES EXCLUDING THE RIVERBEND FEE											

INSIDE CITY LIMITS COMMERCIAL SEWER RATES ALL METER SIZES											
	Oct-21	**Oct-22**	**Oct-23**	**Oct-24**	**Oct-25**	**Oct-26**	**Oct-27**	**Oct-28**	**Oct-29**	**Oct-30**	**Oct-31**
SEWER FIXED FEE											
SERVICE FEE	$10.81	$12.00	$12.50	$13.00	$13.50	$14.00	$14.50	$15.00	$15.50	$16.00	$16.50
INFRASTRUCTURE FEE	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75
RATE PER 1,000 GALLONS											
0 - 2,000	-	-	-	-	-	-	-	-	-	-	-
2,001+	4.53	5.09	5.26	5.61	5.97	6.26	6.49	6.73	6.96	7.19	7.43
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES											

Attachment: 2023-149 EXH 'A' Water Sewer Rates with OCL revision [Revision 1] (4125 : 2023-149 ORD

EXHIBIT A

INSIDE CITY LIMITS COMMERCIAL IRRIGATION FIXED CHARGE -WATER SERVICE FEE											
METER SIZE	**Oct-21**	**Oct-22**	**Oct-23**	**Oct-24**	**Oct-25**	**Oct-26**	**Oct-27**	**Oct-28**	**Oct-29**	**Oct-30**	**Oct-31**
5/8"	$9.54	$11.00	$11.50	$12.00	$12.50	$13.00	$13.50	$14.00	$14.50	$15.00	$15.50
3/4"	9.54	11.00	11.50	12.00	12.50	13.00	13.50	**14.00**	14 .50	15.00	15.50
1"	10.91	13.16	14.36	15.62	16.92	18.29	19.70	21.17	22.69	24.26	25.89
1.5"	12.26	16.39	19.49	22.79	26.29	30.00	33.92	38.03	42.36	46.88	51.62
2'	13.61	19.99	25.38	31.17	37.35	43.92	50.88	58.23	65.97	74.10	82.62
3"	27.24	39.27	49.27	59.99	71.42	83.56	96.42	109.99	124.28	139.28	155.00
4"	40.86	60.74	77.75	95.99	115.48	136.20	158.16	181.36	205.79	231.47	258.39
6"	68.11	107.34	142.34	179.96	220.19	263.05	308.52	356.62	407.33	460.66	516.62
8'	68.11	129.34	188.34	251.96	320.19	393.05	470.52	552.62	639.33	730.66	826.62
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES											

INSIDE CITY LIMITS COMMERCIAL IRRIGATION VOLUMETRIC RATES-WATER RATE PER 1,000 GALLONS											
	Oct-21	Oct-22	Oct-23	Oct-24	Oct-25	Oct-26	Oct-27	Oct-28	Oct-29	Oct-30	Oct-31
0 - 2,000	$3.34	$3.34	$3.34	$3.34	$3.34	$3.34	$3.57	$3.79	$4.01	$4.24	$4.46
2,001 - 5,000	3.34	3.47	3.60	3.74	3.87	4.00	4.31	4.62	4.93	5.25	5.57
5,001 - 7,000	3.34	3.86	4.36	4.84	5.31	5.75	6.03	6.29	6.53	6.76	6.97
7,001 - 10,000	3.34	4.49	5.12	5.73	6.33	6.91	7.30	7.68	8.04	8.38	8.71
10,000+	3.34	4.87	5.65	6.43	7.21	8.01	8.59	9.18	9.75	10.33	10.89
RIVERBEND FEE	3.00	3.00	3.50	4.15	4.15	4.15	4.15	4.15	4.15	4.15	4.15
NOTE: OUTSIDE CITY LIMITS RATES= TO 1.5 TIMES THE ABOVE RATES EXCLUDING THE RIVERBEND FEE											

Attachment: 2023-149 EXH 'A' Water Sewer Rates with OCL revision [Revision 1] (4125 : 2023-149 ORD

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2023-149 Goals & Perspectives (4125 : 2023-149 ORD Infrastructure Fee for Outside City Limits)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 11/8/2023 1:51 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-152 amending PD-85-1 for site plan approval on an approximate 1.57-acre tract of land (being Tract 2), Mary E. Wills Subdivision, located at 1802 Richmond Road. James Brower, owner.		

Briefing: 12/11/2023 **Public Hearing:** 12/11/2023 **Council Vote:** 12/11/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by James Brower, owner, for site plan approval on an approximate 1.57-acre tract of land (being Tract 2), Mary E. Wills Subdivision, located at 1802 Richmond Road. This location is currently vacant land.

The Future Land Use Map has designated this property as “Neighborhood Retail”.

The adjacent zoning is Multiple Family-1 to the west, General retail to the north, Planned Development-General Retail to the east and Single Family-2 to the South. The adjacent land use is a church to the west, retail to the north, and residential to the east and south.

The restrictions are as follows:

1. New 4,800 sq. ft. building.
2. The façade is brick and metal mansard.
3. Twenty-two (22) parking places including 2 handicapped spaces. Each parking space must be a minimum of 180 sq. ft. (9’x20’ or 10’x18’).
4. One 6’X8’ monument style sign is allowed.
5. One screened dumpster site.
6. Any driveway changes or addition will be subject to approval by TXDOT.
7. The most remote part of the building must not be more than 150 feet away from the public street or a fire lane is required.
8. Site design must meet Stormwater Drainage Manual requirements.

Staff recommends for approval of this request with stipulations.

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

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

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommends for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

November 6, 2023

Attachments

a. 2023-152 ORD site plan approval 1802 Richmond Rd (DOCX)
b. 2023-152 EXH 'A' (Site Plan)(PDF)
c. 2023-152 EXH 'B' (Legal Description) (PDF)
d. 2023-152 ATTH 01 (Maps) (PDF)
e. 2023-152 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed
	11/09/2023 9:18 AM			
Public Works Department		Dusty Henslee	Reviewer	Completed
	11/09/2023 9:38 AM			
City Manager	David Orr	Reviewer	Completed	11/09/2023 3:51 PM
City Council	Jennifer Evans	Meeting	Completed	11/13/2023 6:00 PM

Meeting History

ORDINANCE NO. 2023-152

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-85-1(GR) FOR SITE PLAN APPROVAL ON AN APPROXIMATE 1.57-ACRE TRACT OF LAND (BEING TRACT 2), MARY E. WILLS SUBDIVISION, LOCATED AT 1802 RICHMOND 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 requesting the approval of a **site plan (Exhibit 'A') on an approximate 1.57-acre tract of land (being Tract 2), Mary E. Wills Subdivision, located at 1802 Richmond Road (Exhibit 'B')** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-85-1(GR)], and approval of the site plan **(Exhibit 'A')** would constitute an amendment to PD-85-1(GR); and

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

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously by a vote of five (5) to zero (0) to recommend for approval of the petition for a site plan (Exhibit 'A')** to the City Council of the City of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that the approval of the site plan for the above described property is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the site plan **(Exhibit 'A') on an approximate 1.57-acre tract of land (being Tract 2), Mary E. Wills Subdivision, located at 1802 Richmond Road (Exhibit 'B')** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-85-1(GR).

Attachment: 2023-152 ORD site plan approval 1802 Richmond Rd (4129 : 2023-152 ORD Amendment to PD-85-1 site plan approval 1802

SECTION 2: PD-85-1(GR) is hereby amended by approval of the site plan (**Exhibit 'A'**), incorporated herein by reference for all purposes and includes the following:

1. New 4,800 sq. ft. building.
2. The façade is brick and metal mansard.
3. Twenty-two (22) parking places including two (2) handicapped spaces. Each parking space must be a minimum of 180 sq. ft. (9'x20' or 10'x18').
4. One 6'X8' monument style sign is allowed.
5. One screened dumpster site.
6. Any driveway changes or addition will be subject to approval by TxDOT.
7. The most remote part of the building must not be more than 150 feet away from the public street or a fire lane is required.
8. Site design must meet Stormwater Drainage Manual requirements.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **11th day of December, 2023.**

ATTEST:

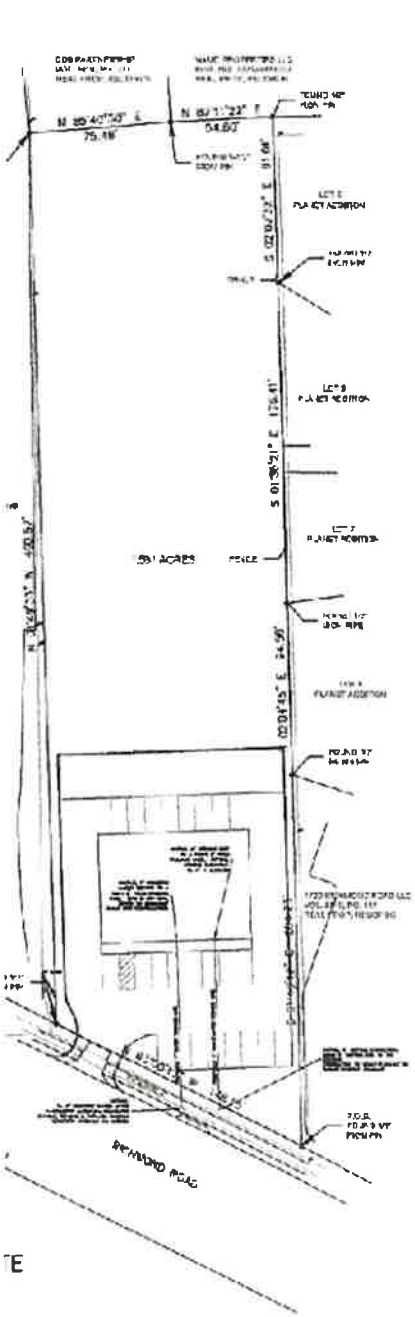
_____ _____

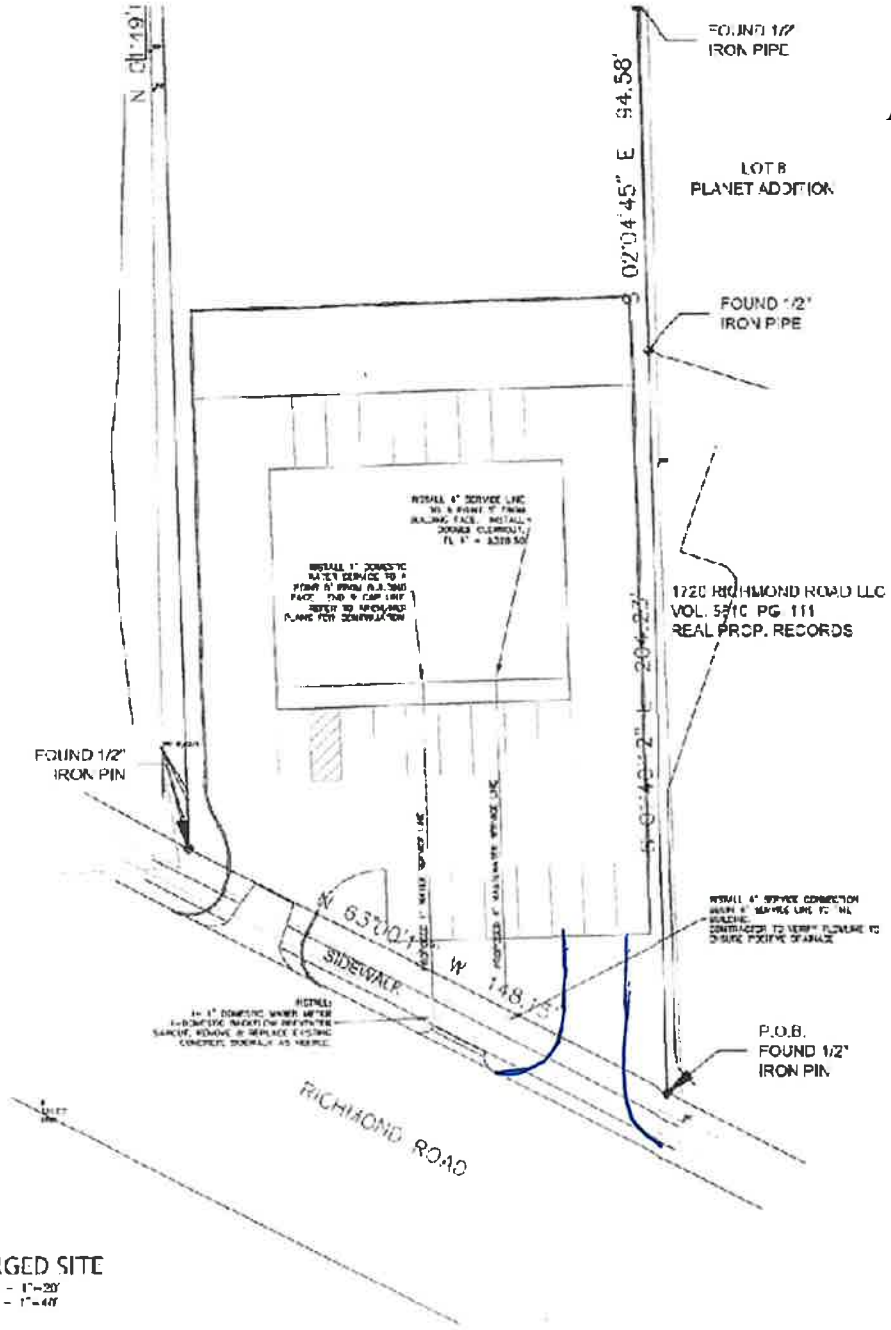
JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-152 ORD site plan approval 1802 Richmond Rd (4129 : 2023-152 ORD Amendment to PD-85-1 site plan approval 1802

2023-152 EXH 'A'

Amendment to PD-85-1 (GR)





ENLARGED SITE

WATER AND SANITARY SEWER GENERAL NO

N PREVENTER

ESTIC BACKFLOW PREVENTER SHALL BE A ERIES 909 REDUCED PRESSURE PRINCIPAL Y. THE ASSEMBLY SHALL BE PROTECTED EEZING. THE BOTTOM OF THE RELIEF VALVE AT LEAST 12-INCHES ABOVE THE GROUND, CE SHOULD BE INSTALLED WITHIN 5-FEET OF ESTIC METER.

THE EXISTING WATER AND SEWER MAINS SHOWN ON THIS SITE ARE BASED ON INFORMATION AVAILABLE FROM TEXARKANA WATER UTILITIES WEBPAGE. CONTRACTOR TO VERIFY SIZE AND LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION

WHITTEN CIVIL ENGINEERING, INC.

WATER & WASTEWA

PROPOSED RESTAURANT
1802 RICHMOND ROAD
BOWIE COUNTY
CITY

Attachment: 2023-152 EXH 'A' (Site Plan) (4129 : 2023-152 ORD Amendment to PD-85-1 site plan approval

THIS IS TO CERTIFY: that this plat correctly reflects the results of a survey made on the ground covering all that certain tract or parcel of land being a part of the CHANCELLOR BEACH HEADRIGHT SURVEY, Abstract No. 731, Bowie County Texas, the subject tract of land being all of the called 1.66 acre tract described in a Release to W. H. Walraven as recorde Volume 165, Page 383 of the Deed Records of Bowie County, Texas, the 1.66 acre tract also being referred to as Lot No. of the Mary E. Wills Subdivision according to the map or plat recorded in Volume 40, Page 260 of the Plat Records of Bow County, Texas, Save and Except that part of said called 1.66 acre tract that lies South of the North right-of-way line of a street known as Richmond Road as conveyed to the State of Texas by Deed recorded in Volume 1344, Page 237 of the R Property Records of Bowie County, Texas, and the subject tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" iron pin found for corner on the North right-of-way line of Richmond Road, the Point of Beginning also being located on the East line of said Walraven tract and at the Southwest corner of a 0.784 acre tract of land as conveyed 1720 Richmond Road, LLC, by Warranty Deed recorded in Volume 5810, Page 111 of the Real Property Records of Bowie County, Texas;
THENCE: N 63°00'17" W, 148.15 feet with the North right-of-way line of Richmond Road to a ½" iron pin found for corner the West line of said Walraven tract, said corner being the Southeast corner of a 2.574 acre tract of land as conveyed to James Boulton, Robert Hudson and Allen Wroten, Trustees of Free Life Church, by Warranty Deed with Vendor's Lien recorded as Instrument No. 2019-00012640 of the Real Property Records of Bowie County, Texas;
THENCE: N 01°49'03" W, 490.57 feet with the West line of said Walraven tract and the East line of said 2.574 acre tract to 5/8" iron pin found for corner at the Northwest corner of said Walraven tract, said corner being located on the East line of s 2.574 acre tract and at the Southerly Southwest corner of a 0.749 acre tract of land as conveyed to CDB Partnership by Warranty Deed recorded in Volume 3016, Page 213 of the Real Property Records of Bowie County, Texas;
THENCE: N 85°40'30" E, 75.48 feet with the North line of said Walraven tract, same being the Southerly South line of saic 0.749 acre tract, to a 1-1/2" iron pipe found for corner at the Southeast corner of said 0.749 acre tract, said corner also beir the Southwest corner of a 1.338 acre tract of land as conveyed to Maud Properties, LLC, by Special Warranty Deed with Vendor's Lien recorded as Instrument No. 2021-00000330 of the Real Property Records of Bowie County, Texas;
THENCE: N 87°11'22" E, 54.80 feet with the North line of said Walraven tract and the South line of said 1.338 acre tract to ½" iron pin found for corner at the Northeast corner of said Walraven tract and the Northwest corner of Lot No. 5 of Planet Addition according to the map or plat recorded in Volume 329, Page 198 of the Plat Records of Bowie County, Texas;
THENCE: Southerly with the West line of Planet Addition and the East line of said Walraven tract the following courses:
S 02°02'32" E, 91.01 feet to a ½" iron pin found at the Southwest corner of said Lot No. 5, same being the Northwest corne of said Lot No. 6;
S 01°36'21" E, 176.41 feet with the West line of said Lot No. 6 and on with the West line of Lot No. 7 to a ½" iron pipe found for corner at the Southwest corner of said Lot No. 7, same being the Northwest corner of Lot No. 8:
And S 02°04'45" E, 94.58 feet with the West line of said Lot No. 8 to a ½" iron pipe found for corner at the Southwest corne of same, said corner also being the Northwest corner of said 0.784 acre tract;
THENCE: S 01°40'12" E, 204.23 feet with the East line of said Walraven tract and the West line of said 0.784 acre tract to the Point of Beginning and containing 1.581 acres of land, more or less.

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE COMPANY: The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that any discrepancies, conflict, shortages in area, boundary line conflicts, encroachments of improvements, apparent or visible easements or rights-of-way are as shown hereon and/or described herein as best can be determined by the documents provided and as per on the ground survey, and that said property appears to have access to and from a dedicated roadway.

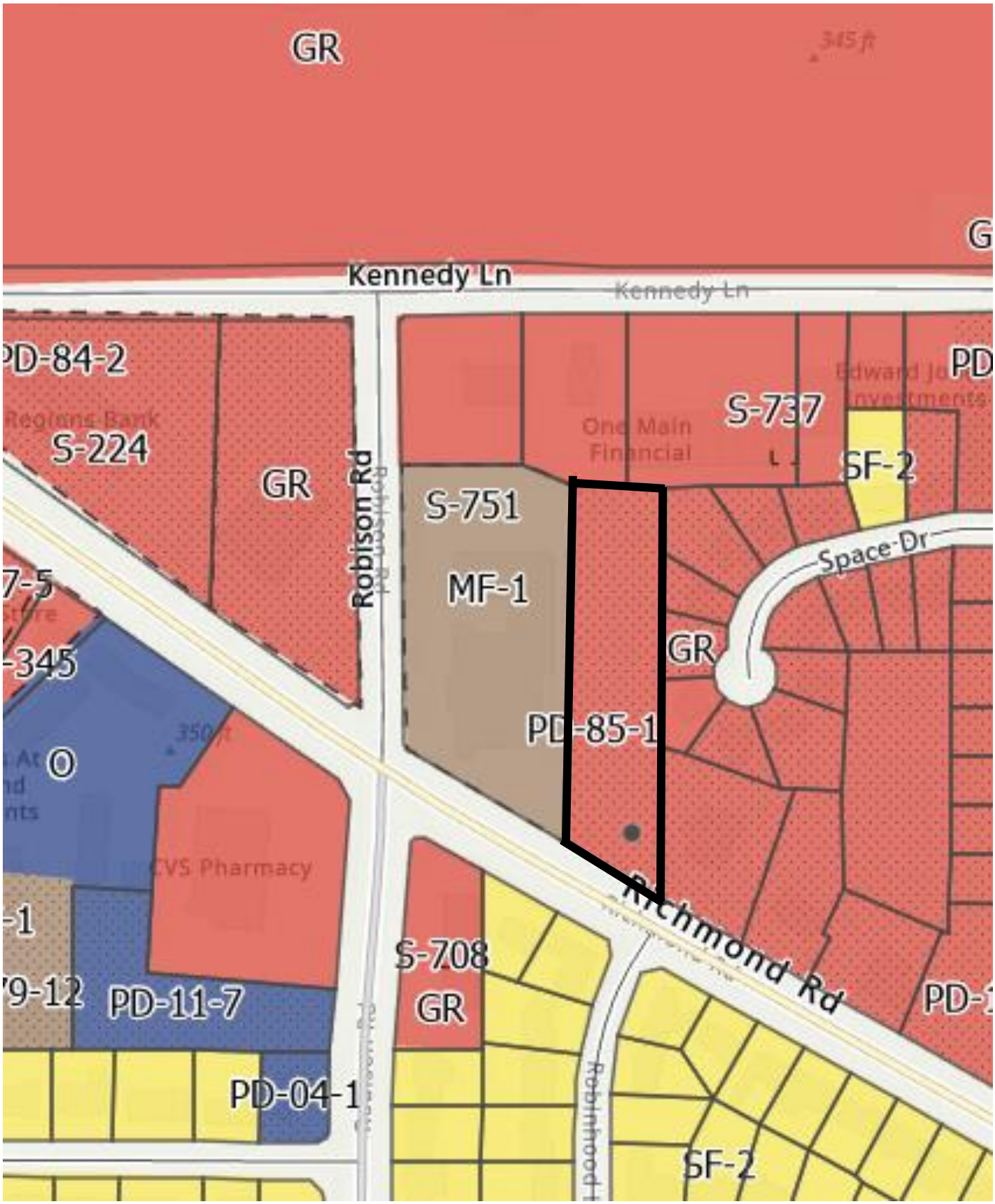
JOHNNY E. PLUNK, JR.
REGISTERED PROFESSIONAL
LAND SURVEYOR
TEXAS NO. 5080



Attachment: 2023-152 EXH 'B' (Legal Description) (4129 : 2023-152 ORD Amendment to PD-85-1 site plan approval 1802 Richmond Rd)

2023-152 ATTH 01
Z-23-16

1802 Richmond Road



Attachment: 2023-152 ATTH 01 (Maps) (4129 : 2023-152 ORD Amendment to PD-85-1 site plan approval 1802 Richmond Rd)

2023-152 ATTH 01
Z-23-16

1802 Richmond Road



Attachment: 2023-152 ATTH 01 (Maps) (4129 : 2023-152 ORD Amendment to PD-85-1 site plan approval 1802 Richmond Rd)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2023-152 Goals & Perspectives (4129 : 2023-152 ORD Amendment to PD-85-1 site plan approval 1802 Richmond Rd)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 10/16/2023 10:39 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-134 rezoning an approximate 2.228-acre tract of land (being Tracts 106A1 and 107), George Brinlee HRS, A-18 located at 4502 Gus Orr Drive from Agriculture to Parking. Joel Orr, owner, and Kayla Wood, MTG Engineers and Surveyors, agent.		

Briefing: 11/13/2023 **Public Hearing:** 11/13/2023 **Council Vote:** 11/13/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Joel Orr, owner, and Kayla Wood, MTG Engineers and Surveyors, agent to rezone an approximate 2.228-acre tract of land (being Tract 106A1 and 107, George Brinlee HRS, A-18, located at 4502 Gus Orr Drive from Agriculture to Parking.

The adjacent zoning is Agriculture to the north, west and east, and General retail to the south and east. The adjacent land use is vacant land to the north, west and east and retail to the south and east.

The Future Land Use Map has designated this property as “Regional Commercial”.

Staff recommends for approval this request.

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

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

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

October 2, 2023

Attachments

a. 2023-134 ORD Rezoning 4502 Gus Orr Drive (DOCX)
b. 2023-134 EXH 'A' (Legal Description) (PDF)
c. 2023-134 ATTH 01 (Maps) (PDF)
d. 2023-134 ATTH 02 (Parking Plan) (PDF)
e. 2023-134 Goals & Perspectives (DOCX)
f. 2023-134 ORD rez 4502 Gus Orr Dr signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	10/10/2023 9:13 AM
Public Works Department	Dusty Henslee	Reviewer	Completed	10/11/2023 1:42 PM
City Manager	David Orr	Reviewer	Completed	10/11/2023 2:26 PM
City Council	Jennifer Evans	Meeting	Completed	10/23/2023 6:00 PM

Meeting History

10/23/23	City Council	MOVED FORWARD	Next: 11/13/23

Z-23-14

ORDINANCE NO. 2023-134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 2.228-ACRE TRACT OF LAND (BEING TRACTS 106A1 AND 107) GEORGE BRINLEE HRS, A-18, LOCATED AT 4502 GUS ORR DRIVE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE TO PARKING; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an **approximate 2.228-acre tract of land (being Tracts 106A1 and 107), George Brinlee HRS, A-18 (Exhibit 'A'), located at 4502 Gus Orr Drive,** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Parking**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Agriculture to Parking on an approximate 2.228-acre tract of land (being Tracts 106A1 and 107), George Brinlee HRS, A-18 (Exhibit 'A'), located at 4502 Gus Orr Drive** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Agriculture to Parking**; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an **approximate 2.228-acre tract of land (being Tracts 106A1 and 107), George Brinlee HRS, A-18 (Exhibit 'A'), located at 4502 Gus Orr Drive** in the City of Texarkana, Bowie County, Texas,

Attachment: 2023-134 ORD Rezoning 4502 Gus Orr Drive (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

from **Agriculture to Parking.**

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

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

SECTION 4: 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 **13th day of November, 2023.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2023-134 ORD Rezoning 4502 Gus Orr Drive (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

2023-134 EXH 'A;
Z-23-14

Property Description

2.228 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the George Brinlee Headright Survey, Abstract 18, Bowie County, Texas, being a portion of that certain tract of land described as 2.228 acres in the deed from Rayfield Walsh, Jr. to Guss Orr Drive, LLC., dated December 1, 2022, recorded in Document No. 2022-00013912 of the Real Property Records, Bowie County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), found for a corner, being the Southeast corner of the said 2.228 acre tract, the Northeast corner of the Re-plat of Lot 4A of Arklatex Realty Subdivision, according to the plat recorded in Volume 5241, Page 227 of the Real Property Records of Bowie County, Texas, and lying in the West right-of-way line of Pavillion Parkway;

THENCE South 88 degrees 47 minutes 21 seconds West (basis of bearing) a distance of 971.44 feet along the South line of the said 2.228 acre tract, the North line of the said Lot No. 4A, the North line of Lot No. 3 of Arlatex Realty Subdivision, recorded in Volume 4958, Page 87 of the Real Property Records, Bowie County, Texas, the North line of Lot No. 2 of the Re-Plat of Lots No. 1 and 2 of Arklatex Realty Subdivision, recorded in Volume 6148, Page 297 of the Real Property Records, Bowie County, Texas, to a 1/2 inch steel rod (control monument), capped MTG 101011-00, found for a corner, the Southwest corner of the said 2.228 acre tract, the Northwest corner of the said Lot 2, same being the Northeast corner of Lot No. 1B of the said Re-Plat of Lots No. 1 and 2 of Arklatex Realty Subdivision;

THENCE North 01 degrees 11 minutes 44 seconds West a distance of 100.00 feet along the West line of the said 2.228 acre tract to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, the Northwest corner of the said 2.228 acre tract;

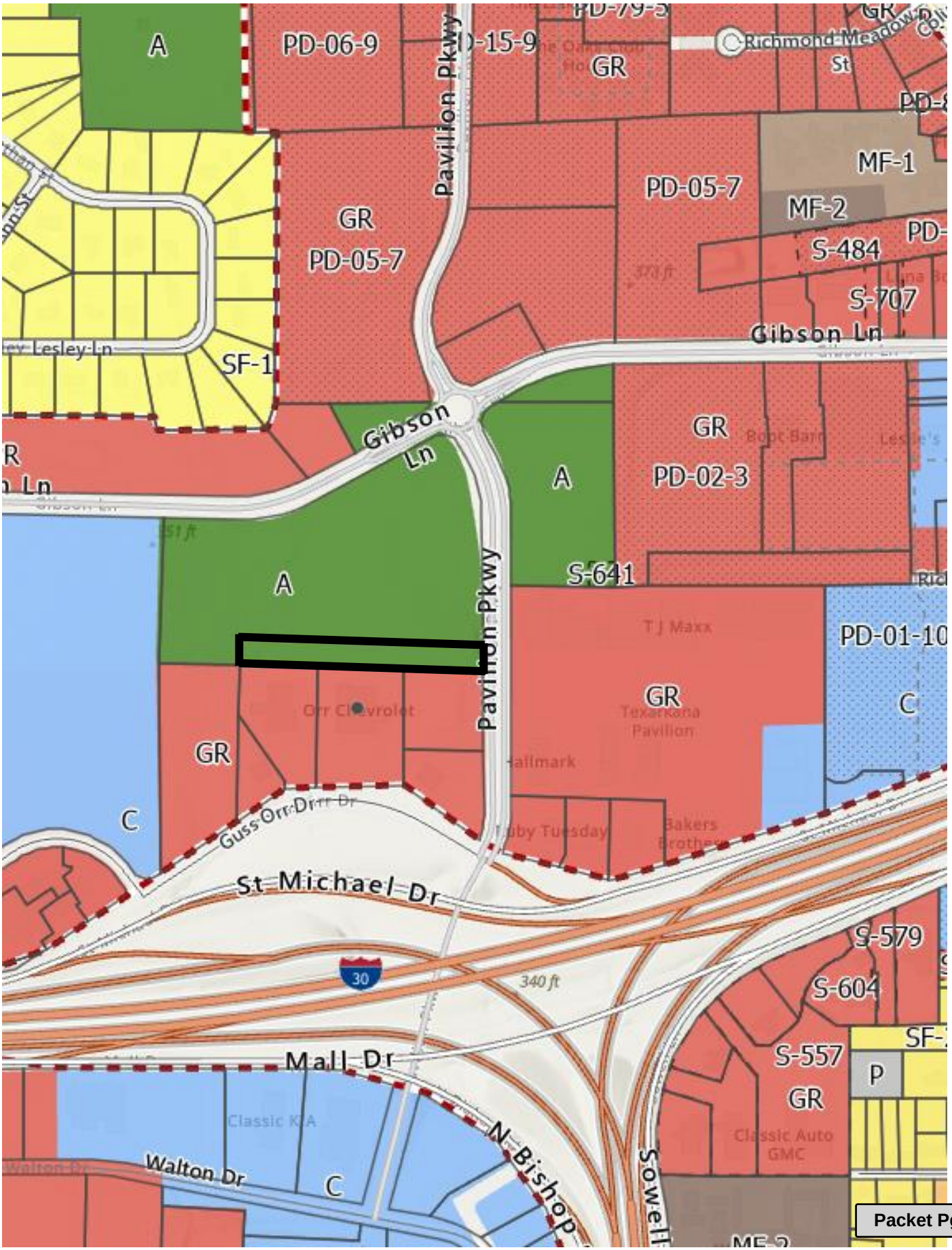
THENCE North 88 degrees 47 minutes 21 seconds East a distance of 969.25 feet along the North line of the said 2.228 acre tract to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, the Northeast corner of the said 2.228 acre tract, lying in the West right-of-way line of the said Pavillion Parkway, said corner bears North 02 degrees 27 minutes 05 seconds West a distance of 485.26 feet to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner;

THENCE South 02 degrees 27 minutes 05 seconds East a distance of 100.02 feet along the East line of the said 2.228 acre tract, the West right-of-way line of the said Pavillion Parkway to the Point of Beginning and containing 2.228 acres of land, at the time of this survey.

Attachment: 2023-134 EXH 'A' (Legal Description) (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

2023-134 ATTH01
Z-23-14

4502 Gus Orr Drive



Attachment: 2023-134 ATTH 01 (Maps) (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

2023-134 ATTH01
Z-23-14

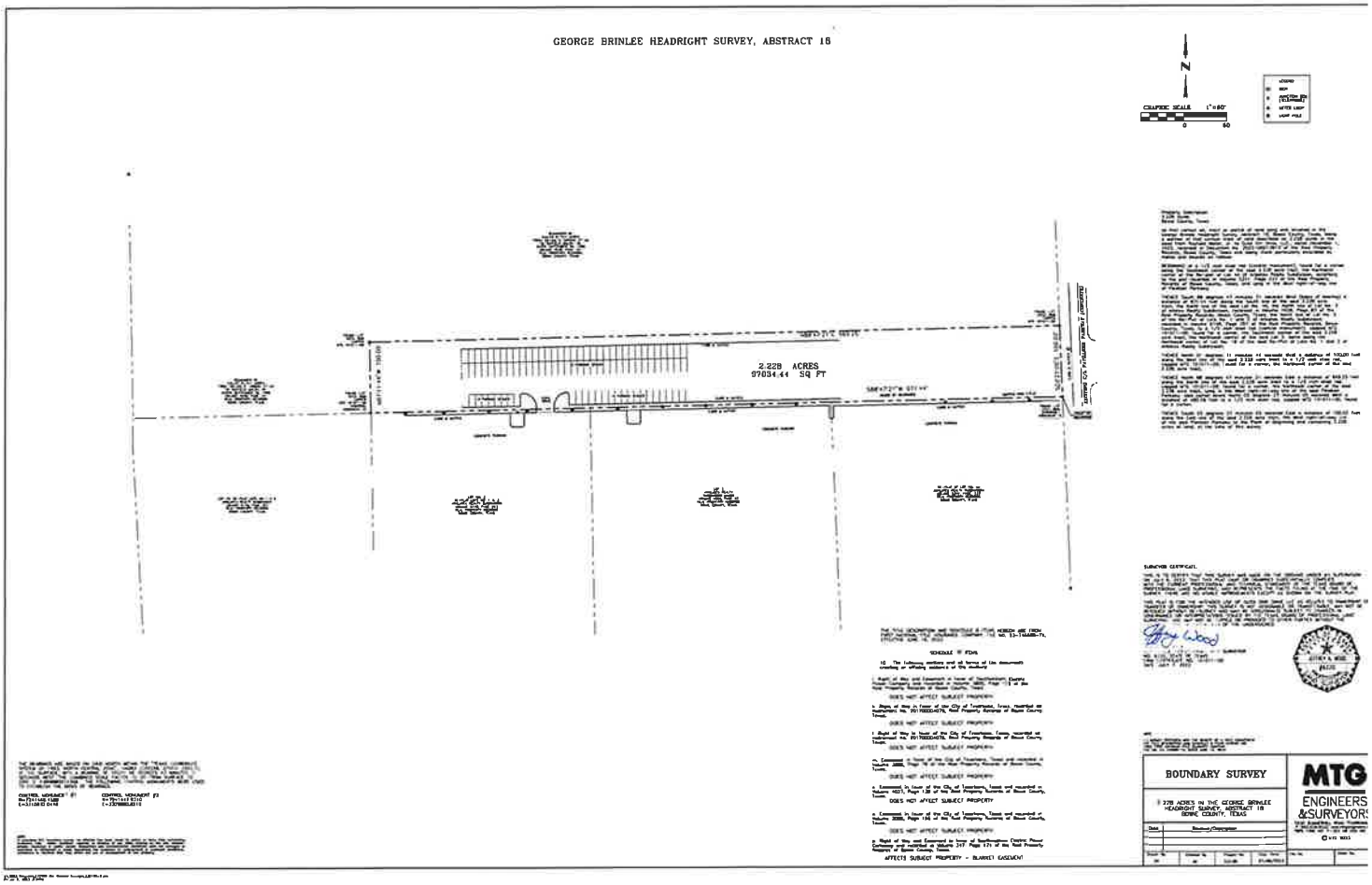
4502 Gus Orr Drive



Attachment: 2023-134 ATTH 01 (Maps) (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

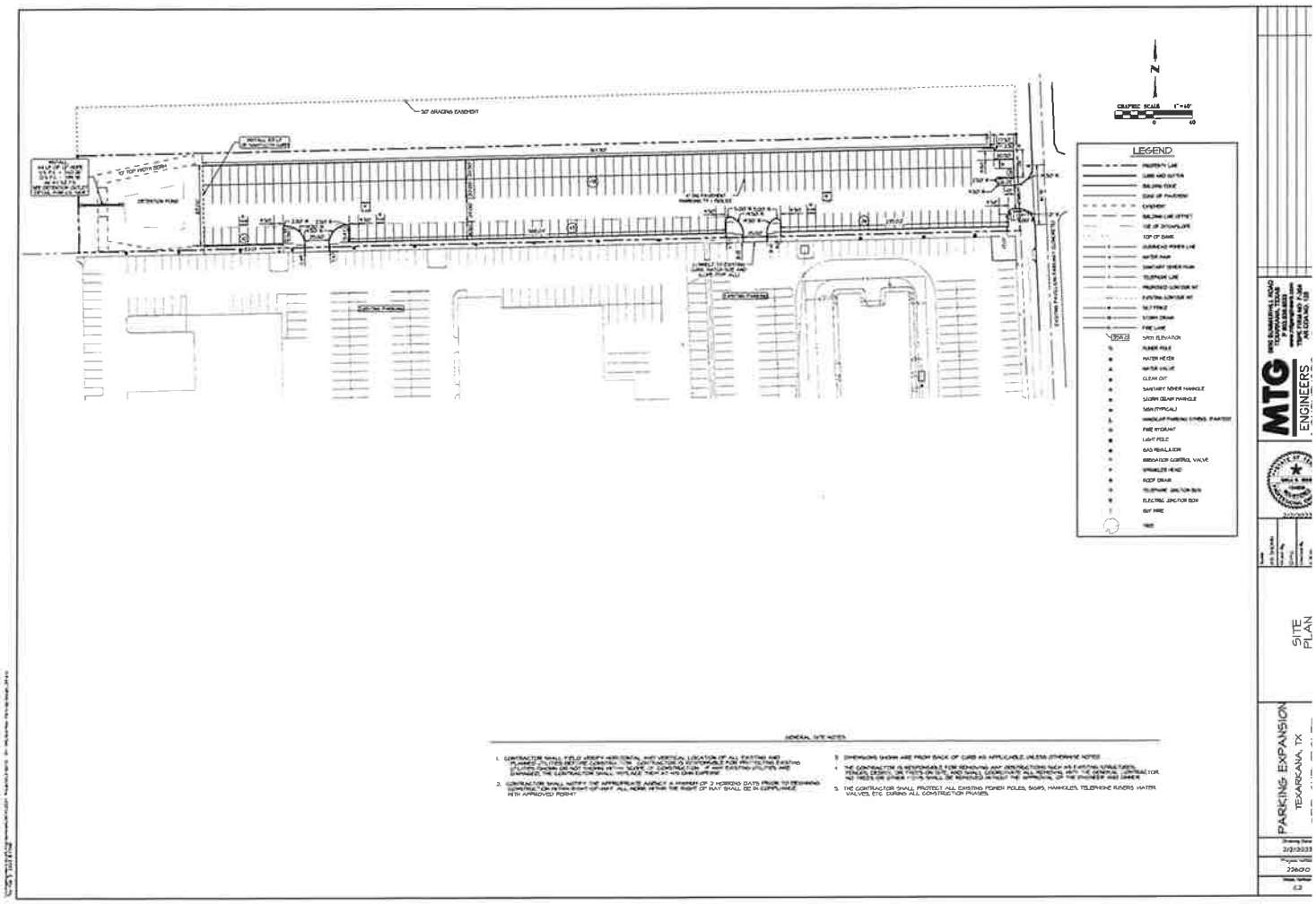
2023-134 ATTH 02

Z-23-14



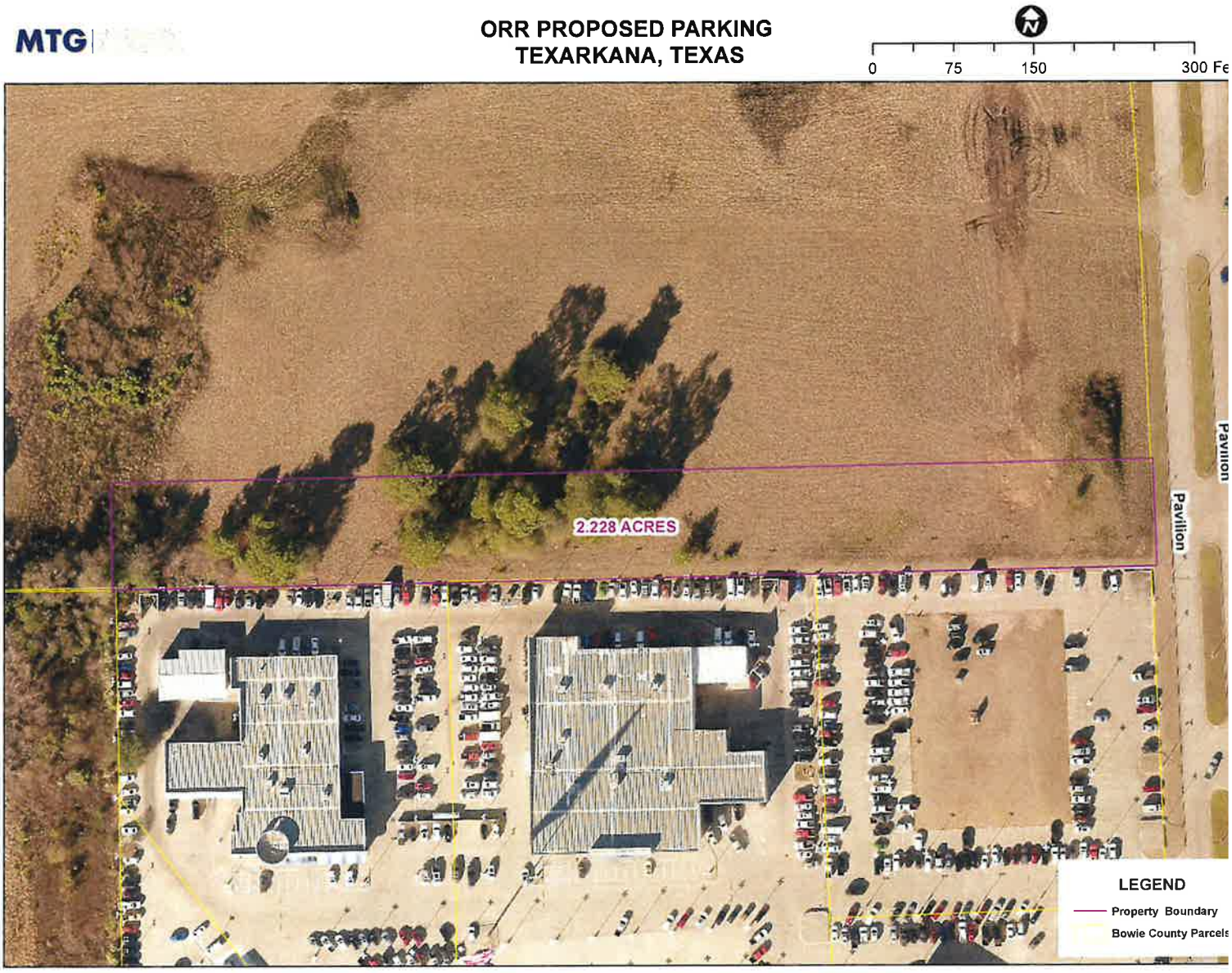
Attachment: 2023-134 ATTH 02 (Parking Plan) (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

Z-23-14



Attachment: 2023-134 ATTH 02 (Parking Plan) (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

Z-23-14



Attachment: 2023-134 ATTH 02 (Parking Plan) (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2023-134 Goals & Perspectives (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

Z-23-14

ORDINANCE NO. 2023-134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 2.228-ACRE TRACT OF LAND (BEING TRACTS 106A1 AND 107) GEORGE BRINLEE HRS, A-18, LOCATED AT 4502 GUS ORR DRIVE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE TO PARKING; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an **approximate 2.228-acre tract of land (being Tracts 106A1 and 107), George Brinlee HRS, A-18 (Exhibit 'A'), located at 4502 Gus Orr Drive,** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Parking**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Agriculture to Parking on an approximate 2.228-acre tract of land (being Tracts 106A1 and 107), George Brinlee HRS, A-18 (Exhibit 'A'), located at 4502 Gus Orr Drive** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Agriculture to Parking**; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an **approximate 2.228-acre tract of land (being Tracts 106A1 and 107), George Brinlee HRS, A-18 (Exhibit 'A'), located at 4502 Gus Orr Drive** in the City of Texarkana, Bowie County, Texas,

Attachment: 2023-134 ORD rez 4502 Gus Orr Dr signed (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

from **Agriculture to Parking.**

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

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

SECTION 4: 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 **13th day of November, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:38 p.m.

Attachment: 2023-134 ORD rez 4502 Gus Orr Dr signed (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

2023-134 EXH 'A;

Z-23-14

Property Description

2.228 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the George Brinlee Headright Survey, Abstract 18, Bowie County, Texas, being a portion of that certain tract of land described as 2.228 acres in the deed from Rayfield Walsh, Jr. to Guss Orr Drive, LLC., dated December 1, 2022, recorded in Document No. 2022-00013912 of the Real Property Records, Bowie County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), found for a corner, being the Southeast corner of the said 2.228 acre tract, the Northeast corner of the Re-plat of Lot 4A of Arklatex Realty Subdivision, according to the plat recorded in Volume 5241, Page 227 of the Real Property Records of Bowie County, Texas, and lying in the West right-of-way line of Pavillion Parkway;

THENCE South 88 degrees 47 minutes 21 seconds West (basis of bearing) a distance of 971.44 feet along the South line of the said 2.228 acre tract, the North line of the said Lot No. 4A, the North line of Lot No. 3 of Arlatex Realty Subdivision, recorded in Volume 4958, Page 87 of the Real Property Records, Bowie County, Texas, the North line of Lot No. 2 of the Re-Plat of Lots No. 1 and 2 of Arklatex Realty Subdivision, recorded in Volume 6148, Page 297 of the Real Property Records, Bowie County, Texas, to a 1/2 inch steel rod (control monument), capped MTG 101011-00, found for a corner, the Southwest corner of the said 2.228 acre tract, the Northwest corner of the said Lot 2, same being the Northeast corner of Lot No. 1B of the said Re-Plat of Lots No. 1 and 2 of Arklatex Realty Subdivision;

THENCE North 01 degrees 11 minutes 44 seconds West a distance of 100.00 feet along the West line of the said 2.228 acre tract to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, the Northwest corner of the said 2.228 acre tract;

THENCE North 88 degrees 47 minutes 21 seconds East a distance of 969.25 feet along the North line of the said 2.228 acre tract to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, the Northeast corner of the said 2.228 acre tract, lying in the West right-of-way line of the said Pavillion Parkway, said corner bears North 02 degrees 27 minutes 05 seconds West a distance of 485.26 feet to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner;

THENCE South 02 degrees 27 minutes 05 seconds East a distance of 100.02 feet along the East line of the said 2.228 acre tract, the West right-of-way line of the said Pavillion Parkway to the Point of Beginning and containing 2.228 acres of land, at the time of this survey.

Attachment: 2023-134 ORD rez 4502 Gus Orr Dr signed (4103 : 2023-134 ORD rezoning A to P at 4502 Gus Orr Drive)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 10/16/2023 10:40 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-135 granting a Specific Use Permit to allow one additional use of permanent cosmetics on Lot 3, Block 2, Parcel 2, Galleria Oaks #1, located at 6 Woodmont Crossing. Candance Chauncy, owner.		

Briefing: 11/13/2023 **Public Hearing:** 11/13/2023 **Council Vote:** 11/13/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Candace Chauncy, owner, for a Specific Use Permit to allow permanent cosmetics on Lot 3, Block 2, Galleria Oaks #1, located at 6 Woodmont Crossing.

The adjacent zoning is Planned Development-General Retail to the north, south, and east, and Commercial to the west. The adjacent land use is law offices to the north and medical offices to the south and east, and vacant property to the west.

The Future Land Use Map has designated this property as “Office Institutional”.

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

1. That the owner/or any employee performing the application of tattooing procedures 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 if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
3. That the sale of tobacco products or drug paraphernalia is prohibited.
4. That any remodeling of the current building must meet all city codes and requires licensed contractors.
5. That no painting of the windows or the building with advertisement or graphic art.
6. That if any complaints concerning minors or any violations of the regulations listed above occur, the City has the right to revoke the Specific Use Permit.

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

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

October 2, 2023

Attachments

a. 2023-135 ORD granting SUP for permanent cosmetics at 6 Woodmont Crossing (DOCX)
b. 2023-135 ATTH 01 (Maps) (PDF)
c. 2023-135 Goals & Perspectives (DOCX)
d. 2023-135 ORD SUP Perm Cosm. 6 Woodmont Crsng signed (PDF)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed 10/10/2023 9:13 AM
Public Works Department		Dusty Henslee	Reviewer	Completed 10/11/2023 1:42 PM
City Manager	David Orr	Reviewer	Completed	10/11/2023 2:26 PM
City Council	Jennifer Evans	Meeting	Completed	10/23/2023 6:00 PM

Meeting History

10/23/23	City Council	MOVED FORWARD	Next: 11/13/23

S-782

ORDINANCE NO. 2023-135

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-782 TO ALLOW ONE ADDITIONAL USE OF PERMANENT COSMETICS IN A TENANT SPACE ON LOT 3, BLOCK 2, PARCEL 2, GALLERIA OAKS #1, LOCATED AT 6 WOODMONT CROSSING, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow one additional use of permanent cosmetics on **Lot 3, Block 2, Parcel 2, Galleria Oaks #1, located in a tenant space at 6 Woodmont Crossing,** in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow one additional use 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 to grant **Specific Use Permit Numbered S-782 to allow one additional use of permanent cosmetics on Lot 3, Block 2, Parcel 2, Galleria Oaks #1, located in a tenant space at 6 Woodmont Crossing**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2023-135 ORD granting SUP for permanent cosmetics at 6 Woodmont Crossing (4104 : 2023-135 ORD SUP for permanent

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

1. That the owner/or any employee performing the application of tattooing procedures 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 if any complaints concerning minors or any violations of the regulations listed above occur, the City has the right to revoke the Specific Use Permit.
3. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
4. That the sale of tobacco products or drug paraphernalia is prohibited.
5. That any remodeling of the current building must meet all city codes and requires licensed contractors.
6. That no painting of the windows or the building with advertisement or graphic art.

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 **13th day of November, 2023.**

ATTEST:

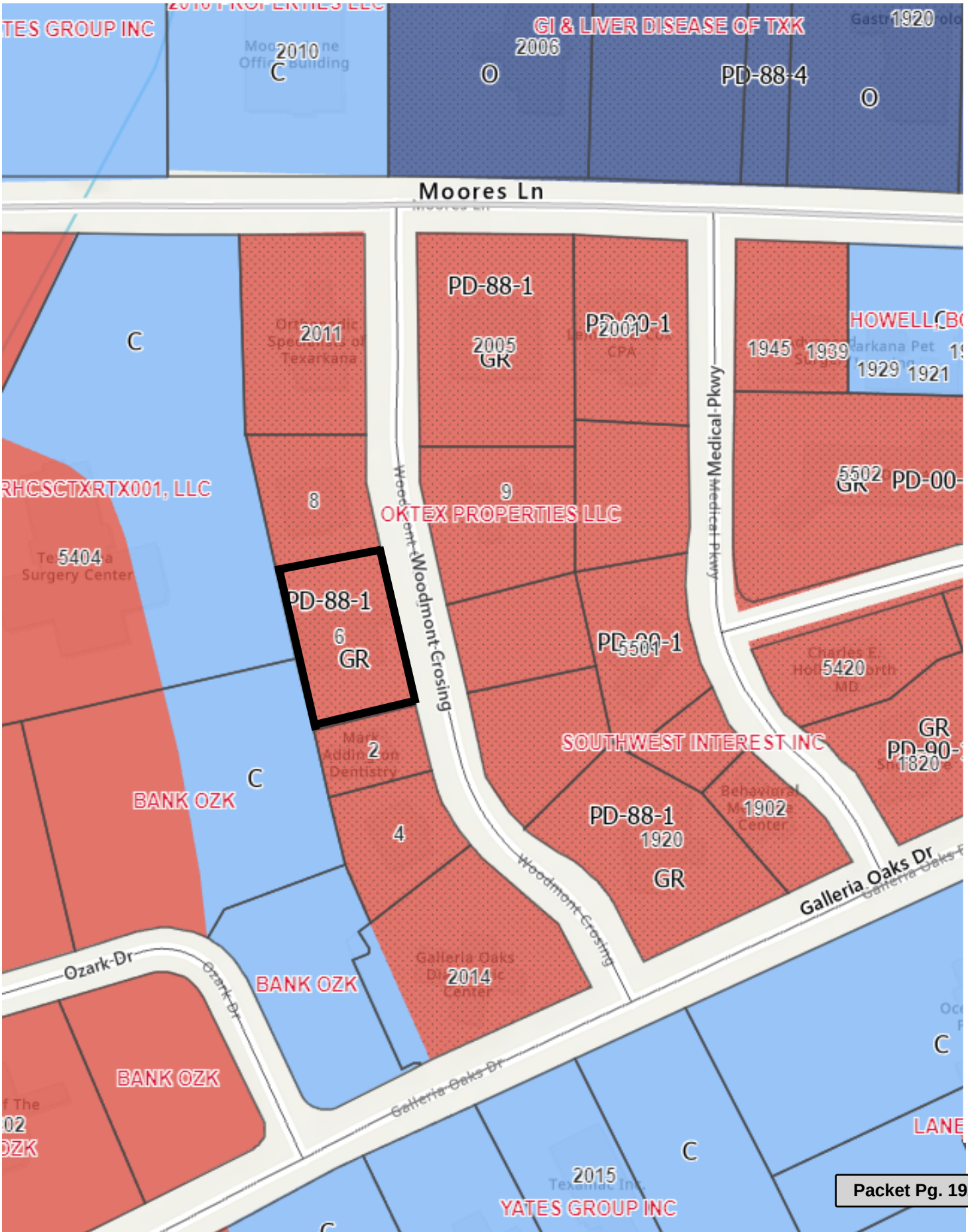
_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-135 ORD granting SUP for permanent cosmetics at 6 Woodmont Crossing (4104 : 2023-135 ORD SUP for permanent

2023-135 ATTH 01
S-782

6 Woodmont Crossing



Attachment: 2023-135 ATTH 01 (Maps) (4104 : 2023-135 ORD SUP for permanent cosmetics at 6 Woodmont Crossing)

2023-135 ATTH 01
S-782

6 Woodmont Crossing



Attachment: 2023-135 ATTH 01 (Maps) (4104 : 2023-135 ORD SUP for permanent cosmetics at 6 Woodmont Crossing)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2023-135 Goals & Perspectives (4104 : 2023-135 ORD SUP for permanent cosmetics at 6 Woodmont Crossing)

S-782

ORDINANCE NO. 2023-135

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-782 TO ALLOW ONE ADDITIONAL USE OF PERMANENT COSMETICS IN A TENANT SPACE ON LOT 3, BLOCK 2, PARCEL 2, GALLERIA OAKS #1, LOCATED AT 6 WOODMONT CROSSING, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow one additional use of permanent cosmetics on **Lot 3, Block 2, Parcel 2, Galleria Oaks #1, located in a tenant space at 6 Woodmont Crossing,** in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow one additional use 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 to grant **Specific Use Permit Numbered S-782 to allow one additional use of permanent cosmetics on Lot 3, Block 2, Parcel 2, Galleria Oaks #1, located in a tenant space at 6 Woodmont Crossing**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2023-135 ORD SUP Perm Cosm. 6 Woodmont Crsng signed (4104 : 2023-135 ORD SUP for permanent cosmetics at 6 Woodmont

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

1. That the owner/or any employee performing the application of tattooing procedures 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 if any complaints concerning minors or any violations of the regulations listed above occur, the City has the right to revoke the Specific Use Permit.
3. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
4. That the sale of tobacco products or drug paraphernalia is prohibited.
5. That any remodeling of the current building must meet all city codes and requires licensed contractors.
6. That no painting of the windows or the building with advertisement or graphic art.

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 **13th day of November, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:40 p.m.

Attachment: 2023-135 ORD SUP Perm Cosm. 6 Woodmont Crsng signed (4104 : 2023-135 ORD SUP for permanent cosmetics at 6 Woodmont

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 10/16/2023 10:42 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-136 rezoning an approximate 7.09-acre tract of land (being Tract 107), H.S. Janes HRS, A-306, located at 1901 Chelf Road from Single Family-2 to Commercial. Ceretha Brown, owner.		

Briefing: 11/13/2023 **Public Hearing:** 11/13/2023 **Council Vote:** 11/13/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Ceretha Brown, owner, to rezone an approximate 7.09-acre tract of land (being Tract 107), H. S. Janes HRS, A-306, located at 1901 Chelf Road from Single Family-2 to Commercial. The intended use is an event center.

The adjacent zoning is Single Family-2 to the north and south, Planned Development-Multiple Family-2 to the east, and the Interstate loop to the west. The adjacent land use is vacant land to the north, residence to the south, apartment complex to the east, and the Interstate loop to the west.

The Future Land Use Map has designated this property as “Regional Commercial”.

Staff recommends for approval this request.

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

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

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

October 2, 2023

Attachments

a. 2023-136 ORD Rezoning 1901 Chelf Rd (DOCX)
b. 2023-136 EXH 'A' (Legal Desciption) (PDF)
c. 2023-136 ATTH 01 (Maps) (PDF)
d. 2023-136 Goals & Perspectives (DOCX)
e. 2023-136 ORD Rez SF2 to Comm. 1901 Chelf Rd signed (PDF)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed
	10/10/2023 9:14 AM			
Public Works Department		Dusty Henslee	Reviewer	Completed
	10/11/2023 1:44 PM			
City Manager	David Orr	Reviewer	Completed	10/11/2023
2:26 PM				
City Council	Jennifer Evans	Meeting	Completed	10/23/2023
6:00 PM				

Meeting History

10/23/23	City Council	MOVED FORWARD	Next: 11/13/23

Z-23-15

ORDINANCE NO. 2023-136

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 7.09-ACRE TRACT OF LAND (BEING TRACT 107) H. S. JANES HRS, A-306, LOCATED AT 1901 CHELF ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an **approximate 7.09-acre tract of land (being Tract 107), H. S. Janes HRS, A-306 (Exhibit 'A'), located at 1901 Chelf Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **unanimously voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-2 to Commercial on an approximate 7.09-acre tract of land (being Tract 107), H. S. Janes HRS, A-306 (Exhibit 'A'), located at 1901 Chelf Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Single Family-2 to Commercial**; and

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

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

Attachment: 2023-136 ORD Rezoning 1901 Chelf Rd (4105 : 2023-136 ORD rezoning from SF-2 to C at 1901 Chelf Road)

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an **approximate 7.09-acre tract of land (being Tract 107), H. S. Janes HRS, A-306 (Exhibit 'A'), located at 1901 Chelf Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial.**

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

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

SECTION 4: 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 **13th day of November, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-136 ORD Rezoning 1901 Chelf Rd (4105 : 2023-136 ORD rezoning from SF-2 to C at 1901 Chelf Road)

EXHIBIT A

All of that certain tract or parcel of land being part of the H.S. Janes Headright Survey, Abstract No. 306, Bowie County, Texas, and being a part of a called 4.118 acre tract and a portion of a 5.0 acre tract in Lot 16 of the L. & H. Blum Land Co. Subdivision, the subject tract of land being part of the same called 7.609 acre tract of land conveyed to WIMSA, LLC, by Special Warranty Deed recorded as Instrument No. 2016-10557 of the Real Property Records of Bowie County, Texas, and the subject tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" iron pin found for corner on the East right-of-way line of Interstate Highway No. 369, and the East right-of-way line of Chelf Road, the Point of Beginning being located N 87°50'52" E, 27.00 feet from the Northwest corner of said called 7.609 acre tract of land;

THENCE: N 87°50'52" E, 384.37 feet with the North line of said called 7.609 acre tract of land and the south line of a certain 15 acre tract as conveyed to Sol Robinson by Deed recorded in Volume 145, Page 398 of the Deed Records of Bowie County, Texas, to a ½" iron pin found for corner in a fence corner at the Northeast corner of said called 7.609 acre tract of land, same being the Northwest Corner of a certain 23.458 acre tract of land as conveyed to Lakeridge Apartments, Ltd., by Warranty Deed recorded in Volume 3858, Page 45 of the Real Property Records of Bowie County, Texas;

THENCE: S 01°53'47" E, 436.13 feet with a fence line and the East line of said called 7.609 acre tract, same being the West line of said 23.458 acre tract, to a ½" iron pipe found for the Southeast corner of said called 4.118 acre tract;

THENCE: S 01°51'15" E, 361.66 feet with a fence line and the East line of said called 7.609 acre tract, same being the West line of said 23.458 acre tract to a ½" iron pipe found for corner at the Southeast corner of said called 7.609 acre tract and the Northeast corner of a certain tract of land as conveyed to William Edward Baker and wife, Edna Baker, by Deed recorded in Volume 542, Page 274 of the Deed Records of Bowie County, Texas;

THENCE: S 88°10'57" W, 390.76 feet with the South line of said called 7.609 acre tract and the North line of said Baker tract to a ½" iron pipe found for corner on the East right-of-way line of Interstate Highway No. 369 and the East right-of-way line of Chelf Road;

THENCE: N 01°25'00" W (Basis of bearings), 795.57 feet with the East right-of-way line of Interstate Highway No. 369 and the East right-of-way line of Chelf Road to the Point of Beginning and containing 7.089 acres of land, more or less.

THE STATE OF TEXAS

COUNTY OF BOWIE

I hereby certify that this instrument was FILED on date and the time stamped hereon by me and was duly RECORDED in the Records of Bowie County, Texas.

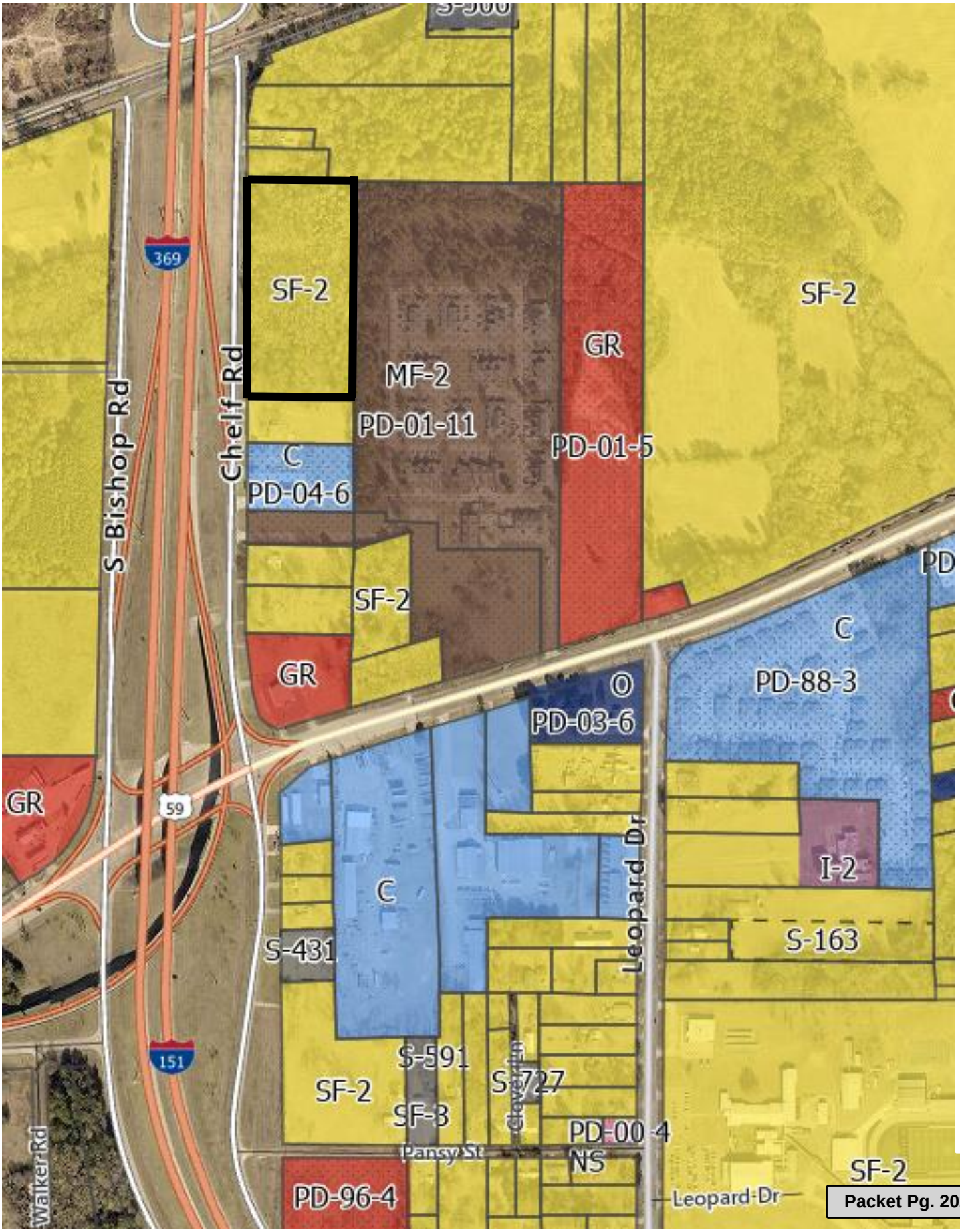
2021-00008684 DEED
07/21/2021 02:33:47 PM Total Fees: $34.00

Tina Petty, County Clerk
Bowie County, Texas

Attachment: 2023-136 EXH 'A' (Legal Desciption) (4105 : 2023-136 ORD rezoning from SF-2 to C at 1901 Chelf Road)

2023-136 ATTH 01
Z-23-15

1901 Chelf Road



Attachment: 2023-136 ATTH 01 (Maps) (4105 : 2023-136 ORD rezoning from SF-2 to C at 1901 Chelf Road)

2023-136 ATTH 01
Z-23-15

1901 Chelf Road



Attachment: 2023-136 ATTH 01 (Maps) (4105 : 2023-136 ORD rezoning from SF-2 to C at 1901 Chelf Road)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2023-136 Goals & Perspectives (4105 : 2023-136 ORD rezoning from SF-2 to C at 1901 Chelf Road)

Z-23-15

ORDINANCE NO. 2023-136

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 7.09-ACRE TRACT OF LAND (BEING TRACT 107) H. S. JANES HRS, A-306, LOCATED AT 1901 CHELF ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an **approximate 7.09-acre tract of land (being Tract 107), H. S. Janes HRS, A-306 (Exhibit 'A'), located at 1901 Chelf Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **unanimously voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-2 to Commercial on an approximate 7.09-acre tract of land (being Tract 107), H. S. Janes HRS, A-306 (Exhibit 'A'), located at 1901 Chelf Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Single Family-2 to Commercial**; and

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

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

Attachment: 2023-136 ORD Rez SF2 to Comm. 1901 Chelf Rd signed (4105 : 2023-136 ORD rezoning from SF-2 to C at 1901 Chelf Road)

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an **approximate 7.09-acre tract of land (being Tract 107), H. S. Janes HRS, A-306 (Exhibit 'A'), located at 1901 Chelf Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial.**

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

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

SECTION 4: 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 **13th day of November, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:41 p.m.

Attachment: 2023-136 ORD Rez SF2 to Comm. 1901 Chelf Rd signed (4105 : 2023-136 ORD rezoning from SF-2 to C at 1901 Chelf Road)

2023-136 EXH 'A'

Z-23-15

EXHIBIT A

All of that certain tract or parcel of land being part of the H.S. Janes Headright Survey, Abstract No. 306, Bowie County, Texas, and being a part of a called 4.118 acre tract and a portion of a 5.0 acre tract in Lot 16 of the L. & H. Blum Land Co. Subdivision, the subject tract of land being part of the same called 7.609 acre tract of land conveyed to WIMSA, LLC, by Special Warranty Deed recorded as Instrument No. 2016-10557 of the Real Property Records of Bowie County, Texas, and the subject tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" iron pin found for corner on the East right-of-way line of Interstate Highway No. 369, and the East right-of-way line of Chelf Road, the Point of Beginning being located N 87°50'52" E, 27.00 feet from the Northwest corner of said called 7.609 acre tract of land;

THENCE: N 87°50'52" E, 384.37 feet with the North line of said called 7.609 acre tract of land and the south line of a certain 15 acre tract as conveyed to Sol Robinson by Deed recorded in Volume 145, Page 398 of the Deed Records of Bowie County, Texas, to a ½" iron pin found for corner in a fence corner at the Northeast corner of said called 7.609 acre tract of land, same being the Northwest Corner of a certain 23.458 acre tract of land as conveyed to Lakeridge Apartments, Ltd., by Warranty Deed recorded in Volume 3858, Page 45 of the Real Property Records of Bowie County, Texas;

THENCE: S 01°53'47" E, 436.13 feet with a fence line and the East line of said called 7.609 acre tract, same being the West line of said 23.458 acre tract, to a ½" iron pipe found for the Southeast corner of said called 4.118 acre tract;

THENCE: S 01°51'15" E, 361.66 feet with a fence line and the East line of said called 7.609 acre tract, same being the West line of said 23.458 acre tract to a ½" iron pipe found for corner at the Southeast corner of said called 7.609 acre tract and the Northeast corner of a certain tract of land as conveyed to William Edward Baker and wife, Edna Baker, by Deed recorded in Volume 542, Page 274 of the Deed Records of Bowie County, Texas;

THENCE: S 88°10'57" W, 390.76 feet with the South line of said called 7.609 acre tract and the North line of said Baker tract to a ½" iron pipe found for corner on the East right-of-way line of Interstate Highway No. 369 and the East right-of-way line of Chelf Road;

THENCE: N 01°25'00" W (Basis of bearings), 795.57 feet with the East right-of-way line of Interstate Highway No. 369 and the East right-of-way line of Chelf Road to the Point of Beginning and containing 7.089 acres of land, more or less.

THE STATE OF TEXAS

COUNTY OF BOWIE

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