

**Rescheduled Regular Meeting of the Board of Directors** 

City of Texarkana, Arkansas 216 Walnut Street Agenda - Tuesday, February 19, 2019 - 6:00 PM

Call to Order Roll Call Invocation and Pledge of Allegiance given by Director Travis Odom.

#### **PRESENTATION(S)**

<u>1.</u> Presentation by Library Director Jennifer Strayhorn regarding the Texarkana Public Library.

#### CONSENT

- 2. Approval of the minutes of the regular meeting February 4, 2019. (CCD)
- <u>3.</u> Adopt a Resolution authorizing the City Manager to purchase one (1) Single Axle Dump Truck Freightliner. (TWU)

#### REGULAR

<u>4.</u> Adopt an Ordinance amending the *Code of Ordinances of the City of Texarkana, Arkansas,* regarding the lot of record definitions. (PWD-Planning) (Tabled 11-5-2018) (This ordinance is sponsored by Assistant Mayor Linda Teeters) City Planner Mary Beck

This ordinance requires an emergency clause: An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the board. (Hdbk. Const. Amend 7)

5. Adopt an Ordinance authorizing the City Manager to purchase a three-year Microsoft Enterprise License Agreement for licenses used by all departments of Texarkana Water Utilities. (TWU) IT Manager Kevin Davenport

This ordinance requires an emergency clause: An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the board. (Hdbk. Const. Amend 7)

#### CITIZEN COMMUNICATION

#### **EXECUTIVE SESSION**

- <u>6.</u> Adopt a Resolution reappointing Brandon Cogburn to the Advertising & Promotion Commission and Ricky Pondexter and Ray Cox to the Board of Adjustment. (CCD)
- 7. Boards and Commissions Term List

#### NEXT MEETING DATE: Monday, March 4, 2019

#### ADJOURN

#### 2019 City Calendar

Warriors for Christ Crusade - Friday & Saturday, March 8-9, 2019 Rockabilly Returns - Saturday, March 30, 2019 Jewell House Tribute - Saturday, April 13, 2019 Ratha Yatra Festival - Saturday, May 4, 2019 9th Annual RailFest - Saturday, May 11, 2019 Sparks in the Park - Saturday, June 29, 2019



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE:	Presentation by Library Director Jennifer Strayhorn regarding the Texarkana Public Library.
AGENDA DATE:	02/19/2019
ITEM TYPE:	Ordinance $\square$ Resolution $\square$ Other $\boxtimes$ : Presentation
<b>DEPARTMENT:</b>	Library
PREPARED BY:	
<b>REQUEST:</b>	Library presentation
EMERGENCY CLAUSE:	N/A
SUMMARY:	Library presentation
EXPENSE REQUIRED:	N/A
	N/A N/A
EXPENSE REQUIRED:	
EXPENSE REQUIRED: AMOUNT BUDGETED: APPROPRIATION	N/A



# 1925 STATELINE and $7^{TH}$ STREET





# 1952 STATELINE and W. $10^{TH}$ STREET





# 1980 W. $3^{RD}$ STREET and OAK



## LIBRARY SUPPORT

Texarkana Library Commission - 10 members – appointed by Texarkana, Arkansas and Texarkana, Texas. Exists to administer, operate, control and supervise the public library as mandated by city and state ordinances.

Texarkana Library Foundation – 9 members – appointed by the Commission and Friends of the Library – Its purpose is to receive and administer endowments to the Library in order to advance literature and Library activities.

Friends of the Library – 400 members – operate the Bookstore on Broad Street – funds collection development, special projects, and promotes the Library.



## LIBRARY SUPPORT

# COMMISSION Linda Larey **Gary Nutter David Mueller Suzy Heath Dr. Fred Hutcheson** Ann Burke Linda Cogbill **Sarah Meredith** Linda Register **Junie Young**

## FOUNDATION

**Rosemary Hardy** 

**Camille McGinnis** 

**Sarah Meredith** 

**Ann Schnipper** 

**Ron Mills** 

Fred Norton, Jr.

**Debby Oxford** 

Jane Richards Phyllis Russell Carter

## 2017-2018 REVENUE

## Arkansas

Texas

## **\$463,600 43.6% \$600,000 56.4%**

AR Millage (1 mil)	\$ 382,234
AR State Library	76,372
Texarkana, AR	5,000



## **2017-2018 EXPENDITURES**

Library Staff -11 Full time 2 Part time \$650,000

Building Utilities, grounds, repairs \$ 80,000

Collections Books, DVDs, AV \$102,000

Other \$120,000 (computers, training, dues, advertising, postage)



## 2017-2018 LIBRARY STATISTICS

# **Checkouts**

- 58,214 Books
- 44,348 DVDs
- 11,414 Other
- 113,976 Total

## Patrons

- 314,244 Visitors
  - 6,918 Drive thru
  - 37,164 -Registered

## GENERAL COLLECTION – 20,000 SQ. FT. 83,000 BOOKS 7,600 DVDs 4,000 AUDIOBOOKS





# GENEALOGY COLLECTION 2,800 VOLUMES



# 14 DESKTOP COMPUTERS 2 LAPTOP COMPUTERS WIRELESS INTERNET



## **KID'S PLACE**



## CHILDREN'S PROGRAMS - 2017-2018

Number of programs - 222 Total in attendance – 2,799





## DRIVE THROUGH SERVICE WINDOW and BOOK DROP



# **140 LICENSED DATABASES**







ConsumerReports.org







 Academic Search
 Legal Information Reference Center
 Foundation Directory

 Encyclopedias
 Newspapers
 Small Engine Repair

 Health and Wellness
 Mango – 70 foreign languages
 Entrepreneurship
 19

 Historic Map Works
 Home Improvement Reference
 Conter

## LIBRARY eCARD



The Texarkana Public Library eCard is your access to all things DIGITAL – without stepping foot into the Library

•eBooks (via 3M Cloud Library)
•databases (TexShare, Tutor.com, Consumer Reports, Value Line, etc.)
•eAudiobooks (via OneClickAudio)

more resources as we continue to expand in the future.

## **THANK YOU**

# Jennifer Strayhorn, MSLS Director





## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE:	Approval of the minutes of the regular meeting February 4, 2019. (CCD)		
AGENDA DATE:	02/19/2019		
ITEM TYPE:	Ordinance $\square$ Resolution $\square$ Other $\boxtimes$ : Minutes		
<b>DEPARTMENT:</b>	City Clerk		
PREPARED BY:	Heather Soyars, City Clerk		
<b>REQUEST:</b>	Approval of meeting minutes.		
EMERGENCY CLAUSE:	N/A		
SUMMARY:	Approval of meeting minutes.		
EXPENSE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
APPROPRIATION REQUIRED:	N/A		
<b>RECOMMENDED</b> ACTION:	The City Clerk recommends approval.		
EXHIBITS:	Meeting minutes.		



#### **Regular Meeting of the Board of Directors**

City of Texarkana, Arkansas 216 Walnut Street Minutes - Monday, February 04, 2019 - 6:00 PM

Mayor Allen L. Brown called the meeting to order, gave the Invocation and led everyone in the Pledge of Allegiance.

PRESENT: Mayor Allen L. Brown, Ward 1 Assistant Mayor Linda Teeters, Ward 2 Director Laney J. Harris, Ward 3 Director Steven Hollibush, Ward 4 Director Travis Odom, Ward 5 Director Barbara S. Miner, and Ward 6 Director Terri Peavy.

ALSO PRESENT: City Manager Dr. Kenny Haskin, City Attorney George Matteson, City Clerk Heather Soyars and Deputy City Clerk Jenny Narens.

#### **PRESENTATION(S)**

1. City of Texarkana, Arkansas Employee Service Awards.

Mayor Brown presented an award and pin to Joshua Land for five years of service with Texarkana Water Utilities (TWU). Otis Wimley was unable to attend the meeting and would receive his award and pin for five years of service with TWU.

#### CONSENT

Motion to approve the Consent Agenda made by Director Miner, Seconded by Assistant Mayor Teeters.

The motion carried unanimously, and the Mayor declared the Consent Agenda approved. The items approved were:

- 2. Approval of the minutes of the rescheduled regular meeting January 22, 2019. (CCD)
- 3. Resolution No. 2019-8 authorizes the City Manager to purchase a 2019 <sup>3</sup>/<sub>4</sub> Ton Crew Cab Truck for the Public Works Department Streets Division. (PWD)

#### REGULAR

4. Ordinance No. 2-2019 grants the request for prerequisite municipal approval of a private club application for Naaman's Championship BBQ restaurant. (Darby Neaves) (CCD)

Mayor Brown explained this item was a requirement from the State and allowed the applicant to continue the application process.

Motion to read the ordinance the first time in abbreviated form made by Assistant Mayor Teeters, Seconded by Director Miner.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Assistant Mayor Teeters, Seconded by Director Odom.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the second time in abbreviated form.

Motion to further suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Peavy, Seconded by Director Odom.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Miner, Seconded by Director Harris.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0 and the ordinance was adopted.

The applicant requests an emergency clause. An emergency clause requires a separate and distinct vote of the board and was valid only if there were a two-thirds vote of approval by the board. (Hdbk. Const. Amend 7)

Motion to approve the emergency clause made by Director Miner, Seconded by Director Odom.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The emergency clause was adopted 7-0.

5. Ordinance No. 3-2019 grants the request for prerequisite municipal approval of a private club application for The Paragon Lounge. (William Bullock, Jr.) (CCD)

Mayor Brown explained this item was a requirement from the State and allowed the applicant to continue the application process.

Motion to read the ordinance the first time in abbreviated form made by Assistant Mayor Teeters, Seconded by Director Miner.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Miner, Seconded by Director Odom.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the second time in abbreviated form.

Motion to further suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Miner, Seconded by Director Odom.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0. The ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Assistant Mayor Teeters, Seconded by Director Miner.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The motion carried 7-0 and the ordinance was adopted.

#### CITIZEN COMMUNICATION

William Evans, 317 Charles Street, thanked City Planner Mary Beck for her help with a project in his neighborhood. He then said his neighbor was cleaning up his property and got a dumpster. Mr. Evans said he witnessed a Board member dumping trash in this dumpster. He also asked if it were the City's or the neighborhood's job to keep the ditches cleaned out.

Director Harris gave a brief statement of the importance of February as Black History Month.

#### NEXT MEETING DATE: Tuesday, February 19, 2019.

#### ADJOURN

Motion to adjourn made by Director Odom, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Assistant Mayor Teeters, Director Harris, Director Hollibush, Director Odom, Director Miner, Director Peavy.

The meeting adjourned at 6:22 PM.

**APPROVAL** of the minutes on this 19<sup>th</sup> day of February, 2019.

Allen L. Brown, Mayor

Heather Soyars, City Clerk



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE:	Adopt a Resolution authorizing the City Manager to purchase one (1) Single Axle Dump Truck – Freightliner. (TWU)		
AGENDA DATE:	February 19, 2019		
ITEM TYPE:	Ordinance $\square$ Resolution $\boxtimes$ Other $\square$ :		
<b>DEPARTMENT:</b>	Texarkana Water Utilities		
PREPARED BY:	John Cates, Fleet Service Manager		
REQUEST:	Consider a resolution authorizing the City Manager to purchase one (1) Single Axle Dump Truck – Freightliner through the Houston Galveston Area Council (HGAC) in an amount not to exceed \$79,436.00, with the Arkansas portion being \$29,542.25.		
EMERGENCY CLAUSE:	None		
SUMMARY:	Texarkana Water Utilities priced the dump truck with Ledwell of Texarkana, Texas and it was determined that the most cost-effective purchase would be by using the Houston Galveston Area Council (HGAC) at \$79,436.00. This price includes the HGAC applicable fees. The truck will be used by the TWU Operations Division for new construction, maintaining, repairing and restoring existing water and sewer services to the residents and businesses of the Texarkana area. The Operations Division currently has a 1985 dump truck that is out of service and needs to be replaced. Funds are available for the purchase of this equipment in the Utility's Equipment Fund.		
<b>EXPENSE REQUIRED:</b>			
AMOUNT BUDGETED:			
APPROPRIATION REQUIRED:	None		
<b>RECOMMENDED</b> ACTION:	Texarkana Water Utilities staff recommends approval of the purchase.		
EXHIBITS:	Exhibit "A" HGAC Buy Contract Pricing Worksheet		

### RESOLUTION NO.

WHEREAS, Texarkana Water Utilities (TWU) obtained a bid via the Houston Galveston Area Council Buy Board for one (1) Single Axle Dump Truck, Freightliner, in the amount of \$79,436.00; and

WHEREAS, with the Arkansas portion of such expense is \$29,542.25; and

WHEREAS, funds for such purpose are budgeted in excess of said amount and available in TWU's Equipment Fund; and

WHEREAS, the City Manager and TWU staff recommend approval;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the City of Texarkana, Arkansas, that the Texarkana Water Utilities is hereby authorized to purchase through the Houston Galveston Area Council (HGAC) buy board one (1) Single Axle Dump Truck, Freightliner, at a price not to exceed \$79,436.00, with the Arkansas portion being and not exceeding \$29,542.25.

**PASSED AND APPROVED** this 19<sup>th</sup> day of February, 2019.

ATTEST:

Allen L. Brown, Mayor

Heather Soyars, City Clerk

**APPROVED:** 

George M. Matteson, City Attorney

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Contact	Dan Cossey				Prepared	Adam Neuse			
Person: Phone:	409-267-2712				By: Phone:	713-580-8148			
Fax:					Fax:	713-676-1603			. <u> </u>
Email:					Email:	adam.neuse@s	trhouston.com		
Product Code:	C5	Description:	2019 Freightli	ner M2-106 SR	A	<u> </u>			<u>_</u>
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### CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE:	Adopt an Ordinance amending the <i>Code of Ordinances of the City of</i> <i>Texarkana, Arkansas,</i> regarding the lot of record definitions. (PWD- Planning) (Tabled 11-5-2018) (This ordinance is sponsored by Assistant Mayor Linda Teeters) City Planner Mary Beck <i>This ordinance requires an emergency clause: An emergency clause</i> <i>requires a separate and distinct vote of the board and is valid only if</i> <i>there is a two-thirds vote of approval by the board. (Hdbk. Const.</i> <i>Amend 7)</i>	
AGENDA DATE:	02/19/2019	
ITEM TYPE:	Ordinance $\boxtimes$ Resolution $\square$ Other $\square$ :	
DEPARTMENT:	Public Works Department/Planning	
PREPARED BY:	Mary Beck, City Planner	
<b>REQUEST:</b>	Amend the Code of Ordinances.	
EMERGENCY CLAUSE:	Yes	
SUMMARY:	First Reading 10/1/2018; Second Reading 10/15/2018; Third Reading 11/5/2018; Tabled 11/5/2018. Following a request by Mayor Penny Bell to review Tiny Houses, the Planning Commission held four months of workshops and a public hearing. Although recommendations on Tiny Houses will wait until adoption of the new International Building code, the Planning Commission discovered a need to amend the zoning chapter regarding existing lots that are smaller than current requirements. The current lot width exceeds the width of lots in at least ninety-nine (99) older subdivisions in Wards 1, 2, 3 and 4. This ordinance will restore older, recorded subdivisions lots in residential zones to legal building sites for single family housing. The adoption of the 1988 Long-term comprehensive plan set lot widths based on projections for a housing market that has changed since then. The trend towards smaller more affordable housing will be aided by allowing development on these existing lots without a need for review, research and/or re-platting into larger lots. The regular Planning Commission meeting held a public hearing September 11 then voted on a motion by Dr. Randall Hickerson, seconded by Mr. Jason Dupree, with a 4-0 roll call vote with one vacancy and two absent to certify approval of the attached ordinance to amend the zoning code lot of record definition.	

EXPENSE REQUIRED:	N/A
AMOUNT BUDGETED:	N/A
APPROPRIATION REQUIRED:	N/A
RECOMMENDED ACTION:	The City Manager and Staff recommend Board approval.
EXHIBITS:	Ordinance, Memo, and Maps.

#### ORDINANCE NO.

ORDINANCE TO AMEND THE CODE AN **O**F THE ORDINANCES OF CITY OF TEXARKANA, ARKANSAS, CHAPTER 28, ARTICLE I, SEC. 28-5, LOT OF RECORD, IN ORDER TO RESTORE TO LEGAL STATUS AS BUILDING SITES FOR SINGLE FAMILY HOUSING, LOTS IN SUBDIVISIONS FILED PRIOR TO ADOPTION OF THE 1988 LONG-TERM PLAN; COMPREHENSIVE DECLARING AN **EMERGENCY; AND FOR OTHER PURPOSES** 

WHEREAS, Wards numbered one, two, three, and four collectively have ninety-eight or more older subdivisions filed prior to the current lot size requirements set by adoption of the City's 1988 Long-Term Comprehensive Plan; and

**WHEREAS**, the current trend towards smaller houses is contrary to the previous trend towards larger houses in 1988 that indicated a need for larger lots; and

**WHEREAS**, construction of single-family housing on smaller lots is compatible with existing residences built in older subdivisions and would not greatly impact density; and

WHEREAS, the City desires to promote development of land suitable for construction of single-family housing by making such lots more valuable and less likely to be abandoned or to become or remain weed lots;

**NOW THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Texarkana, Arkansas, that:

<u>Section 1</u>. The reasons set forth above and in order to make lots that were platted in subdivisions prior to adoption of the 1988 Long-term Comprehensive Plan valid building sites for single family housing when found in residential zones, the existing Section 28-5 of the *Code of Ordinances of the City of Texarkana, Arkansas,* is deleted in its entirety and the following is substituted therefore:

Sec. 28-5. - Lot of record.

A lot of record in any zoning district is defined as: 1) A lot shown on a recorded subdivision plat filed before August 15, 1988; or, 2) a parcel of vacant land that was under separate ownership and on a plat of record at the time of adoption of this zoning ordinance, where no adjoining land fronting on the same street was under the same ownership on the said date and has continued unchanged in size from that date. A lot of record may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width, or both, that are generally applicable to lots in the zoning district. However, any said lot of record located within any residential zoning district within the city limits may only be used for purposes of constructing a single-family detached residential dwelling unit. On any such lot or parcel, the side yard requirements of this chapter shall be complied with if said requirements do not reduce the net buildable worth of the lot below thirty-five (35) feet. If the side yard requirements would reduce the net buildable width of the lot below thirty-five (35) feet, then the side yard requirements shall be reduced so that (a) any interior side yard requirement shall not exceed ten (10) per cent of the width of the lot, or five (5) feet, whichever is greater and (b) any exterior side yard requirement shall not exceed twenty (20) per cent of the width of the lot or five (5) feet, whichever is greater. On any such lot or parcel, the front and rear yard requirements or building setbacks shall not reduce the net buildable depth of the lot below fifty (50) feet. If the front and rear yard requirements would reduce the net buildable depth below fifty (50) feet, then front and rear yard requirements shall be reduced so that (a) any front yard requirement shall not exceed twenty-five (25) per cent of the depth of the lot, and (b) any rear yard requirement shall not exceed twenty (20) per cent of the depth of the lot, or twenty (20) feet, whichever is greater.

Section 2. This action being necessary for the preservation of the public peace, health and safety, to provide for continuity of operation without interruption, and a separate and distinct vote having been taken on this emergency clause, an emergency is therefore declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** this 19<sup>th</sup> day of February, 2019.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

**APPROVED:** 

George M. Matteson, City Attorney



CITY OF TEXARKANA, ARKANSAS DEPARTMENT OF PUBLIC WORKS 216 WALNUT STREET 71854-6024 P.O. BOX 2711 – TEXARKANA, ARKANSAS 75504-2711 PHONE (870) 779-4971 – FAX (870) 773-2395

### **MEMORANDUM**

**TO:** Dr. Kenny Haskin, City Manager

**FROM:** Mary L. Beck, City Planner

DATE: September 12, 2018

SUBJECT: Board of Directors Agenda Item for 10-01-2018 meeting – Request by Dr. Kenny Haskins to amend the City zoning code regarding lots of record.

#### **REASON FOR REQUEST:**

An original request by Mayor Penny-Bell to review Tiny Houses lead to the Planning Commission consulting with Public Works staff and agreeing to wait for adoption of the newest International Building Code before making recommendations for Tiny Houses. However, research related to Tiny Houses brought an awareness that weed-lots and vacant lots are more likely to be small lots subdivided prior to the 1988 Long-term Comprehensive Plan that do not meet current code for width. There are at least ninety-nine subdivisions located in residential zones in older parts of the City, chiefly in Wards one, two, three and four that could benefit from easier development of single-family housing with an added possibility of reducing the number of vacant weed-lots as these lots will be more valuable as valid building sites.

#### COMPATIBILITY WITH EXISTING DEVELOPMENT:

Single family housing previously constructed on lots smaller than current regulations is typical for the inner part of the City. New small or Tiny Houses would not conflict with existing housing stock and would allow more affordable land costs to acquire and develop these properties as they are currently undervalued due to regulatory conflicts in size.

## CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:

The Planning Commission has held discussions and workshops at regular meetings since June 2018 and held a public hearing on September 11, 2018 to discuss lots of record becoming inclusive of lots that existed before the Long-term comprehensive plan as valid building sites in residential zones for single family housing using the lot of record formula for setbacks. The Arkansas Code of 1987 Annotated (14-56-422 1B) requires the following - "All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

(A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published newspaper of general circulation in the city, at least one (1) time fifteen (15) days prior to the hearing.

Following the public hearing, proposed plans may be adopted, and proposed ordinances and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

Following its adoption of plans and recommendation o ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the legislative body of the city for its adoption.

The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the en membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.

Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office o the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory.

**<u>PUBLIC HEARING NOTICE:</u>** Published in Texarkana Gazette, Sunday, August 26, 2018:

**OPPOSITION:** No opposition has been received.

#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission met on September 11, 2018, to consider recommendation of an ordinance to allow all lots of recorded subdivisions in residential zones to be valid building sites for single family housing as lots of record as defined by this ordinance. On a motion by Dr. Randall Hickerson, seconded by Mr. Jason Dupree the Planning Commission certifies a recommendation for approval by a roll call vote of 4-0

Bertha Dunn, Chairperson	Absent
Adger Smith, Vice-Chairperson	Yes
George Coker	Absent
Randall Hickerson	Yes
Boots Thomas	Yes
Jason Dupree	Yes
Vacancy	-

#### **BOARD ACTION REQUESTED:**

The Board action requested is as follows:

- 1. On October 1, 2018, consider adopting an **ordinance** amending the municipal code zoning chapter regarding the lot of record definition.
- 2. An emergency clause is not requested

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## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE:	Adopt an Ordinance authorizing the City Manager to purchase a three- year Microsoft Enterprise License Agreement for licenses used by all departments of Texarkana Water Utilities. (TWU) IT Manager Kevin Davenport	
	This ordinance requires an emergency clause: An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the board. (Hdbk. Const. Amend 7)	
AGENDA DATE:	02/19/2019	
ITEM TYPE:	Ordinance $\boxtimes$ Resolution $\square$ Other $\square$ :	
DEPARTMENT:	Texarkana Water Utilities	
PREPARED BY:	Kevin Davenport IT Manager	
REQUEST:	Consider an ordinance authorizing the City Manager to purchase a three- year Microsoft Enterprise License Agreement for licenses used by departments of the Texarkana Water Utilities in an amount not to exceed the annual fee of \$45,144.40 with the Arkansas portion being \$16,789.20.	
EMERGENCY CLAUSE:	Yes.	
SUMMARY:	The Texarkana Water Utilities (TWU) Information Technology (IT) Division is requesting the enterprise agreement proposal from SHI Government Solutions of Somerset, New Jersey for Microsoft licenses to be accepted, and authorizing the City Manager to negotiate a final enterprise agreement at a total cost over a three-year period not to exceed one hundred thirty-five thousand four hundred thirty-three and 20/100 dollars (\$135,433.20), with the Arkansas portion not to exceed fifty thousand three hundred sixty seven and 60/100 (\$50,367.60), with the annual cost not to exceed forty-five thousand one hundred forty-four and 40/100 dollars (\$45,1440.40) and the Arkansas portion of the annual cost not to exceed sixteen thousand seven hundred eighty-nine and 20/100 dollars (\$16,789.20).	
	Utilizing an Enterprise Agreement, managed by TWU, will allow software consistency across departments. The execution of this Enterprise Agreement will continue the maintenance on existing Microsoft licenses and the type and number of licenses to be acquired through this purchase agreement is shown in the attached document marked as Exhibit "A". TWU has received several documents from SHI	

Government Solutions for Microsoft licensing, as listed under Exhibits.

The funds for the first-year payment have been appropriated in the Texarkana Water Utilities 2018-2019 Technology Fund. Funds for future payments are anticipated to be appropriated in the same fund, subject to annual Board approval of the annual appropriation of funds.

		Total	Arkansas	
	2019	\$45,144.40	\$16,789.20	
	2020	\$45,144.40	\$16,789.20	
	2021	\$45,144.40	\$16,789.20	
	Totals	\$135,433.20	\$50,367.60	
EXPENSE REQUIRED:	\$16,789.20 at	nnually for three-year	rs	
AMOUNT BUDGETED:	\$25,847.05 (t	his fiscal year)		
APPROPRIATION REQUIRED:	None			
RECOMMENDED ACTION:	Utility staff r	ecommends approval		
EXHIBITS:	Exhibit "A" I	Enterprise Enrollmen	t Product Selection I	Form
	Exhibit "B" N	Microsoft Enterprise	Agreement Quote	
	Exhibit "C" H	Enterprise Enrollmen	t (Indirect) Form	
	Exhibit "D" I	Previous Microsoft E	nterprise Agreement	Enrollment Form
	Exhibit "E" Microsoft Enterprise Agreement Program Signature Form Exhibit "F" Sub250 Enrollment Form			Signature Form
	Exhibit "G" A	Amendment M97 For	m	

## ORDINANCE NO.

### AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTION OF A MICROSOFT ENTERPRISE LICENSE AGREEMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, it is necessary to renew and extend certain Microsoft Licenses utilized by the Texarkana Water Utilities (TWU); and

WHEREAS, the Information Technology Division of TWU is the facilitator of the agreement with Microsoft and the management agency for all Microsoft licenses used by the Texarkana Water Utilities; and

**WHEREAS,** SHI Government Solutions of Somerset, New Jersey, a sole provider for the product, has purposed a three (3) year license agreement extension with the total cost of \$135,433.20, which is anticipated to be paid out in three (3) equal annual installments of \$45,144.40 (though the Arkansas portion of each is \$16,789.20); and

**WHEREAS,** because this purchase involves a unique product which is only available from a single source, an exceptional situation exists where it is not feasible or practical to utilize ordinary competitive bidding practices to make such purchase; and

WHEREAS, the City Manager and staff recommends, that the competitive bidding practices otherwise required by applicable statute and ordinance be waived as permitted by Ark. Code. Ann. § 14-47-138 and § 2-27 of the *Code of Ordinances of the City of Texarkana, Arkansas,* and the execution of the three (3) year license agreement extension described herein be authorized;

**NOW, BE IT ORDAINED** by the Board of Directors of the City of Texarkana, Arkansas, that:

<u>Section 1.</u> The competitive bidding practice as contemplated by applicable law and ordinance are waived and the City Manager is authorized to enter into a three (3) year license agreement with SHI Government Solutions for certain Microsoft licenses in the total amount of \$135,433.20 with an amount not exceeding \$45,144.40 annually (the annual Arkansas portion of each being \$16,789.20), over three (3) years provided, however, that the extension agreement provide an option for early termination (not precluding early termination should funds not be budgeted for such purpose in any given year following this year).

Section 2. This action being necessary for the preservation of the public peace, health and safety, to provide for continuity of operation without interruption, and a separate and distinct vote having been taken on this emergency clause, an emergency is therefore declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** this 19<sup>th</sup> day of February, 2019.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

**APPROVED:** 

George M. Matteson, City Attorney



Pricing Proposal Quotation #: 16379202 Created On: 12/10/2018 Valid Until: 12/31/2018

### **Texarkana Water Utilities**

### Inside Account Manager

801 TEX Tex Unit		1301 S Suite 3 Austin, Send F Phone: Fax:	Jeff Rosen 1301 South Mo-Pac Expressway Suite 375 Austin, TX 78746 Send PO to: Texas@shi.com Phone: 800-870-6079 ext 8686150 Fax: (512)732-0232 Email: Jeff_Rosen@shi.com		
All P	rices are in US Dollar (USD)				
	Product	Qty	Your Price	Total	
1	ECALBridgeO365FromSA ALNG SubsVL MVL Pltfrm PerUsr Microsoft - Part#: AAA-12436 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 2/1/2019 – 1/30/2020	108	\$32.40	\$3,499.20	
2	O365GCCE3 ShrdSvr ALNG SubsVL MVL PerUsr Microsoft - Part#: AAA-11894 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 2/1/2019 – 1/30/2020	12	\$216.12	\$2,593.44	
3	O365GCCE3fromSA ShrdSvr ALNG SubsVL MVL PerUsr Microsoft - Part#: AAA-11924 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 2/1/2019 – 1/30/2020	96	\$183.72	\$17,637.12	
4	SQLSvrStdCore ALNG SA MVL 2Lic CoreLic Microsoft - Part#: 7NQ-00292 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 2/1/2019 – 1/30/2020	8	\$576.29	\$4,610.32	
5	VisioOnInP2GCC ShrdSvr ALNG SubsVL MVL PerUsr Microsoft - Part#: P3U-00001 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 2/1/2019 – 1/30/2020	7	\$138.48	\$969.36	
6	WINENTperDVC ALNG SA MVL Pltfrm Microsoft - Part#: KV3-00353 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 2/1/2019 – 1/30/2020	96	\$38.47	\$3,693.12	

7	WinSvrDCCore ALNG SA MVL 2Lic CoreLic Microsoft - Part#: 9EA-00278 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 2/1/2019 – 1/30/2020	64	\$124.43	\$7,963.52
8	WinSvrSTDCore ALNG SA MVL 2Lic CoreLic Microsoft - Part#: 9EM-00270 Contract Name: Microsoft Software VAR Contract #: DIR-TSO-4092 Coverage Term: 2/1/2019 – 1/30/2020	232	\$18.01	\$4,178.32
			Subtotal Shipping Total	\$45,144.40 \$0.00 \$45,144.40
Ad	ditional Comments			

#### Service Level Agreements:

1. Quotes: Quote requests will be acknowledged within 4 business hours of each request. Under normal circumstances, quotes will be provided within 24-48 hours of the initial request. If quotes will take longer than this timeframe, status updates will be provided at reasonable intervals.

2. Orders: All valid orders will be processed within 24 hours.

3. Contract Documents: All submissions will be reviewed and responded to within 24 business hours. Actual processing time will vary based on quality and complexity of the submission.

The Products offered under this proposal are resold in accordance with the <u>SHI Online Customer Resale Terms and Conditions</u>, unless a separate resale agreement exists between SHI and the Customer.

	Proposal ID 0798295.002		l		Enrollment Number	
	Language: English (United	States)				
Eni	rolled Affiliate's Enterprise Pro	oducts and En	terprise Online	Services sum	mary for the initial order:	
	Profile	Qualified Devices	Ouglified Users	Device / User Ratio	Enterprise Product Platform	CAL Licensing Model
	Enterprise	96	108	0.9	Yes	User Licenses

Products	Enterprise Quantity
Office 365 Plans	
Office 365 Plan E3 USL	96
O365 GCC E3	12
Client Access License (CAL)	
Enterprise CAL	
ECAL Bridge for Office 365 From SA	108
Windows Desktop	
Windows Enterprise OS Upgrade	96

Enrolled Affiliate's Product Quar	ntities:			
Price Group	1	2	3	4
Enterprise Products	the measures of a procession server a property of the server server	Office 365 (Plans E1, E3	Client Access License + Windows Intune + EMS USL + Microsoft 365 Enterprise	Win VDA + Microsoft
Quantity	108	108	0	96

Enrolled Affiliate's Price Level:	
Product Offering / Pool	Price Level
Enterprise Products and Enterprise Online Services USLs: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Groups 1 through 4.	D
Additional Product Application Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 1.	D
Additional Product Server Pool: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Group 2 or 3.	D

## Microsoft Volume Licensing

Additional Product Systems Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 4. D

#### NOTES

Unless otherwise indicated in the associated contract documents, the price level for each Product offering / pool is set as described above, based upon the quantity to price level mapping below:

Quantity of Licenses and Software Assurance	Price Level
2,399 and below	A
2,400 to 5,999	В
6,000 to 14,999	С
15,000 and above	D

Note 1: Enterprise Online Services may not be available in all locations. Please see the Product List for a list of locations where these may be purchased.

Note 2: Unless otherwise indicated in associated Agreement documents, the CAL selection must be the same across the Enterprise for each Profile.

Note 3: Enrolled Affiliate acknowledges that in order to use a third party to reimage the Windows Operating System Upgrade, Enrolled Affiliate must certify that it has acquired qualifying operating system licenses. The requirement applies to Windows Enterprise OS Upgrade. See Product Terms for details.

Note 4: If Enrolled Affiliate does not order an Enterprise Product or Enterprise Online Service associated with an applicable Product pool, the price level for Additional Products in the same pool will be price level "A" throughout the term of the Enrollment. Refer to the Qualifying Government Entity Addendum pricing provision for more details on price leveling.

## **Enterprise Enrollment**

#### State and Local

Framework ID

(if applicable)

Enterprise Enrollment number (Microsoft to complete)

61481677

Previous Enrollment number (Reseller to complete)

8283748

### This Enrollment must be attached to a signature form to be valid.

This Microsoft Enterprise Enrollment is entered into between the entities as identified in the signature form as of the effective date. Enrolled Affiliate represents and warrants it is the same Customer, or an Affiliate of the Customer, that entered into the Enterprise Agreement identified on the program signature form.

This Enrollment consists of: (1) these terms and conditions, (2) the terms of the Enterprise Agreement identified on the signature form, (3) the Product Selection Form, (4) the Product Terms, (5) the Online Services Terms, (6) any Supplemental Contact Information Form, Previous Agreement/Enrollment form, and other forms that may be required, and (7) any order submitted under this Enrollment. This Enrollment may only be entered into under a 2011 or later Enterprise Agreement. By entering into this Enrollment, Enrolled Affiliate agrees to be bound by the terms and conditions of the Enterprise Agreement.

All terms used but not defined are located at http://www.microsoft.com/licensing/contracts. In the event of any conflict the terms of this Agreement control.

Effective date. If Enrolled Affiliate is renewing Software Assurance or Subscription Licenses from one or more previous Enrollments or agreements, then the effective date will be the day after the first prior Enrollment or agreement expires or terminates. If this Enrollment is renewed, the effective date of the renewal term will be the day after the Expiration Date of the initial term. Otherwise, the effective date will be the date this Enrollment is accepted by Microsoft. Any reference to "anniversary date" refers to the anniversary of the effective date of the applicable initial or renewal term for each year this Enrollment is in effect.

Term. The initial term of this Enrollment will expire on the last day of the month, 36 full calendar months from the effective date of the initial term. The renewal term will expire 36 full calendar months after the effective date of the renewal term.

### Terms and Conditions

#### 1. Definitions.

Terms used but not defined in this Enrollment will have the definition in the Enterprise Agreement. The following definitions are used in this Enrollment:

"Additional Product" means any Product identified as such in the Product Terms and chosen by Enrolled Affiliate under this Enrollment.

"Community" means the community consisting of one or more of the following: (1) a Government, (2) an Enrolled Affiliate using eligible Government Community Cloud Services to provide solutions to a Government or a qualified member of the Community, or (3) a Customer with Customer Data that is subject to Government regulations for which Customer determines and Microsoft agrees that the use of



Windows Pro locally (in a physical or virtual operating system environment), or (2) a device used to access a virtual desktop infrastructure ("VDI"). Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, (2) an Industry Device, or (3) not a Managed Device. At its option, the Enrolled Affiliate may designate any device excluded above (e.g., Industry Device) that is used by or for the benefit of the Enrolled Affiliate's Enterprise as a Qualified Device for all or a subset of Enterprise Products or Online Services the Enrolled Affiliate has selected.

"Qualified User" means a person (e.g., employee, consultant, contingent staff) who: (1) is a user of a Qualified Device, or (2) accesses any server software requiring an Enterprise Product Client Access License or any Enterprise Online Service. It does not include a person who accesses server software or an Online Service solely under a License identified in the Qualified User exemptions in the Product Terms.

"Reseller" means an entity authorized by Microsoft to resell Licenses under this program and engaged by an Enrolled Affiliate to provide pre- and post-transaction assistance related to this agreement;



- **d.** Country of usage. Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.
- e. Resellers. Enrolled Affiliate must choose and maintain a Reseller authorized in the United States. Enrolled Affiliate will acquire its Licenses through its chosen Reseller. Orders must be submitted to the Reseller who will transmit the order to Microsoft. The Reseller and Enrolled Affiliate determine pricing and payment terms as between them, and Microsoft will invoice the Reseller based on those terms. Throughout this Agreement the term "price" refers to reference price. Resellers and other third parties do not have authority to bind or impose any obligation or liability on Microsoft.
- f. Adding Products.
  - (i) Adding new Products not previously ordered. New Enterprise Products or Enterprise Online Services may be added at any time by contacting a Microsoft Account Manager or Reseller. New Additional Products, other than Online Services, may be used if an order



- maintaineu.
- **3)** For Additional Products available as Subscription Licenses, Enrolled Affiliate may reduce the Licenses. If the License count is reduced to zero, then Enrolled Affiliate's use of the applicable Subscription License will be cancelled.

Invoices will be adjusted to reflect any reductions in Subscription Licenses at the true-up order Enrollment anniversary date and effective as of such date.

- (v) Update statement. An update statement must be submitted instead of a true-up order if, since the initial order or last true-up order, Enrolled Affiliate's Enterprise: (1) has not changed the number of Qualified Devices and Qualified Users licensed with Enterprise Products or Enterprise Online Services; and (2) has not increased its usage of Additional Products. This update statement must be signed by Enrolled Affiliate's authorized representative.
- (vi) True-up order period. The true-up order or update statement must be received by Microsoft between 60 and 30 days prior to each Enrollment anniversary date. The third-



#### 4. Payment terms.

For the initial or renewal order, Enrolled Affiliate may pay upfront or elect to spread its payments over the applicable Enrollment term. If an upfront payment is elected, Microsoft will invoice Enrolled Affiliate's Reseller in full upon acceptance of this Enrollment. If spread payments are elected, unless indicated otherwise, Microsoft will invoice Enrolled Affiliate's Reseller in three equal annual installments. The first installment will be invoiced upon Microsoft's acceptance of this Enrollment and remaining installments will be invoiced on each subsequent Enrollment anniversary date. Subsequent orders are invoiced upon acceptance of the order and Enrolled Affiliate may elect to pay annually or upfront for Online Services and upfront for all other Licenses.



- **d.** Termination for cause. Any termination for cause of this Enrollment will be subject to the "Termination for cause" section of the Agreement. In addition, it shall be a breach of this Enrollment if Enrolled Affiliate or any Affiliate in the Enterprise that uses Government Community Cloud Services fails to meet and maintain the conditions of membership in the definition of Community.
- **e. Early termination.** Any early termination of this Enrollment will be subject to the "Early Termination" Section of the Enterprise Agreement.

For Subscription Licenses, in the event of a breach by Microsoft, or if Microsoft terminates an Online Service for regulatory reasons, Microsoft will issue Reseller a credit for any amount paid in advance for the period after termination.





Service Center and may grant online access to others. The primary contact will be the default contact for all purposes unless separate contacts are identified for specific purposes

Name of entity (must be legal entity name)\* City of Texarkana, AR & City of Texarkana, TX d/b/a Texarkana Water Utilities Contact name\* First Kevin Last Davenport Contact email address\* kevind@txkusa.org Street address\* 808 Olive Street City\* Texarkana State/Province\* TX Postal code\* 75501-(For U.S. addresses, please provide the zip + 4, e.g. xxxxx-xxxx) Country\* United States Phone\* 908-792-8855 Tax ID



City\* Somerset State/Province\* NJ Postal code\* 08873-4145 Country\* United States Contact name\* Timothy Oh Phone\* 888-764-8888 Contact email address\* msteam@shi.com \* indicates required fields



## Previous Enrollment(s)/Agreement(s) Form

Entity Name: City of Texarkana, AR & City of Texarkana, TX d/b/a Texarkana Water Utilities Contract that this form is attached to: State Local Government

For the purposes of this form, "entity" can mean the signing entity, Customer, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

Please provide a description of the previous Enrollment(s), Agreement(s), Purchasing Account(s), and/or Affiliate Registration(s) being renewed or consolidated into the new contract identified above.

- **a.** Entity may select below any previous contract(s) from which to transfer MSDN subscribers to this new contract. Entity shall ensure that each MSDN subscriber transferred is either properly licensed under the new contract or is removed.
- **b.** Entity may select below only one previous contract from which to transfer the Software Assurance (SA) Benefit contact details, i.e., benefits contact (*not* the SA manager) and the program codes, to this new contract.
- c. An Open License cannot be used to transfer either the SA Benefit details or MSDN subscribers.
- **d.** The date of the earliest expiring Enrollment/Agreement that contains SA or Online Services will be the effective date of the new contract (or SA coverage period for Select Plus).
- e. Please insert the number of the earliest expiring Enrollment/Agreement with SA or Online Services in the appropriate fields of the new contract.

Enrollment/Agreement/ Purchasing Account/Affiliate Registration Description	Enrollment/Agreement/ Purchasing Account/Affiliate Registration Public Customer Number	Transfer SA Benefit Contact	Transfer MSDN Subscribers
Standard Enrollment	8283748	Х	Х

## Program Signature Form

MBA/MBSA number

Agreement number



289069

**Note:** Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
Enterprise Enrollment (Indirect)	X20-10634
Sub250 Form	W29
Enterprise Amendment	M97 (new)
Product Selection Form	0798295.002_PSF

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

#### Customer

Name of Entity (must be legal entity name)\* City of Texarkana, AR & City of Texarkana, TX d/b/a Texarkana Water Utilities

Signature\*

Printed First and Last Name\*

Printed Title

Signature Date\*

Tax ID

\* indicates required field

#### **Microsoft Affiliate**

#### **Microsoft Corporation**

#### Signature

#### Printed First and Last Name

#### **Printed Title**

**Signature Date** (date Microsoft Affiliate countersigns)

#### **Agreement Effective Date**

(may be different than Microsoft's signature date)

#### Optional 2<sup>nd</sup> Customer signature or Outsourcer signature (if applicable)

Customer
Name of Entity (must be legal entity name)*
Signature*
Printed First and Last Name*
Printed Title
Signature Date*
* indicates required field

Outsourcer	
Name of Entity (must be legal entity name)*	
Signature*	
Printed First and Last Name*	
Printed Title	
Signature Date*	
* indicates required field	

If Customer requires physical media, additional contacts, or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

#### **Microsoft Corporation**

Dept. 551, Volume Licensing 6100 Neil Road, Suite 210 Reno, Nevada 89511-1137 USA

### Enterprise Sub 250 Program Amendment ID W29

The parties agree that the Enrollment is amended as follows:

# 1. On the first page of the Enrollment, the following is added after the second paragraph:

By entering into this Enrollment, the Enrolled Affiliate agrees that (1) it also has 25 or more Qualified Devices or Qualified Users; or (2) as a condition of entering into this Enrollment with 25-249 Qualified Devices or Qualified Users, Enrolled Affiliate has elected not to receive CD ROMs as part of the Enrollment and therefore no CD ROMs will automatically be shipped. If Enrolled Affiliate is enrolling with 25-249 Qualified Devices or Qualified Devices or Qualified Devices or Qualified Devices or Qualified Users, Enrolled Affiliate has elected not to receive CD ROMs as part of the Enrollment and therefore no CD ROMs will automatically be shipped. If Enrolled Affiliate is enrolling with 25-249 Qualified Devices or Qualified Users and it would like to receive CD ROM Kits and updates, Enrolled Affiliate may order these through its Reseller for a fee.

The submission of this Amendment can only be placed against a 2011 Enterprise Agreement or an Enrollment that has the Updated EA Amendment terms and conditions applied. The submittal of this Amendment may not be contingent on submittal of a new Enterprise Agreement.

# 2. Section 2a of the Enrollment titled "Order Requirements", is hereby amended and restated in its entirety with the following:

- a. Minimum Order Requirements. Enrolled Affiliate's Enterprise must have a minimum of 25 Qualified Users or Qualified Devices.
  - (i) Initial Order. Initial order must include at least 25 Licenses from one of the four groups outlined in the Product Selection Form.
  - (ii) If choosing Enterprise Products. If choosing Enterprise Products in a specific group outlined in the Product Selection Form, Enrolled Affiliate's initial order must include an Enterprise-wide selection of one or more Enterprise Products or a mix of Enterprise Products and corresponding Enterprise Online Services for that group.
  - (iii) Additional Products. Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products.
  - (iv) Country of Usage. Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.
  - (v) Enterprise Online Services only. If no Enterprise Product is ordered, then Enrolled Affiliate need only maintain at least 25 Subscription Licenses for Enterprise Online Services.

### 3. Software Assurance renewal.

Renewing Software Assurance: If Enrolled Affiliate will be renewing Products	×
Software Assurance coverage from a separate agreement, check this box.	

By checking the above box, a new section is added to the Enrollment entitled "Software Assurance Addition."

**Software Assurance Addition.** Enrolled Affiliate is permitted to and will include in its initial order under this Enrollment Software Assurance quantities from eligible Program's identified in the table below, even though Enrolled Affiliate is not otherwise eligible to order such Software Assurance without simultaneously ordering a License.





## Amendment to Contract Documents

Enrollment Number

289069

This amendment ("Amendment") is entered into between the parties identified on the attached program signature form. It amends the Enrollment or Agreement identified above. All terms used but not defined in this Amendment will have the same meanings provided in that Enrollment or Agreement.

## Enterprise Enrollment (Indirect) Invoice for Quoted Price Amendment ID M97

Notwithstanding anything to the contrary or in addition to any terms in the Enrollment, the Enrollment is hereby amended to add the following paragraph:

The price quoted to Enrolled Affiliate's Reseller is a fixed price based on an estimated order submission date. Microsoft will invoice Enrolled Affiliate's Reseller based on this fixed price quote. If this order is submitted later than the estimated order submission date, Enrolled Affiliate's Reseller will be charged for net new Monthly Subscriptions (including Online Services) for the period during which these services were not provided. Pricing to Enrolled Affiliate is agreed between Enrolled Affiliate and Enrolled Affiliate's Reseller.

Except for changes made by this Amendment, the Enrollment or Agreement identified above remains unchanged and in full force and effect. If there is any conflict between any provision in this Amendment and any provision in the Enrollment or Agreement identified above, this Amendment shall control.

### This Amendment must be attached to a signature form to be valid.

#### Microsoft Internal Use Only:

(M97)EnrAmend(Ind)(InvoiceforQuotedPrice)(	M97	PLSS
WW)(ENG)(May2018)(IU).docx		



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE:	1	sion and Ricky Pone	on Cogburn to the Advertising & dexter and Ray Cox to the Board		
AGENDA DATE:	02/19/2019				
ITEM TYPE:	Ordinance Resol	ution $\boxtimes$ Other $\square$ :			
<b>DEPARTMENT:</b>	City Clerk Departm	ent			
PREPARED BY:	Heather Soyars				
<b>REQUEST:</b>	Make appointments the Board of Adjust	-	& Promotion Commission and		
EMERGENCY CLAUSE:	None needed.	None needed.			
SUMMARY:	Promotion Commis Ricky Pondexter ar	sion. This is a four nd Ray Cox would	the to serve on the Advertising & $\frac{1}{2}$ -year term – 02/17/20192023. like to continue to serve on the ar term – 02/17/20192022.		
<b>EXPENSE REQUIRED:</b>	N/A				
AMOUNT BUDGETED:	N/A				
APPROPRIATION REQUIRED:	N/A				
<b>RECOMMENDED</b> ACTION:	The City Manager a	and Staff recommend	approval.		
EXHIBITS:	Resolution, Advert Adjustment Membe	0	Commission and the Board of		
Board or Commission	Vacancy	Applicant	Notes		
Advertising & Promotion Commission	1 Position	Brandon Cogburn	He would like to be reappointed		
Board of Adjustment	2 Positions	Ricky Pondexter Ray Cox	Both would like to be reappointed		

## RESOLUTION NO.

WHEREAS, vacancies exist on the Advertising & Promotion Commission and the Board of Adjustment; and

WHEREAS, it is necessary that appointments be made to fill the vacant positions;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of

Texarkana, Arkansas, that the following appointments are hereby approved:

<b>Board or Commission</b>	<b>Appointee</b>	<u>Term</u>
Advertising & Promotion Commission	Brandon Cogburn	02/17/20192023
Board of Adjustment	Ricky Pondexter	02/17/20192022
Board of Adjustment	Ray Cox	02/17/20192022

**PASSED AND APPROVED** this 19<sup>th</sup> day of February, 2019.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

**APPROVED:** 

George M. Matteson, City Attorney

## ADVERTISING & PROMOTION COMMISSION

Authorized by A.C.A. 26-75-605---608, and Texarkana, Arkansas Code 25-20 $4-{\rm YEAR}$  TERMS

	Appointment	Term Date	Term	Ward
Vacancy At Large Position		03/21/20142018	1	6
Sandy Varner 7002 Tall Oaks Drive 903-826-8090	Resolution No. 2017-31 Appointment 08/07/2017	03/21/20152019 Deborah L. Wright's Unexpired term	1	6
Vacancy		03/21/20152019		
Vacancy		03/21/20172021		
Vacancy		03/21/20182022		
<b>Director Barbara Miner</b> Ward 5 Director 7 Wood Place 870-774-9976	Resolution No. 2019-1 01/07/2019		1	5
Assistant Mayor Linda Teeters Ward 1 Director 229 Summit Drive 870-774-7013	Resolution No. 2019-1 01/07/2019		2	1

### **CITY OF TEXARKANA, ARKANSAS**

Application for Appointment to Citizen Advisory Board or Commission (Please type or print clearly)

BOARD OR COMMISSION DESIRED (Please apply for Advertising & Promotion Commission Airport Authority   City Beautiful Commission   Board of Adjustment   Civil Service Commission   Electrical Review Board   Heating & Air Conditioning Board of Review	r one (1) board or commission per application.)   Historical District Commission   Library Board   Municipal Auditorium Project Advisory Commission   Planning Commission   Plumbing Review Board   SWAWIB–Southwest Arkansas Workforce Investment Board   Other:
Name: <u>Brandon C. Cogburn</u>	Home Phone: 903-276-1547
Address: <u>#3 Woodridge</u>	Texarkana Resident X Yes No 15 Years
E-Mail Address: <u>bcogburn@arwhlaw.com</u>	Miller Co. Voter Registration No. <u>1823300</u>
Employer: <u>Atchley, Russell, Waldrop &amp; Hla</u>	winka, LLP Work Phone: 903-792-8246
Position:Partner / Attorney	
Education: College: <u>University of Arkansas</u>	High School: Dierks High School
Special knowledge or past experience qualifying you fo <u>I have managed multi-million dollar bu</u>	or this appointment: (Please feel free to attach resume): dgets in non-profit areas, as well in lawsuits.
Directors; TMRC Board of Directors; Lea	<u>Ailler County Election Commission; IADC Board of</u> adership Texarkana; Teen Court Judge ast one Texarkana resident as a reference, especially any City o may be contacted on your behalf.
Interest: Explain why you are interested in being appo	
Experience: Indicate what meeting(s) you have attend I have attended many A&P and City bo	led of the committee for which you wish to be considered. ard meetings.
Number of Texarkana, Arkansas Board of Directors Me	eetings you have attended in the past 12 months: numerous meetings ov
Please read the statement below and sign your name I UNDERSTAND MY ATTENDANCE WILL BE INFORMATION PROVIDED ABOVE IS TRUE AND C	REQUIRED AT ALL COMMITTEE MEETINGS AND THE ORRECT.
Signature of Applicant:	Date Submitted: <u>Nov. 16, 2017</u>
Return completed application to: Heather Soyars, City Clerk 216 Walnut Street (or) P O Box 2711 Texarkana TX 75504-2711 Phone 870-779-4995 or Fax 870-774-3170	City Clerk Stamp CITY CLERK'S UFFICE TEXARKANA. AR D NOV 1 7 2017 D E C E I V E By:
Please Note: This application will be on file for one (1) G WORD/FORMS/BOARD & COMMISSION APPLICATION DOC	LAST REVISED 11072017

### BOARD OF ADJUSTMENT

## 

	Appointment	Term Date	Term	Ward
<b>Ricky Pondexter</b> 4302 Sanderson Lane 870-772-3501 – home 903-826-5550 - work	Resolution No. 2017-10 Reappointment 02/6/2017	02/17/20162019	2	6
Ray Cox 1106 Draughn Street 310-930-8150 mcox1305@gmail.com	Resolution No. 2017-36 Appointment 8/21/2017	02/17/20162019	1	1
<b>Clyde (Boots) Thomas</b> 5807 Deerwood 870 773-6919 - home 903 831-2715 – work <u>bootst@cableone.net</u>	Resolution No. 2017-17 Reappointment 04/03/2017	02/17/20172020	3	6
Bonnie Auck 2102 Hays 870 772-4155 Teeterandtotter@aol.com	Resolution No. 2018-21 Reappointment 05/21/2018	02/17/20182021	5	2
<b>I. Don Nelson</b> 3540 Crestwood Dr. 870 772-7363 <u>donaldnelson@cableone.net</u>	Resolution No. 2018-21 Reappointment 05/21/2018	02/17/20182021	7	5

	TEXARKANA AR	IUL
CITY OF TEXAR	KANA, ARKANSAS	
	itizen Advisory Board or Commission 5 2017	n
BOARD OR COMMISSION DESIRED (Please apply for Advertising & Promotion Commission		Ľ
Airport Authority City Beautiful Commission	Library Board Municipal Auditorium Project Advisory Commission	
Board of Adjustment	Planning Commission	
Civil Service Commission Electrical Review Board	Plumbing Review Board SWAWIB–Southwest Arkansas Workforce Investment Board	
Heating & Air Conditioning Board of Review	Other:	
Name: <u>KRY &amp; OK</u>	Home Phone:	
Address: 1106 DRAUGHN ST. AR71		
E-Mail Address: MCAX 13050 9MAIL. CON		
Employer: <u>3014 - Employer</u> Position: <u>(wtractor, Builder, Owner</u>	Work Phone: <u>310930-8150</u>	
Education: College:	High School: ARKANBAS High	
Special knowledge or past experience qualifying you fo	or this appointment:	
Other relevant information (civic activities, membership	os, etc.):	
Special knowledge or past experience qualifying you for Knye, Completed, Auronanayos, Canstell Walkholders, Completeinter these web p	or this appointment (Please feel free to attach resume): <u>ALLERN JOBS AND ANT, DISSED ALL</u> <u>N HAL JOURADOWN</u> FIK, ANEN.	
References: List the name and phone number of at le	east one Texarkana resident as a reference, especially any City	
staff, City Council, or current Committee members who Name:	Phone Number:	
Interest: Explain why you are interested in being apport	pinted to this board or commission. dive the local, building trades and blue paint.	
	ded of the committee for which you wish to be considered.	<b>"</b>
Number of Texarkana, Arkansas Board of Directors M		
Please read the statement below and sign your name UNDERSTAND MY ATTENDANCE WILL BE INFORMATION PROVIDED ABOVE IS TRUE AND 0	REQUIRED AT ALL COMMITTEE MEETINGS AND THE	5-2011
Signature of Applicant: Ray Corp	Date Submitted: 5/2/2016	2 - 2(011)
Ø /	Chrone States OFFICE	
Return completed application to: City Clerk	TEXARKANA, AR	
216 Walnut Street (or) P O Box 2711		
Texarkana TX 75504-2711 Phone 870-779-4995 or Fax 870-774-3170	MAY 0 2 2016	
Please Note: This application will be on file for one (1	$\frac{  ECEVEV}{  A }$	
G WORD/FORMS/BOARD & COMMISSION APPLICATION DOC		
	LAST NEVISED. 02202011	
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### **CITY OF TEXARKANA, ARKANSAS**

Application for Appointment to Citizen Advisory Board or Commission (Please type or print clearly) BOARD OR COMMISSION DESIRED (Please apply for one (1) board or commission per application.) Historical District Commission Advertising & Promotion Commission Library Board Airport Authority Municipal Auditorium Project Advisory Commission **City Beautiful Commission** Planning Commission Board of Adjustment X Plumbing Review Board **Civil Service Commission** SWAWIB-Southwest Arkansas Workforce Investment Board **Electrical Review Board** Other: Heating & Air Conditioning Board of Review Home Phone: Name: X Yes No Address: Texarkana Resident Miller Co. Voter Registration No. 1800 E-Mail Address Work Phone: Employe √Position: EM UNIVERSIT View Education: High School: 4 College: qualifying you for this appointment: ecial knowledge or past experience Home <u>cm</u>u AN her relevant/information (civic activities, memberships, etc High School Alumni/ USEUM pecial knowledge or past experience qualifying you for this appointment (Please feel free to attach resume): Tech No 1094; MANAgement References: List the name and phone number of at least one Texarkana resident as a reference, especially any City staff, City Council, or current Committee members who may be contacted on your behalf Phone Number: Name: Nelson BUA. Interest: Explain, why you are interested in being appointed to this board or commission. Wolvener COMMUNIL Experience: Indicate what meeting(s) you have attended of the committee for which you wish to be considered. NONE Number of Texarkana, Arkansas Board of Directors Meetings you have attended in the past 12 months: Please read the statement below and sign your name to indicate your understanding. I UNDERSTAND MY ATTENDANCE WILL BE REQUIRED AT ALL COMMITTEE MEETINGS AND THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT Date Submitted: Signature of Applicant: City Clerk Stamp Return completed application to: City Clerk 216 Walnut Street (or) P O Box 2711 Texarkana TX 75504-2711 Phone 870-779-4995 or Fax 870-774-3170

Please Note: This application will be on file for one (1) year.

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# **TEXARKANA, ARKANSAS BOARDS AND COMMISSIONS**

	Board or		Date Term	Terms
Year	Commission	Member	Expires	Served
2016	Heating and Air	Vacancy	November 21	
	Conditioning Board			
	3-Year Term			
2017	Advertising &	Vacancy	March 21	
	<b>Promotion Commission</b>			
	4-Year Term			
2018	Historic District	Vacancy	January 17	
	Commission			
	3-Year Term			
	Advertising &	3 Vacancies	March 21	
	<b>Promotion Commission</b>	(1 At-Large Position)		
	4-Year Term			
2019	Historic District	Vacancy	January 17	
	Commission			
	3-Year Term			
	Board of Adjustment	Ricky Pondexter	February 17	2
	3-Year Term	Ray Cox	February 17	1
	Electric Board of Review	Thomas Thornsberry	March 6	2
	2-Year Term	Director Travis Odom	March 6	3
	Advertising &	Sandy Varner	March 21	1
	Promotion Commission			
	4-Year Term	Joyce Dennington	March 21	2

Civil Service Commission	Beverly Jack Webb	April 00	1
6-Year Term	Josclyn Jones Wiley	April 00	1
Planning Commission	Randall R. Hickerson	May 6	2
3-Year Term	Anderson Neal, Jr.	May 6	2
Airport Authority	Adger Smith	May 14	1
3-Year Term			
Heating & Air	Jeff Castle	November 21	9
3-Year Term	Thomas Bui	November 21	5
Plumbing Board of	Jackie Kirkland, Sr.	November 21	6
Review	Robert Johnson	November 21	4
3-Year Term	Cliff Roberts	November 21	2
Public Facilities Board	Melissa Edwards	November 30	1
3-Year Term	Tracie Lee	November 30	1
Personnel Policy	Dara Cornett	January 6	3
Committee	Tracie Lee	January 6	3
2-Year Term	Jenny Narens	January 6	2
Library Board	Junie Young	January 15	1
6-Year Term	Gary Nutter	January 15	1
Historic District	Beverly J. Rowe	January 17	4
Commission 3-Year Term	Doris Davis	January 17	2
Board of Adjustment 3-Year Term	Clyde "Boots" Thomas	February 17	3
Electric Board of Review	Wade Williamson	March 6	8
2-Year Term		Marcho	0
Planning Commission	Clyde "Boots" Thomas	May 6	5
3-Year Term	Bertha Dunn	May 6	3
	Adger Smith	May 6	2

	Airport Authority	Holmes Morel	May 14	2
	3-Year Term	Don Ruggles	May 14	3
	Equalization Board	Richard Henry	June 5	4
	3-Year Term	-		
	Heating & Air	Charlie Cook	November 21	7
	Conditioning Board			
	3-Year Term			
2021	Personnel Policy	Eric Ethridge	January 6	3
	Committee	Marion Holder	January 6	3
	2-Year Term	Linda Matthews	January 6	2
	Historic District	James Gibbs	January 17	2
	Commission	Danny R. Gordon	January 17	2
	3-Year Term			
	Board of Adjustment	Bonnie Auck	February 17	5
	3-Year Term	I. Don Nelson	February 17	7
	Civil Service Commission	Pete Cheatham	April 00	1
	6-Year Term			
	Planning Commission	George Coker	May 6	5
	3-Year Term	Jason Dupree	May 6	4
	Airport Authority 3-Year Term	Ray Abernathy	May 14	1
	Public Facilities Board	Mary Beck	November 30	1
	3-Year Term	Dr. Kenny Haskin	November 30	1
		Heather Soyars	November 30	2
2022	Historic District	David Jones	January 17	3
	Commission			
	3-Year Term			
2023	Library Board	Linda Cogbill	January 15	1

	<b>Civil Service Commission</b>	Glen Greenwell	April 00	1
	6-Year Term	Matt Keil	April 00	2
2024	<b>Library Board</b> 6-Year Term	Linda Register	January 15	2