



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • JANUARY 8, 2024

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	Present	
Cole Meador	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Karey Parker, Gary Smith, Mashell Daniel, Kristin Peeples, Dusty Henslee, J.W. Bramlett, Daphnea Ryan, Vashil Fernandez, and Brooke Stone.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER MARY HART

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings

Monday, January 22, 2024 at 6:00 p.m.

Monday, February 12, 2024 at 6:00 p.m.

Monday, February 26, 2024 at 6:00 p.m.

General Parks & Recreation information can be found on the city's website at

[<http://www.texarkanatexas.gov>](http://www.texarkanatexas.gov)

Mayor Bruggeman said many events took place in the community during the recent holiday season. One noteworthy event was the Texarkana Sesquicentennial or 150th birthday of Texarkana that occurred on December 8th. The celebration had a great turnout in great weather and was a lot of fun.

The Mayor commended city staff and the txk150 committee members who did an incredible job in planning and hosting all of the associated and successful activities. Thank you Texarkana, USA, for your participation and support for the enjoyable time shared by all!

The Mayor gave the following January birthday shout outs: Council Member Hart (1/5), Council Member Page (1/7), Vashil Fernandez (1/16), and Mayor Bruggeman (1/29)! He also gave a belated shout out to Council Member Williams who celebrated her birthday at the end of December (12/20).

IV. 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.

There were no public comments made at Open Forum.

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Council consensus for council members board appointments was to remain the same as positions currently stand.

There were no appointments or reappointments made to any board, commission, or committee.

Council Members Annual Board Appointments Review

RESULT:	CLOSE ACTION
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VI. ITEMS FOR CONSIDERATION

Consent Items

(6:09 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on December 11, 2023 at 6:00 PM.
2. Resolution No. 2024-001 confirming the City Manager's appointment of Suzy Heath to the Civil Service Commission for a term expiring September 30, 2026.

Public Hearing:

Council Vote: January 8, 2024

3. Resolution No. 2024-003 authorizing the appointment of Council Member Cole Meador to serve as a Representative on the Ark-Tex Council of Governments Board of Directors.

Public Hearing:

Council Vote: January 8, 2024

4. Ordinance No. 2024-008 amending budgeted revenue and expenditures for the fiscal year ending September 30, 2024, for the Waterworks & Sanitary Sewer Systems, Revenue Bonds, Series 2023 to appropriate additional revenue and expenditures in the amount of Nineteen Million Nine Hundred Fifteen Thousand Dollars (\$19,915,000).

Public Hearing:

Council Vote: January 8, 2024

5. Resolution No. 2024-009 authorizing payment to Metro Fire Apparatus Specialists for repair of a damaged fire engine in an amount not to exceed \$64,555.01 funded through insurance proceeds and City funds of \$2,500 (insurance deductible) from the 703 Fleet Maintenance Fund.

Public Hearing:

Council Vote: January 8, 2024

Action Items

[There were no Action Items considered at this meeting.]

VII. FIRST BRIEFINGS

1. Ordinance No. 2024-002 amending and relocating regulations governing historic preservation and historic districts from the Zoning Ordinance and creating Chapter 145, "Historic Landmark Preservation and Historic Districts" in the Code of Ordinances.

Public Hearing: January 22, 2024

Council Vote: January 22, 2024

Daphnea Ryan briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/22/2024 6:00 PM
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2. Ordinance No. 2024-004 rezoning Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street from Commercial to Single Family-3. Jermell Fulton, owner.

Public Hearing: January 22, 2024
Council Vote: January 22, 2024

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/22/2024 6:00 PM
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3. Ordinance No. 2024-005 granting a Specific Use Permit to allow a single wide HUD code manufactured home on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street. Jermell Fulton, owner.

Public Hearing: January 22, 2024
Council Vote: January 22, 2024

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/22/2024 6:00 PM
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4. Ordinance No. 2024-006 rezoning an approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327, located at 3001 Bender Road from Single Family-1 to Two Family-2. Dennis Pascarella, owner.

Public Hearing: January 22, 2024
Council Vote: January 22, 2024

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/22/2024 6:00 PM
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5. Ordinance No. 2024-007 amending PD-05-7 for site plan approval on an approximate 4-acre tract (being part of Tracts 71, 71B, 71A, and 71C), George Brinlee HRS, A-18, located at 1 Roundabout Way. Cheney Pruett, owner and Kayla Wood, MTG Engineers and Surveyors, agent.

Public Hearing: January 22, 2024
Council Vote: January 22, 2024

Mashell Daniel briefed this agenda item.

RESULT: MOVED FORWARD**Next: 1/22/2024 6:00 PM****VIII. PUBLIC HEARINGS**

1. Ordinance No. 2023-154 rezoning an approximate 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305, located at 7770 Hampton Road from Single Family-2 to Commercial. Tyler Parsons for FMG North Texas, owner.

Public Hearing: January 8, 2024

Council Vote: January 8, 2024

There were no public comments made at this hearing.
(6:21 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Meador, Davis
EXCUSED:	Bruggeman

2. Ordinance No. 2023-155 approving a Specific Use Permit to allow one additional use of a beauty salon on an approximate 4.126-acre tract of land (being Tract 15), located at 6500 Summerhill Road. Jessica Davis, owner, and Michelle Lee, agent.

Public Hearing: January 8, 2024

Council Vote: January 8, 2024

There were no public comments made at this hearing.
(6:22 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Davis, Ward 6
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Meador, Davis
EXCUSED:	Bruggeman

3. Ordinance No. 2023-156 granting a Specific Use Permit to allow one additional use of a beauty school on the W 1/2 of Lots 1-3, Block 18 and the E 1/2 of Lots 1-3, All of Lots 4-6 and All of Block 17, Rochelle Addition, located at 3123 Magnolia Street. Brenda Adams, owner.

Public Hearing: January 8, 2024

Council Vote: January 8, 2024

There were no public comments made at this hearing.
(6:23 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christie Page, Ward 4
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Page, Meador, Davis
EXCUSED:	Bruggeman

4. Resolution No. 2023-162 approving a Memorandum of Understanding with Texas A&M University Texarkana.

Public Hearing: January 8, 2024

Council Vote: January 8, 2024

There were no public comments made at this hearing.
(6:25 p.m.)

RESULT:	ADOPTED [6 TO 0]
MOVER:	Christie Page, Ward 4
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Williams, Page, Meador
ABSTAIN:	Davis

IX. CITY MANAGER'S REPORT

Fiscal Year 2024 Sales Tax Report

Sales tax receipts for the month of December (October sales) totaled \$1,662,067, a decrease of 2.61% compared to the same month in the prior year. As a reminder, staff budgeted to end fiscal year 2024 with an increase of 2% over the prior fiscal year.

Economic Development Quarterly Report - December

The city's latest quarterly economic development report is now available. It includes information on new developments that are planned, new retail announced/ recently opened, commercial construction permits, residential construction permits and much more.

The big news from this past quarter was the five-year Chapter 380 agreement was finalized with local manufacturing business, Sterno, to move 100 new jobs from out-of-state to Texarkana, making Texarkana home to the largest manufacturing base for the company nationwide. The deal will provide incentives based on job creation that meets or exceeds an annual salary of \$30,000. The city is thrilled to be working with this long-standing partner in the community!

For more information about economic development efforts, check out the city's economic development webpage at [Economic Development | Texarkana, TX - Official Website \(texarkanatexas.gov\)](https://texarkanatexas.gov/255/Economic-Development) <<https://texarkanatexas.gov/255/Economic-Development>>.

SAVE THE DATES:

MLK Weekend Celebrations - Prayer Breakfast on January 13th at We Are Washington, 1900 Marietta St, Texarkana, Arkansas at 8:00 a.m. ~ 20th MLK Gala on January 14th at Texarkana College, 2500 No. Robison Rd, Texarkana, Texas at 7:00 p.m.

Ribbon Cuttings for the Dr. Otis Williams Murals on January 18th at 12:00 p.m. at 1303 Milam St. Texarkana, Texas and 2:00 p.m. for the downtown mural at 220 Main St, Texarkana, Texas.

The **Temptations concert** is scheduled for January 19th at the Perot Theatre.

The **Design Downtown Regional Arts Exhibit** submissions are displayed on every floor in City Hall. The artwork came from residents starting with Pre-K all the way to adults and senior adults. The public is invited to stop by and see some great art pieces around City Hall.

X. ADMINISTRATIVE COMMENTS

1. City Council

Council had no administrative comments for staff.

2. City Staff

Staff had no administrative comments for council.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:28 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christie Page, Ward 4
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Page, Meador, Davis
EXCUSED:	Bruggeman



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

Briefing Sheet

Version:
Update Date: 12/13/2023 12:25 PM

Lead Department: City Manager

Action Officer: Jennifer Evans, City Secretary

Subject: Council Members Annual Board Appointments Review

Attachments

- a. Council Appointed Boards Spreadsheet 2023 (010824) (PDF)

January 8, 2024

Council Member Board Appointments - 2023						
BOARD, COMMISSION or COMMITTEE	POSITION OR SEAT	MEMBER	DATE OF APPOINTMENT	LENGTH OF TERM (YEARS)	APPOINTMENT EXPIRATION	APPOINTING AUTHORITY
ARK-TEX COG						
ARK-TEX COG	1	Vacant		2		CC
ARK-TEX COG	2	Jean Matlock	13-Dec-21	2	12-Dec-23	CC
ARK-TEX COG	3	Mary Hart	13-Dec-21	2	12-Dec-23	CC
BI-STATE IAC						
BI-STATE IAC	1	Bob Bruggeman	12-Dec-22	1	11-Dec-23	CC
BI-STATE IAC	2	Betty Williams	12-Dec-22	1	11-Dec-23	CC
BOWIE CENTRAL APPRAISAL DISTRICT						
BOWIE CENTRAL APPRAISAL DISTRICT	TXK	Jay Davis	1-Jan-24	2	31-Dec-25	CC
METROPOLITAN PLANNING						
MPO POLICY BOARD	1	Mary Hart	12-Dec-22	5	11-Dec-27	CC
MPO POLICY BOARD	2	Bob Bruggeman	1-Apr-19	5	31-Mar-24	CC
TXK URBAN TRANSIT DISTRICT						
TXK URBAN TRANSIT DISTRICT	MAY	Bob Bruggeman	13-Dec-21	2	12-Dec-23	M
MAYOR PRO TEM by RESOLUTION	1	Jean Matlock	13-Dec-21			CC
Until successor is appointed						



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • DECEMBER 11, 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	Present	
Cole Meador	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Kristin Peebles, Ross Cowling, Chris Black, Karey Parker, Dusty Henslee, Mashell Daniel, Vahil Fernandez, Chiquita Burks, Keith Beason, Kenny Icenhower, Lisa Thompson, Brooke Stone, and J.W. Bramlett.

Municipal Court: Judge Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JAY DAVIS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings

Monday, January 8, 2024 at 6:00 p.m.

Monday, January 22, 2024 at 6:00 p.m.

Parks & Recreation Activities

December 13th Senior Day Out Christmas Party

Southwest Center

Additional Parks & Recreation information can be found on the city's website at

<http://www.texarkanatexas.gov>

Perot Theatre Event

December 16th - Christmas on Main at the Perot Theatre

Minutes Acceptance: Minutes of Dec 11, 2023 6:00 PM (Consent Items)

Mayor Bruggeman happily welcomed new **Ward 5 Council Member Cole Meador** to his first full official council meeting.

On Monday, December 4th, the Mayor rode in the annual **Christmas Parade** with fellow Texarkana Arkansas Mayor Allen Brown, along with "Mrs. Clause" (Francine Miller) and driver, Mr. Schoen. This year, the parade was attended by the largest crowd ever seen so far. He thanked all the citizens who came out for the parade for their support.

The 7th Annual **Unsung Heroes Luncheon**, hosted by First Baptist Church, had 435 attendees on Friday, December 8th. This luncheon honored those in the community who work hard at doing important jobs - jobs that often get little recognition and thanks.

Also on Friday, December 8th, Texarkana, USA celebrated, in downtown, the **150 Year Sesquicentennial** and memorialized the celebration with burying a time capsule that will be opened in 50 years! A special Perot Theatre performance was held later in the evening that was historical and fun for all. U.S. Congressman Nathan Moran also joined Texarkana in this celebration.



These spectacular activities would not have been possible without the **Courthouse Square Connections Strategic Doing Team** members: Brooke Stone, Benjamin DuBois, Andrew Clark, Kayla Wood, Keith Beason, Jennifer Unger, Manuel Western, Velvet Cool, Tyler Richards, Chiquita Burks, Jason Ross, David Orr, and Lisa Thompson.

Student Ambassador **Langston Grice**, of the newly-formed Texarkana Youth Advisory Council, was welcomed to the meeting.

IV. 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.

There were no public comments made at Open Forum.

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mayor Bruggeman re-appointed Melva Flowers, Louie George, Craig Manning, and Jo Ann Rice to the Housing Authority Board. Each Commissioner's term will be effective January 1, 2024.

Motion to confirm the Mayoral re-appointments to the Housing Authority Board.

(6:12 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

Council Members Annual Board Appointments Review

RESULT:	CLOSE ACTION
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VI. ITEMS FOR CONSIDERATION

Consent Items

(6:14 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

1. Consider approval of the minutes of the Regular Meeting of the City Council held on November 13, 2023 at 6:00 PM.
2. Resolution No. 2023-157 approving the PY22/FY23 Community Development Block Grant (CDBG) Annual Comprehensive Assessment Performance Evaluation Report.

Public Hearing:
Council Vote: December 11, 2023

3. Resolution No. 2023-158 authorizing the City Manager to execute a memorandum of agreement regarding staff providing fire and emergency services to Red River Army Depot.

Public Hearing:
Council Vote: December 11, 2023

4. Resolution No. 2023-159 authorizing the City Manager to approve the purchase and installation of a scoreboard for the George Dobson baseball field from Nevco, a Buy Board vendor, in the amount of Fifty-five Thousand Six Hundred Nine Dollars and Sixty Cents (\$55,609.60), with funds available in the 2023 Bond Fund (Fund 426).

Public Hearing:
Council Vote: December 11, 2023

5. Ordinance No. 2023-160 amending the budgeted revenues and expenditures for the 2023 Bond Fund (Fund 426) in the amount of FOURTEEN MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$14,700,000) for the fiscal year ending September 30, 2024.

Public Hearing:
Council Vote: December 11, 2023

6. Resolution No. 2023-161 authorizing the City Manager to enter into a contract with Flock Safety for an amount not to exceed One Hundred Forty-one Thousand Nine Hundred Fifty Dollars (\$141,950) to be paid from the General Fund (Fund 101).

Public Hearing:
Council Vote: December 11, 2023

Action Items

7. Resolution No. 2023-164 authorizing the City Manager to sign an addendum for Komatsu Architecture for Perot Theatre renovations, in an amount not to exceed Three Hundred Seventy Thousand Dollars (\$370,000) with funds from the 2023 Bond (Fund 426).

Public Hearing:
Council Vote: December 11, 2023

City Manager Orr briefed this agenda item.
(6:16 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Davis, Ward 6
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

8. Resolution No. 2023-165 ratifying a contract change order with RBIS, LLC, for the sewer main replacement project at I-30 and Cowhorn Creek and authorizing change order payment of \$103,461.05 to be paid from the TWU Texas Infrastructure Fund.

Public Hearing:
Council Vote: December 11, 2023

Kenny Icenhower briefed this agenda item.
(6:19 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Davis, Ward 6
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

VII. FIRST BRIEFINGS

1. Ordinance No. 2023-154 rezoning an approximate 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305, located at 7770 Hampton Road from Single Family-2 to Commercial. Tyler Parsons for FMG North Texas, owner.

Public Hearing: January 8, 2024
Council Vote: January 8, 2024

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/8/2024 6:00 PM
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2. Ordinance No. 2023-155 approving a Specific Use Permit to allow one additional use of a beauty salon on an approximate 4.126-acre tract of land (being Tract 15), located at 6500 Summerhill Road. Jessica Davis, owner, and Michelle Lee, agent.

Public Hearing: January 8, 2024
Council Vote: January 8, 2024

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/8/2024 6:00 PM
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3. Ordinance No. 2023-156 granting a Specific Use Permit to allow one additional use of a beauty school on the W 1/2 of Lots 1-3, Block 18 and the E 1/2 of Lots 1-3, All of Lots 4-6 and All of Block 17, Rochelle Addition, located at 3123 Magnolia Street. Brenda Adams, owner.

Public Hearing: January 8, 2024
Council Vote: January 8, 2024

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/8/2024 6:00 PM
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4. Resolution No. 2023-162 approving a Memorandum of Understanding with Texas A&M University Texarkana.

Public Hearing: January 8, 2024
Council Vote: January 8, 2024

City Manager Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/8/2024 6:00 PM
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VIII. PUBLIC HEARINGS

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

There were no public comments made at this hearing.
(6:26 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Davis, Ward 6
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

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

There were no public comments made at this hearing.
 (6:27 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

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

There were no public comments made at this hearing.
 (6:28 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

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

James Brower, owner, presented himself for questions at this hearing.
 (6:31 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Davis, Ward 6
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

IX. CITY MANAGER'S REPORT

2023 City Annual Report

The city has created a new annual report thanks to Lisa Thompson and the external affairs team that includes several city-wide accomplishments in 2023. The annual report also has information on annual sales tax collections, property tax collections, MyGOV staff metrics, new businesses, and a look ahead to 2024. A digital version of the report can be found at this link: https://issuu.com/cityoftexarkanatx/docs/annual_report_for_web

Paper copies are also available at City Hall.

2023 Great Places in Texas Recipients - Texarkana Federal Courthouse & Post Office

This community received some exciting news that the Texarkana Federal Courthouse & Post Office was recognized by the American Planning Association - Texas Chapter as a Great Public Space in Texas during the annual awards ceremony at the APATX23 Planning Conference in Corpus Christi recently. Other public space award winners include Mule Alley in Fort Worth and the Alliance Children's Garden in Austin.

Lake Wright Patman Ultimate Rule Curve (URC) Programmatic Agreement

Last week, staff sent in the city's signature page for the Lake Wright Patman Ultimate Rule Curve (URC) Programmatic Agreement between the U.S. Corps of Engineers, City, Texas State Preservation Office and the Caddo Nation. The city's team, including Kyle Dooley and Ray Russo with Riverbend, and also Jeff Lewis have worked for over two years to get to this point with a signed agreement between all parties involved regarding the historic preservation efforts needed to raise the level of the lake to the URC.

REMINDERS: 10th Annual Twin City Leaders Breakfast, Tuesday, December 12th at the Cabe Center First Methodist Texarkana, Arkansas, from 8:15 a.m. - 9:30 a.m.

The Open House for the Moores Lane & Galleria Oaks reconstruction project will be held on Tuesday, December 12th at 5:30 p.m. at City Hall in the Council Chambers on the second floor.

X. ADMINISTRATIVE COMMENTS

1. City Council

Mayor Bruggeman asked Council Member Meador to introduce his special guest. Council Member Meador said he brought his son Davis. Davis especially enjoyed his first council meeting on November 13th and came back for more!

The Mayor wished all a Merry Christmas and Happy New Year this holiday season!

2. City Staff

City Manager Orr reminded the council it's time for consideration of the annual appointments of council members to various boards, commissions, and committees. Council can review the spreadsheet and make its appointments at the next council meeting.

Jennifer Evans said the Ark-Tex Council of Governments has requested the third elected official, to fill the open seat on its board of directors, be confirmed by resolution. She asked council to decide who will serve in the position and she will prepare a resolution for the January 8th meeting for council's consideration and adoption.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:37 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Meador, Davis



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/3/2024 8:26 AM

Lead Department: Human Resources **Action Officer:** J.W. Bramlett, Human Resources Specialist
Subject: Resolution No. 2024-001 confirming the City Manager's appointment of Suzy Heath to the Civil Service Commission for a term expiring September 30, 2026.
Briefing: 1/8/2024 **Public Hearing:** **Council Vote:** 1/8/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Commissioner Suzy Heath's term expired on September 30, 2023 and at the time she did not feel that she would be able to continue in her role as a Civil Service Commissioner. Since that time no one has shown interest in the vacant position that was eligible to hold the public office, and recently Mrs. Suzy Heath made the City aware that she would be able to serve again on the Civil Service Commission if the opportunity was still available.

Potential Options:

- Approve
- Deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends approval of Suzy Heath to the vacant Civil Service Commission position.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- 2024-001 RES Civil Svc Comm Appt HEATH (DOCX)
- 2024-001 Goals & Perspectives (DOCX)

City of Texarkana, Texas

c. 2024-001 RES Civil Svc Appt (Heath) signed (PDF)

Staff Coordination

Human Resources	J.W. Bramlett	Department Head Review	Completed
	12/05/2023 2:37 PM		
City Manager	Jennifer Evans	City Manager Review	Skipped 01/08/2024
6:00 PM			
City Council	Jennifer Evans	Meeting	Completed 01/08/2024
6:00 PM			

Meeting History

RESOLUTION NO. 2024-001

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, CONFIRMING THE APPOINTMENT OF MRS.
SUZY HEATH TO THE CITY OF TEXARKANA, TEXAS CIVIL SERVICE
COMMISSION; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Texas Local Government Code Section 143.006 provides that the Fire Fighters' and Police Officers' Civil Service Commission (hereinafter "Commission") shall consist of three members appointed by the municipality's chief executive and confirmed by the governing body of the municipality; and

WHEREAS, Commission members serve staggered three-year terms with the term of one member expiring each year; and

WHEREAS, due to a vacancy occurring for a Commission member's three-year term which began October 1, 2023, and expiring September 30, 2026, City Manager David Orr has appointed Mrs. Suzy Heath to complete said term.

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

SECTION 1: The City Council hereby confirms the City Manager's appointment of Mrs. Suzy Heath to the Civil Service Commission for a term that expires September 30, 2026.

SECTION 2: This Resolution shall be effective immediately upon passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **8th** day of **January, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2024-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CONFIRMING THE APPOINTMENT OF MRS. SUZY HEATH TO THE CITY OF TEXARKANA, TEXAS CIVIL SERVICE COMMISSION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 143.006 provides that the Fire Fighters' and Police Officers' Civil Service Commission (hereinafter "Commission") shall consist of three members appointed by the municipality's chief executive and confirmed by the governing body of the municipality; and

WHEREAS, Commission members serve staggered three-year terms with the term of one member expiring each year; and

WHEREAS, due to a vacancy occurring for a Commission member's three-year term which began October 1, 2023, and expiring September 30, 2026, City Manager David Orr has appointed Mrs. Suzy Heath to complete said term.

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

SECTION 1: The City Council hereby confirms the City Manager's appointment of Mrs. Suzy Heath to the Civil Service Commission for a term that expires September 30, 2026.

SECTION 2: This Resolution shall be effective immediately upon passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 8th day of January, 2024.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:09 p.m.

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 12/13/2023 11:02 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Resolution No. 2024-003 authorizing the appointment of Council Member Cole
Subject: Meador to serve as a Representative on the Ark-Tex Council of Governments
Board of Directors.

Briefing: 1/8/2024 **Public Hearing:** **Council Vote:** 1/8/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Ark-Tex Council of Governments (ATCOG) is governed by a Board of Directors and state law requires that this governing board be composed primarily of local government elected officials. The City has one (1) position reserved on the ATCOG Board of Directors that needs to be filled.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Staff recommends appointing a Council Member as a Representative to the ATCOG Board of Directors.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2024-003 RES Appointing ATCOG Board Member (DOC)
- b. 2024-003 ATTH 01 ATCOG Board Bylaws (PDF)

City of Texarkana, Texas

- c. 2024-003 Goals & Perspectives (DOCX)
- d. 2024-003 RES ATCOG Board Appt. (Meador) signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	
	12/05/2023 6:07 PM			
City Manager	Jennifer Evans	City Manager Review Skipped		01/08/2024
6:00 PM				
City Council	Jennifer Evans	Meeting	Completed	01/08/2024
6:00 PM				

Meeting History

RESOLUTION NO. 2024-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE APPOINTMENT OF A REPRESENTATIVE TO SERVE AS A DIRECTOR ON THE ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Ark-Tex Council of Governments (ATCOG) was organized by local governmental entities in 1966 and was chartered as a not-for-profit corporation under Chapter 391, of the Local Government Code; and

WHEREAS, reorganization in 1968, by the States of Texas and Arkansas, as a sub-state political subdivision to allow ATCOG to plan, assist local governments, and deliver public services, but has no power to tax or to regulate; and

WHEREAS, ATCOG is governed by a Board of Directors and state law requires that this governing body be composed primarily of local government elected officials; and

WHEREAS, ATCOG serves the Northeast Texas and Southwest Arkansas region that is comprised of nine (9) counties in Texas and one (1) in Arkansas and includes cities, counties, school districts, and special districts with membership open to all interested governmental entities; and

WHEREAS, the general purpose of ATCOG is to plan for the unified, far-reaching development of the region, eliminate duplication of services, and promote economy and efficiency through coordination; and

WHEREAS, the City of Texarkana, Texas, is a member in good standing with the Ark-Tex Council of Governments; and

WHEREAS, the City of Texarkana, Texas has one (1) position reserved on the Ark-Tex Council of Governments Board of Directors.

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

SECTION 1: The City Council authorizes the appointment of the following council member to serve as a Representative on the Ark-Tex Council of Governments Board of Directors.

Cole Meador

Attachment: 2024-003 RES Appointing ATCOG Board Member (4150 : 2024-003 RES ATCOG Board Appointment)

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

PASSED AND APPROVED in Regular Council Session on this the **8th day of January, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

BYLAWS
ARK-TEX COUNCIL OF GOVERNMENTS

ARTICLE 1

Name and Organization

There is hereby organized pursuant to the authority granted by Chapter 391 of the Local Government Code (formerly Article 1011m, Revised Civil Statutes of Texas), and Arkansas Interlocal Cooperation Act 430, an Interstate Regional Planning Commission, hereafter called Council, which shall be known as the Ark-Tex Council of Governments, a voluntary association of local governmental units located in the Texarkana, Texas area.

ARTICLE II

Purpose and Objectives

A. It shall be the purpose of the Council:

1. to encourage and permit local units of government to join and cooperate with one another to improve the health, safety and general welfare of their citizens;
2. to plan for the future development of the region to the end that:
 - a. transportation systems may be more carefully planned;
 - b. that the communities, areas and regions grow with adequate streets, utilities and health, educational, recreational and other essential facilities;
 - c. that needs of agriculture, business and industry be recognized;
 - d. that residential areas provide health surroundings for family life;
 - e. that historical and cultural value be preserved;
 - f. that the growth of the communities, areas and regions is commensurate with and promotive of the efficient and economical use of public funds;
3. to eliminate duplication and promote economy and efficiency in the coordinated development of the area.

B. In achieving these objectives, the Council may:

1. exercise any powers heretofore or hereafter conferred upon it by state law;
2. undertake studies, collect data and develop area plans and programs;
3. engage in such other activities as the Council finds necessary or desirable to accelerate area development and correct area problems;
4. receive and expend gifts, contributions and donations which may be made to the Council to accomplish its purposes;
5. apply and contract for, receive and expend funds from Council members, as provided in the Bylaws, to finance the costs of operations;
6. assist, encourage, and coordinate the activities of all parties concerned both public and private, in implementing those plans and programs which affect the growth and development of the area.

ARTICLE III**Membership**

- A. Membership shall consist of local governmental units as defined in Chapter 391 of the Texas Local Government Code and of the Arkansas Interlocal Cooperation Act 430, which may join by passage of an ordinance, resolution, order or other means, upon payment of dues as provided in Article XI of the Bylaws and approval of the Board of Directors of the Ark-Tex Council of Governments.'**
- B. Local governmental units eligible for membership shall be geographically situated in whole or in part, within Bowie, Cass, Morris, Red River, Lamar, Delta, Franklin, Hopkins, and Titus Counties in Texas, and Miller County in Arkansas, and adjoining counties upon the approval of the Board of Directors of the Council, and may include counties, cities, towns, villages, hospital authorities, districts or other political subdivisions of the State.**
- C. A member which is more than six months in arrears in its dues as herein provided may be denied its voting privileges until such time as the dues are paid.**
- D. A member may withdraw from the Council upon notifying the Executive Committee by resolution or other appropriate legal action of the governing body of such withdrawing member. In the event of withdrawal by a member of the Council, said member shall not be entitled to a return of any portion of previously paid annual dues.**
- E. As an honor, past presidents who are no longer member representatives may be recognized as ex-officio, non-voting, non-dues paying, non-entity representative members by the Board in the capacity of citizen advisors.**
- F. Associate Membership will consist of the NET Resource, Conservation and Development Area. Other organizations may be considered on an case by case basis that utilize government funding for a majority of their operations, and that are situated in whole or in part, within Bowie, Cass, Morris, Red River, Lamar, Delta, Franklin, Hopkins, and Titus Counties in Texas, and Miller County in Arkansas, and adjoining counties, and upon the approval of the Board of Directors of the Council.**

ARTICLE IV**Board of Directors**

- A. The Board of Directors shall be composed of members elected or appointed by the membership within the area specified in these Bylaws, and shall be elected or appointed as may be determined by each respective member in the following manner as long as the Board maintains two-thirds of the membership be elected officials of member cities or counties (LGC 391.006):**
 - 1. Each member County Government shall have one Director who shall be an elected official appointed by the Commissioner's Court;**
 - 2. Each member City Government with a population of 10,000 or more shall have three Directors who shall be elected officials appointed by the City Council;**
 - 3. Each member City Government with a population of less than 10,000 shall have one Director who shall be an elected official appointed by the City Council;**

4. Each member Community / Junior College District and School District shall be entitled to have one member on the Board of Directors who shall be appointed from their elected governing body, from the area described in Article III.B of these Bylaws;
 5. Each member Special District shall be entitled to have one member on the Board of Directors who shall be appointed from their governing body, from the area described in Article III.B of these Bylaws;
 6. Each member Authority shall be entitled to have one member on the Board of Directors who shall be appointed from their governing body of the Authority and shall be from the area described in Article III.B of these Bylaws.
 7. All members of the Texas Legislature whose districts include all or part of the Ark-Tex Council of Governments' region shall be an ex officio, nonvoting member to serve on the Board of Directors.
 8. Each Associate Member shall be entitled to have one member on the Board of Directors who shall be appointed from their governing body from the area described in Article III. F of these Bylaws
- B. The term "elected officials" used herein means a mayor or member of the governing body of a municipality, a county judge, a county commissioner, a member of the board of trustees of a school district or a member of the elected governing body of a special district.
- C. Each Director may represent multiple organizations, but shall have only one vote and shall be appointed for a period of two years, beginning on June 1 of the year appointed. Each may serve until his successor is duly qualified or installed. All voting must follow the Texas Open Meetings Act.
- D. A vacancy in office because of death, resignation, removal, disqualification or otherwise may be filled by the member from which such Director received his selection by election or appointment.

ARTICLE V

Executive Committee

- A. There will be an Executive Committee chosen from the Board of Directors, consisting of President, Vice-President, Secretary, Treasurer and up to nineteen other members maintaining two-thirds of the membership be elected officials of member cities or counties. These twenty-three Committee members are to be elected by the Directors at the Annual Meeting which shall be the regular meeting in September and will serve a two-year term beginning at the Executive Committee meeting in October, with no limitations for successions. No Board member may be elected to the Executive Committee if the entity which he represents is in arrears of dues, payments or other fees owed to the Ark-Tex Council of Governments. Vacancies on the Executive Committee because of death, resignation, removal, disqualification or otherwise may be filled immediately by vote of the Board of Directors at a regular meeting of the Ark-Tex Council of Governments on recommendation of a nominating committee of not less than three Directors appointed by the highest officer of the then active Executive Committee.
- B. Each member County Government, and one member City Government within each county shall have an assigned seat on the Executive Committee. There shall be three assigned seats available for members under Article IV.A. 4-8. Any seat without a filled appointment as defined in Article V.A will remain vacant until such time a qualified candidate be appointed by the Board of Directors.

- C. The President shall be the principal executive officer of the Council, and in general, shall supervise and control all the business and affairs of the Council. He shall preside at all meetings of the members and of the Board of Directors. He and/or the Secretary, Treasurer or any other proper officer of the Council authorized by the Board of Directors may sign any deeds, mortgages, bonds, contracts, checks, drafts or other instruments which the Board of Directors has authorized to be executed, and in general, he shall perform all duties incident to the office of President and other such duties as may be prescribed by the Board of Directors from time to time. The Board of Directors may authorize, upon occasion, the Executive Director to act in its behalf and sign documents as described above.**
- D. In the absence of the President or in the event of his inability or refusal to act, the Vice-President shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to the restrictions upon the President. The Vice-President shall perform such other duties as from time to time may be assigned to him by the President or by the Board of Directors.**
- E. The Secretary shall keep the minutes of the meetings of the members and the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with provisions of these Bylaws or as required by law; be custodian of the records and ensure execution of such as duly authorized in accordance with the provisions of these Bylaws; keep a register of the post office address of each member which shall be furnished to the Secretary by such members; and in general perform, or assign to be performed, all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.**
- F. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties as the Board of Directors shall determine. He shall have charge and custody of and be responsible for all funds and securities of the Council; receive and give receipts for monies due and payable to the Council from any source whatsoever; and deposit all such monies in the name of the Council in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of Article X of these Bylaws; and in general, perform, or assign to be performed all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him by the President or by the Board of Directors.**
- G. No entity member may have more than one Director serve on the Executive Committee.**
- H. The Executive Committee, unless otherwise determined by the Board of Directors, shall normally meet monthly, and shall be responsible for the implementation of policies established by the Board of Directors. Such meetings, shall be in a consistent, centralized location as determined by the Executive Committee. Actions to the Executive Committee may be appealed to the Board of Directors upon the written request of any member.**
- I. Nine (9) members, or a simple majority of appointed members of the Executive Committee (whichever is less) shall constitute a quorum and the President shall vote only in case of a tie vote of the other members.**
- J. A member missing more than three (3) consecutive, regular Executive Committee meetings must have a legitimate excuse, approved by the Executive Committee for his/her third consecutive absence or he/she shall forfeit his/her position on the Executive Committee. A position made vacant by such forfeiture shall be filled as described in Article V, para. (A) above. Regular membership on the Board of Directors shall not be affected by the provisions of this paragraph.**

ARTICLE VI**Executive Director and Staff**

- A. The Board of Directors shall employ an Executive Director who shall serve at the pleasure of the Board.**
- B. The Executive Director shall be the chief administrative officer of the Council, appoint and remove all subordinate employees and, subject to the rules and regulations of the Board of Directors, act for and in the name of the Council.**
- C. The Executive Director shall prepare the financial plan and work program of the Council and shall faithfully execute all other duties and responsibilities vested in or required of him by the Board of Directors.**

ARTICLE VII**Meetings**

- A. The Board of Directors shall hold regular and/or special meetings at such times and places as it may determine and said meetings shall be open to the public. Normally such meetings shall be held quarterly, unless otherwise determined by the Board of Directors and, in terms of location, shall be rotated throughout the region.**
- B. Special meetings may be called by the President or upon the written request of twenty percent (20%) of the members of the Board of Directors for the purpose of transacting any business specified in the call. The call for a special meeting must be in writing and mailed to each Director at least five days before such meeting.**
- C. There shall be an annual meeting of the Council at a time and place to be determined by the Board of Directors. Normally this meeting shall be held during the month of September, as herein described, and shall constitute one of the Board of Directors' normal quarterly meetings.**
- D. Ten percent (10%) of the filled positions on the Board of Directors will constitute a quorum at any meeting of the Council; provided, however, that a quorum may not be less than the number required by the Bylaws for a quorum of the Executive Committee.**

ARTICLE VIII**Waiver of Notice**

Whenever any notice is required to be given under the provisions of the Bylaws to any member a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

ARTICLE IX**Books and Records**

The Council shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, and Board of Directors, and shall keep at the registered or principal office a record giving names and addresses of members entitled to vote. All books and records of the Council may be inspected by any member or his agent or attorney for any proper purpose at any reasonable time.

ARTICLE X**Contracts, Checks, Deposits, Funds and Other Business**

- A. The Board of Directors may authorize any officer or officers, agent or agents of the Council, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and behalf of the Council, and such authority may be general or confined to specific instances.**
- B. All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Council shall be signed by such officer or officers, agent or agents of the Council and in such manner as shall from time to time be determined by resolution of the Board of Directors.**
- C. All funds of the Council shall be deposited from time to time to the credit of the Council in such banks, trust companies or other depositories as the Board of Directors may select.**
- D. The Board of Directors shall be responsible for the review, approval and adoption of all Council policy documents, including but not limited to an annual Strategic Work Program and Financial Plan, as herein described, action/implementation plans, annual work program, affirmative action and personnel plans and rules.**

ARTICLE XI**Finances, Budget and Payments**

- A. The Council shall adopt an annual Strategic Work Program and Financial Plan on or before September 30th of each year and its fiscal period shall begin on the first day of October in each year.**
- B. Each year upon adoption of the annual Strategic Work Program and Financial Plan, the Council shall fix the dues for all member governmental units. Dues shall be in sufficient amounts to provide funds as required by the budget.**
- C. New governmental units may join the Council upon the payment of dues prorated for the remaining portion of the Council's fiscal year.**
- D. The dues for each city shall be 20 cents per capita based on the most current census that is a Council-recognized census estimate with a minimum of one hundred dollars (\$100.00) annually (see paragraph 5). County governmental units shall pay 15 cents per capita of population for non-member incorporated areas and 15 cents per capita of population for unincorporated areas of the county.**
- E. All other governmental units shall pay a minimum of one hundred dollars (\$100.00) annually.**

ARTICLE XII**Parliamentary Rule**

"Robert's Rules of Order Revised" shall be the authority of all questions of parliamentary procedure not covered by these Bylaws.

ARTICLE XIII**Amendments**

Amendments by the Board of Directors. These Bylaws may be amended by a vote of the Board of Directors approving the amendment at any meeting, provided that the proposed amendment has been submitted in writing to each member of the Board at least ten days in advance of each meeting and ratified by a majority vote of three-fourth (3/4) of the Directors at any meeting.

These Bylaws adopted by the Directors of the Ark-Tex Council of Governments at a meeting thereof at Texarkana, Texas, this the 24th day of June, 1969.

AS AMENDED - November 7, 1974
 June 3, 1976
 May 3, 1976
 December 6, 1979
 September 24, 1981
 September 9, 1982
 September 24, 1985
 June 25, 1987
 January 12, 1993
 March 30, 2000
 February 23, 2006
 June 30, 2011
 March 27, 2014
 September 28, 2017


 Judge L.D. Williamson, President
 Ark-Tex Council of Governments

ATTEST:


 Judge Lynda Munkres, Secretary
 Ark-Tex Council of Governments

Attachment: 2024-003 ATTH 01 ATCOG Board Bylaws (4150 : 2024-003 RES ATCOG Board Appointment)

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:

RESOLUTION NO. 2024-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE APPOINTMENT OF A REPRESENTATIVE TO SERVE AS A DIRECTOR ON THE ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Ark-Tex Council of Governments (ATCOG) was organized by local governmental entities in 1966 and was chartered as a not-for-profit corporation under Chapter 391, of the Local Government Code; and

WHEREAS, reorganization in 1968, by the States of Texas and Arkansas, as a sub-state political subdivision to allow ATCOG to plan, assist local governments, and deliver public services, but has no power to tax or to regulate; and

WHEREAS, ATCOG is governed by a Board of Directors and state law requires that this governing body be composed primarily of local government elected officials; and

WHEREAS, ATCOG serves the Northeast Texas and Southwest Arkansas region that is comprised of nine (9) counties in Texas and one (1) in Arkansas and includes cities, counties, school districts, and special districts with membership open to all interested governmental entities; and

WHEREAS, the general purpose of ATCOG is to plan for the unified, far-reaching development of the region, eliminate duplication of services, and promote economy and efficiency through coordination; and

WHEREAS, the City of Texarkana, Texas, is a member in good standing with the Ark-Tex Council of Governments; and

WHEREAS, the City of Texarkana, Texas has one (1) position reserved on the Ark-Tex Council of Governments Board of Directors.

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

SECTION 1: The City Council authorizes the appointment of the following council member to serve as a Representative on the Ark-Tex Council of Governments Board of Directors.

Cole Meador

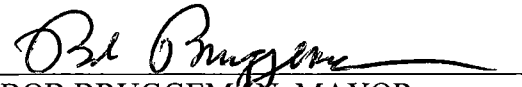
Attachment: 2024-003 RES ATCOG Board Appt. (Meador) signed (4150 : 2024-003 RES ATCOG Board Appointment)

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

PASSED AND APPROVED in Regular Council Session on this the 8th day of January, 2024.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:09 p.m.

Attachment: 2024-003 RES ATCOG Board Appt. (Meador) signed (4150 : 2024-003 RES ATCOG Board Appointment)

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/2/2024 4:09 PM

Lead Department: Water Utilities **Action Officer:** Michelle Warren,
Ordinance No. 2024-008 amending budgeted revenue and expenditures for the
fiscal year ending September 30, 2024, for the Waterworks & Sanitary Sewer
Systems, Revenue Bonds, Series 2023 to appropriate additional revenue and
expenditures in the amount of Nineteen Million Nine Hundred Fifteen
Subject: Thousand Dollars (\$19,915,000).

Briefing: 1/8/2024 **Public Hearing:** **Council Vote:** 1/8/2024

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

On September 11, 2023 the City Council authorized the issuance of Water Works and Sanitary Sewer Systems Revenue Bonds, Series 2023. The issuance generated nineteen million nine hundred fifteen thousand dollars in funding to the City. These funds were not included in the original budget for the fiscal year ending September 30, 2024. The budget needs to be amended to reflect the additional revenue from bond proceeds and anticipated expenditures.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Payment for the annual debt service on the bond issuance is allocated in 2023 Bond Fund and will be repaid with water and sewer revenues.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

N/A

Board/Committee Recommendation:

N/A

Advisory Board/Committee Meeting Date and Minutes:

N/A

City of Texarkana, Texas

Attachments

- a. 2023-008 ORD amd. budg. for Water Works 2023 Bond Fund (DOC)
- b. 2024-008 Goals & Perspectives (DOCX)
- c. 2024-008 ORD Amd Budg WW 23 Bond signed (PDF)

Staff Coordination

Water Utilities	Gary Smith 12/28/2023 7:45 AM	Department Head Review	Completed	
TWU Finance 8:42 AM	Tricia Briggs	Review	Completed	12/28/2023
TWU Administration 9:01 AM	Kenny Icenhower	Review	Completed	12/28/2023
City Manager 6:00 PM	Jennifer Evans	City Manager Review	Skipped	01/08/2024
City Council 6:00 PM	Jennifer Evans	Meeting	Completed	01/08/2024

Meeting History

ORDINANCE NO. 2024-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED REVENUE AND EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024, FOR THE 2023 BOND FUND TO APPROPRIATE ADDITIONAL REVENUE AND EXPENDITURES IN THE AMOUNT OF NINETEEN MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$19,915,000); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the issuance of Water Works and Sanitary Sewer Systems Revenue Bonds, Series 2023 on September 11, 2023; and

WHEREAS, the issuance generated **NINETEEN MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$19,915,000)** in funding to the City of Texarkana, Texas; and

WHEREAS, these funds were not included in the original budget for the fiscal year ending September 30, 2024; and

WHEREAS, the budget for the fiscal year ending September 30, 2024 should be amended to include **NINETEEN MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$19,915,000)** in revenue and expenditures from the issuance of Water Works and Sanitary Sewer Systems Revenue Bonds, Series 2023.

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

SECTION 1: That the budget estimate of the revenue and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2023, and ending September 30, 2024, be amended to include **NINETEEN MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$19,915,000)** in revenue and expenditures for the Water Works and Sanitary Sewer Systems Revenue Bonds, Series 2023 Bond Fund.

SECTION 2: 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 **8th** day of January, 2024.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2023-008 ORD amd. budg. for Water Works 2023 Bond Fund (4160 : 2024-008 ORD Amending Budget for 2023 Bond Fund)

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:

ORDINANCE NO. 2024-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED REVENUE AND EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2024, FOR THE 2023 BOND FUND TO APPROPRIATE ADDITIONAL REVENUE AND EXPENDITURES IN THE AMOUNT OF NINETEEN MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$19,915,000); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the issuance of Water Works and Sanitary Sewer Systems Revenue Bonds, Series 2023 on September 11, 2023; and

WHEREAS, the issuance generated **NINETEEN MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$19,915,000)** in funding to the City of Texarkana, Texas; and

WHEREAS, these funds were not included in the original budget for the fiscal year ending September 30, 2024; and

WHEREAS, the budget for the fiscal year ending September 30, 2024 should be amended to include **NINETEEN MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$19,915,000)** in revenue and expenditures from the issuance of Water Works and Sanitary Sewer Systems Revenue Bonds, Series 2023.

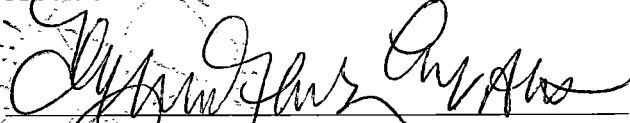
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: That the budget estimate of the revenue and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2023, and ending September 30, 2024, be amended to include **NINETEEN MILLION NINE HUNDRED FIFTEEN THOUSAND DOLLARS (\$19,915,000)** in revenue and expenditures for the Water Works and Sanitary Sewer Systems Revenue Bonds, Series 2023 Bond Fund.

SECTION 2: 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 **8th** day of **January, 2024**.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:09 p.m.

Attachment: 2024-008 ORD Amd Budg WW 23 Bond signed (4160 : 2024-008 ORD Amending Budget for 2023 Bond Fund)

City of Texarkana, Texas

Version: A

Update Date: 1/3/2024 12:42 PM

Briefing Sheet

Lead Department: Fire Department **Action Officer:** Chris Black, Fire Chief
Resolution No. 2024-009 authorizing payment to Metro Fire Apparatus
Specialists for repair of a damaged fire engine in an amount not to exceed
Subject: \$64,555.01 funded through insurance proceeds and City funds of \$2,500
(insurance deductible) from the 703 Fleet Maintenance Fund.

Briefing: 1/8/2024 **Public Hearing:** **Council Vote:** 1/8/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Fire Engine #9 was involved in a one-vehicle collision with a concrete light pole in a parking lot while responding to a commercial fire. The damage required repair by the manufacturer. The repairs totaled \$64,555.01 (see attached invoice – ATTH 01). TML insurance processed the damage claim and submitted to the City funds to pay the repair invoice less the city's deductible of \$2,500.00.

Potential Options:

Approve (or decline to approve) the proposed resolution authorizing payment of the repair invoice.

Fiscal Implications:

Net \$2,500.00 (insurance deductible) from available funds in 703 Fleet Maintenance Fund after applying insurance proceeds received from TML.

Staff Recommendation:

Staff recommends approval of the resolution.

Advisory Board/Committee Review:

"NONE"

Board/Committee Recommendation:

"NOT APPLICABLE"

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

- a. 2024-009 RES Authorizing Payment for Fire Apparatus Repair (DOCX)

City of Texarkana, Texas

- b. 2024-009 ATTH 01 Apparatus Repair Invoice (PDF)
- c. 2024-009 Goals & Perspectives (DOCX)
- d. 2024-009 RES Fire Apparatus Damage Pymt signed(PDF)

Staff Coordination

Fire Department	Chris Black	Department Head Review	Completed	
	01/03/2024 8:18 AM			
City Attorney	Jeffery C. Lewis	Review	Completed	01/03/2024
12:26 PM				
City Manager	Jennifer Evans	City Manager Review	Skipped	01/08/2024
6:00 PM				
City Council	Jennifer Evans	Meeting	Completed	01/08/2024
6:00 PM				

Meeting History

RESOLUTION NO. 2024-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING PAYMENT TO METRO FIRE APPARATUS SPECIALISTS FOR REPAIR OF A DAMAGED FIRE ENGINE IN AN AMOUNT NOT TO EXCEED \$64,555.01 FUNDED THROUGH INSURANCE PROCEEDS AND CITY FUNDS OF \$2,500 (INSURANCE DEDUCTIBLE) FROM THE 703 FLEET MAINTENANCE FUND; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Fire Engine #9 was involved in a collision with a concrete light pole in a parking lot while responding to a commercial fire, requiring repairs by a facility authorized by the manufacturer, Spartan Fire and Emergency Apparatus; and

WHEREAS, an authorized Spartan repair facility, Metro Fire Apparatus Specialists, Inc., in Mansfield, Texas, performed the necessary repairs and invoiced the City for a total amount of \$64,555.01; and

WHEREAS, the City's insurer processed a damage claim and advanced funds payable to the City for the repair invoice (less the City's deductible of \$2,500.00) which were deposited into the 703 Fleet Maintenance Fund, and

WHEREAS, by this Resolution, the City Council authorizes payment to Metro Fire Apparatus Specialists, Inc., for the repair of Fire Engine #9 in an amount not to exceed \$64,555.01 utilizing funds advanced by the City's insurer and available City funds of \$2,500.00 (insurance deductible) from the 703 Fleet Maintenance Fund.

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

SECTION 1: The City Council authorizes the City Manager or designee to pay Metro Fire Apparatus Specialists, Inc., an amount not to exceed \$64,555.01, in full and final payment for repairs to Fire Engine #9.

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

PASSED AND APPROVED in Regular Council Session on this the **8th** day of **January, 2024**.

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

METRO FIRE 03
 625 S WISTERIA ST
 SUITE 121
 MANSFIELD, TX 76063
 817-467-0911



Estimate

SO-03-12711

Date:

6/21/2023

Bill To
 TEXARKANA FIRE DEPT
 P O BOX 1967
 TEXARKANA, TX 75504
 P: 903-798-3994 F: 903-793-4731

Remit Payment To
 METRO FIRE APPARATUS SPECIALISTS,
 INC. - CORPORATE
 17350 STATE HWY 249
 SUITE 250
 HOUSTON, TX 77064

Service Order		Purchase Order	Service Writer		Authorizer
SO-03-12711			HAZARD, KALEB		Not provided
Item	Description		Quantity	Rate	Amount
Complaint: ACCIDENT DAMAGE					
Cause: TRUCK WAS INVOLVED IN AN ACCIDENT					
Labor	Correction: Chassis / CHASSIS / SEND TO WTR FOR REPAIRS		0.00000		\$0.00
Parts	WTR SUBLET - SUBLET - A		1	\$64,555.01	\$64,555.01
				Subtotal	\$64,555.01
Shop Supplies					\$0.00
Unit: 219135-01 / 88424 (E-9) VIN: 4S9BDEUA2LB419835			Labor		\$0.00
2020 SPARTAN METRO STAR LFD			Parts		\$64,555.01
In Service Date: 12:00AM 2/4/2021			Subtotal		\$64,555.01
Chassis: 26,443 Miles			EXEMPT (0% of \$0.00)		\$0.00
			Total		\$64,555.01

*: Core charges not included in total. You will be charged for any core that is not in returnable condition. This charge may be applied on a separate invoice.
 This estimate is good for 45 days. This estimate is limited to the stated scope of work, and any work beyond the stated scope will be quoted separately.

Attachment: 2024-009 ATTH 01 Apparatus Repair Invoice (4161 : 2024-009 RES Fire Apparatus Repair)

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:

RESOLUTION NO. 2024-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING PAYMENT TO METRO FIRE APPARATUS SPECIALISTS FOR REPAIR OF A DAMAGED FIRE ENGINE IN AN AMOUNT NOT TO EXCEED \$64,555.01 FUNDED THROUGH INSURANCE PROCEEDS AND CITY FUNDS OF \$2,500 (INSURANCE DEDUCTIBLE) FROM THE 703 FLEET MAINTENANCE FUND; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Fire Engine #9 was involved in a collision with a concrete light pole in a parking lot while responding to a commercial fire, requiring repairs by a facility authorized by the manufacturer, Spartan Fire and Emergency Apparatus; and

WHEREAS, an authorized Spartan repair facility, Metro Fire Apparatus Specialists, Inc., in Mansfield, Texas, performed the necessary repairs and invoiced the City for a total amount of \$64,555.01; and

WHEREAS, the City's insurer processed a damage claim and advanced funds payable to the City for the repair invoice (less the City's deductible of \$2,500.00) which were deposited into the 703 Fleet Maintenance Fund, and

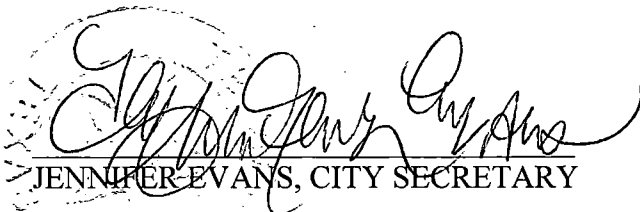
WHEREAS, by this Resolution, the City Council authorizes payment to Metro Fire Apparatus Specialists, Inc., for the repair of Fire Engine #9 in an amount not to exceed \$64,555.01 utilizing funds advanced by the City's insurer and available City funds of \$2,500.00 (insurance deductible) from the 703 Fleet Maintenance Fund.

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

SECTION 1: The City Council authorizes the City Manager or designee to pay Metro Fire Apparatus Specialists, Inc., an amount not to exceed \$64,555.01, in full and final payment for repairs to Fire Engine #9.

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

PASSED AND APPROVED in Regular Council Session on this the 8th day of January, 2024.


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:09 p.m.

Attachment: 2024-009 RES Fire Apparatus Damage Pymt signed (4161 : 2024-009 RES Fire Apparatus Repair)

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/3/2024 4:28 PM

Lead Department: Planning and Community Development **Action Officer:** Daphnea Ryan,
Ordinance No. 2024-002 amending and relocating regulations governing
historic preservation and historic districts from the Zoning Ordinance and
creating Chapter 145, "Historic Landmark Preservation and Historic Districts"
Subject: in the Code of Ordinances.

Briefing: 1/22/2024 **Public Hearing:** 1/22/2024 **Council Vote:** 1/22/2024

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Recognizing the need to establish a stand-alone Historic Landmark Preservation Ordinance in order to provide transparency, ease of access, and to meet the guidelines for application as a Certified Local Government through the Texas Historical Commission, City staff, the Historic Landmark Preservation Committee and legal counsel drafted this ordinance.

If approved, this ordinance will establish Chapter 145 under the Land Development Code. As part of establishing this ordinance, Section 140-106 and 140-110 will be removed from Chapter 140 Zoning. Additionally, changes to the ordinance language as summarized in Attachment 02 will be applied if passed.

Establishing a stand-alone Historic Landmark Preservation and Historic Districts Ordinance will put the City in line to obtain Certified Local Government status through the Texas Historical Commission. Becoming a Certified Local Government opens opportunities to apply for grants through Texas Historical Commission for historic preservation.

Potential Options:

- Approve or
- Deny

Fiscal Implications:

Fiscal implications will include a 10% decrease in City Ad Valorem taxes for 83 properties located in the Highland Park Bingham Park Historic Overlay District that are not currently receiving the tax incentive. There are 127 properties located in the historic district and 44 currently receive the tax incentive. This estimated impact will be \$6,400 per year at the current tax rate.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

City of Texarkana, Texas

Board/Committee Recommendation:

The Historic Landmark Preservation Committee voted unanimously to recommend approval on November 9, 2023.

The Planning and Zoning Commission voted unanimously to recommend approval to remove Sections 140-106 and 140-110 from Article V of Chapter 140 relocating those sections in the establishment of Chapter 145, Historic Landmark Preservation and Historic Districts on January 2, 2024.

Advisory Board/Committee Meeting Date and Minutes:

Historic Landmark Preservation Committee - November 9, 2023

Planning and Zoning Commission – January 2, 2024

Attachments

- a. 2024-002 ORD Establishing a Historic Landmark Preservation Ordinance (jcl rev 4) (DOCX)
- b. 2024-002 ATTH 01 November 9 2023 HLPC Minutes (DOCX)
- c. 2024-002 ATTH 02 Walkover (DOCX)
- d. 2024-002 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	Vashil Fernandez	Department Head Review
Completed	01/04/2024 8:41 AM	
City Manager	Jennifer Evans	City Manager Review Skipped
6:00 PM		01/08/2024
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		01/08/2024

Meeting History

PUBLISH

ORDINANCE NO. 2024-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS BY AMENDING AND RELOCATING REGULATIONS GOVERNING HISTORIC PRESERVATION AND HISTORIC DISTRICTS FROM THE ZONING ORDINANCE AND CREATING CHAPTER 145, "HISTORIC LANDMARK PRESERVATION AND HISTORIC DISTRICTS"; CONTAINING REPEALER, SEVERABILITY, AND SUPERSEDING CLAUSES; CONTAINING LEGISLATIVE FINDINGS; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code, Chapter 211, Section 211.003(b), provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures; and

WHEREAS, Section 211.005(a) of the Texas Local Government Code authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district, provided however that zoning regulations may vary from district to district; and

WHEREAS, Section 214.00111 of the Texas Local Government Code provides additional authority to preserve substandard buildings as historic property which applies only to a municipality that is designated as a certified local government by the state historic preservation officer as provided by 16 U.S.C.A. Section 470 *et seq.*; and

WHEREAS, the City Council of the City of Texarkana, Texas recognizes the need to separate regulations governing historic preservation from the City's Zoning Ordinance [specifically, Chapter 140, Sections 140-106 and 140-110 of the Code] and create a stand-alone Historic Landmark Preservation Ordinance; and

WHEREAS, the City Council of the City of Texarkana, Texas declares that as a matter of public policy, the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public; and

WHEREAS, The Historic Landmark Preservation Committee reviewed and voted unanimously to recommend approval of Chapter 145, Historic Landmark Preservation and Historic Districts to City Council, and Planning and Zoning Commission voted unanimously to remove Sections 140-106 and 140-110 from Chapter 140, Article V to establish Chapter 145, Historic Landmark Preservation and Historic Districts; and

WHEREAS, by this Ordinance, the City of Texarkana, Texas creates Chapter 145 of the Land

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Development Code for Historic Landmark Preservation and repealing or otherwise superseding all previous ordinances and amendments related to historic preservation.

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

SECTION 1: The Land Development Code of the Code of Ordinances of the City of Texarkana, Zoning Code, is hereby amended to add Chapter 145, “Historic Landmark Preservation and Historic Districts”, as follows:

CHAPTER 145 – HISTORIC LANDMARK PRESERVATION AND HISTORIC DISTRICTS

ARTICLE I. - ENACTMENT AND PURPOSE

Section 145-1.- Purpose

The City Council of Texarkana, Texas hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. This Act is intended to:

- (a) Create a new independent ordinance specific to historic preservation;
- (b) Protect and enhance the landmarks and districts which represent distinctive elements of Texarkana’s historic, architectural, and cultural heritage;
- (c) foster civic pride in the accomplishments of the past;
- (d) protect and enhance Texarkana’s attractiveness to visitors and the support and stimulus to the economy thereby provided;
- (e) ensure the harmonious, orderly, and efficient growth and development of the City that is sensitive to its historic resources;
- (f) promote economic prosperity and welfare of the community by encouraging the most appropriate use of Historic Properties within the City;
- (g) encourage stabilization, restoration, and improvements of such Properties and their values by offering incentives for rehabilitation.

ARTICLE II. - DEFINITIONS

Section 145-2. Definitions.

Accessory Building shall mean a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, but not

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limited to, a residential structure may have a detached garage or storage shed for garden tools as an accessory building.

Alteration shall mean any act or process that changes one or more historic, architectural, or physical features of an area, site, place, building and/or structure including, but not limited to the erection, construction, reconstruction or removal of any building or structure.

Applicant means a person seeking a designation or authorization under this Chapter or the person's designated and duly authorized agent or representative. This term may include the property owner, occupant of the site, the Historic Landmark Preservation Commission ("HLPC") or City Commission.

Appurtenant features means the features that define the design of a building, structure or Property including but not limited to porches, railings; columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

Archeological property/site means any locale where there is physical evidence of past human activity that is either prehistoric or historic in age.

Architectural Details shall mean the small details like moldings, carved woodwork, etc. that add character to a building, structure, or object.

Building shall refer to a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing.

Certificate of Appropriateness shall mean an order issued by the Historic Landmark Preservation Commission indicating approval of plans for alteration, construction, or removal affecting a designated Landmark, Building, structure, or Property within a designated district.

Certified Local Government shall mean a local government certified or approved by the State Historic Preservation Office (SHPO), which has an appointed commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, buildings, Landmarks or Properties, and to develop and maintain community planning and education programs.

Design Guidelines shall mean guidelines of appropriateness or compatibility of building design within a community or historic district. Often in the form of a handbook, design guidelines contain drawings accompanying "do's and don'ts" for the property owner. The Historic Preservation Commission has authority to administer design guidelines.

Design review shall refer to the decision making process conducted by the Historic Landmark Preservation Commission in conjunction with the Chief Building Official, when required, that is guided by established terms.

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Demolition by Neglect shall mean allowing a building or structure to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

Exterior Architectural Feature shall mean but not be limited to architectural style and general arrangement of such portion of the exterior of a building or structure as is designed to be open to the view from a public way.

Façade shall mean the entire building or structure front including the parapet.

Historic designation means an official recognition of the significance of a building, structure, Property or district. Designation can occur on three different levels:

Federal - The National Register of Historic Places (for both individual buildings, structures, and entire districts);

State - Recorded Texas Historic landmarks and State Archeological Landmarks; or

Local - designation under a municipal historic ordinance either individually as a landmark or as a locally designated district.

Historic Districts shall mean any neighborhood or region designated by City Council as a historic district.

Historic Landmarks shall mean a building, structure, object, or site designated as a Texas Historic Landmark, listed in the National Register of Historic Places, or that holds a local historic designation by the City Council as a historic landmark.

Historic Preservation means the protection, reconstruction, rehabilitation, repair and restoration of places, buildings, structures, and Properties of historic, architectural, or archeological significance.

Historic Landmark Preservation Commission (HLPC) shall mean the seven member and two alternate position Board established under this ordinance and appointed by City Council.

Historic Rehabilitation shall mean the process of returning a Property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the Property which are significant to its historic, architectural, and cultural values.

Historic Resource shall mean any building, structure, object, or site that is 50 years or older or that has been identified as a high or medium priority because of its unique history or architectural characteristics.

Historic Resources Survey means a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

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Integrity means the authenticity of a Property's historic identity, evidenced by survival of physical characteristics that existed during the Property's historic or prehistoric period.

Inventory means a list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

Local Historic District means a geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the City. Historic sites within a local district need not be contiguous for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not, are subject to the regulations of the district.

Local Historic Landmark means any site, building, structure, landscape, or Property of historic significance that receives designation by the City pursuant to this Chapter.

Minor alterations shall mean the installation or alteration to awnings, fences, gutters, downspouts, and incandescent lighting fixtures; restoration of original architectural features that constitute a change from the existing condition; alterations to signs; and additions and changes not visible from any street to the rear of the main building or structure.

National Register of Historic Places shall mean the nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

Object means a physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

Order of Demolition shall mean an order issued by the Historic Landmark and Preservation Board indicating approval of plans for demolition of a designated Landmark or Property within a designated district.

Ordinary Maintenance shall mean repair of any exterior or architectural feature of a Landmark or Property within a historic district which does not involve a change to the architectural or historic value, style or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

Overlay District shall mean zoning, applied over one or more other districts, creating a second, mapped zone that is superimposed over the conventional zoning districts. Overlay districts typically

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provide for a higher level of regulations in certain areas such as transit station areas, downtown areas, and historic districts, but may also be used to permit exceptions or less restrictive standards (for example, fewer parking spaces in a downtown or transit station area, or more density in an economic development area).

Owner shall mean the individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of Property and who is responsible for payment of ad valorem taxes on that property; including a Lessor or Lessee if responsible for payment of ad valorem taxes.

Preservation shall mean the stabilization of an historic building, structure, or Property, and its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a Property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

Preservationist shall mean someone with experience, education, or training in the field of preservation.

Property or Properties shall mean land and all buildings, structures, and Landmarks lying within the land, but shall not reference any personal property contained thereon.

Reconstruction shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or Landmark as it appeared at a specific period of time. A technique used earlier in the 20th century, reconstruction is rarely used today because of the preference to use limited financial resources to preserve existing historic buildings or structures.

Recorded Texas Historical Landmark shall mean a state designation for buildings or structures important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Places designations.

Rehabilitation means the act or process of returning a building, structure, or Property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the Property that are significant to its historical, architectural, and cultural values.

Restoration shall mean returning a building, structure, or Property to a state indicative of a particular period of time in its history, while removing evidence of other periods.

Secretary of the Interior Standards for Rehabilitation shall mean the standards established by the Secretary of the Interior for advising federal agencies on the preservation/rehabilitation of Historic Properties listed or eligible for listing on the National Register of Historic Places.

Site means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses

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historical, cultural, or archeological value regardless of the value.

State Archeological Landmark shall mean a designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called "archeological" landmarks, this designation can include buildings and structures as well as archeological sites. For a building or structure to be designated as a State Archeological Landmark, it must first be listed on the National Register of Historic Places. Damage to a State Archeological Landmark is subject to criminal, not civil, penalties.

State Historic Preservation Office (SHPO) shall mean the State Office responsible for administering federal historic preservation programs as defined in the National Historic Preservation Act of 1966 as amended and subsequent legislation. The Executive Director of the Texas Historical Commission serves as SHPO for the State of Texas.

Structure is a constructed work that was created to serve some human activity and usually made for purposes other than creating human shelter, including but not limited to, sheds, pergolas, carports, and detached garages. Structure may also include works constructed for housing or enclosure of domestic animals, including, but not limited to, dog houses and chicken coops.

Zoning means a police power measure, enacted by a municipality, including the City, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

ARTICLE III. - HISTORIC LANDMARK PRESERVATION COMMISSION

Section 145- 3. Historic Landmark Preservation Commission

There is hereby created a commission to be known as the Historic Landmark Preservation Commission, hereafter referred to as the "HLPC."

1. The HLPC shall consist of seven (7) members and two (2) alternates to be appointed, upon application and demonstration of their qualifications to the extent available among the residents of the community, by the City Council with primary consideration given to professional members from the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation, as well as to applicants who are residents of historic districts, existing or being considered, and owners of historic Properties. When a professional in the fields of history, architecture, architectural history, planning, or archaeology is not represented in the membership of the HLPC, then the City may seek and provide outside expertise in the appropriate discipline when considering National Register nominations and all federal undertakings that will affect historic properties which are normally evaluated by a professional in such disciplines.
 - (a) At least two (2) members of the HLPC shall reside or own property within a Historic District.
 - (b) All HLPC members must have a known and demonstrated interest, competence, or knowledge in historic preservation within the City and/or the county.

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- (c) Persons interested in serving on the HLPC shall complete the committee/commissions form available from the City and submit a letter of request for consideration, along with a resume or bio outlining experience and qualifications to the City. The completed information shall be forwarded for review and consideration as position availability may occur. Any applicant for which approval for further consideration has been determined, shall be forwarded to the City Council for review and consideration of appointment.
- (d) HLPC members shall serve for three-year terms. The City Council shall initially stagger the terms of the HLPC such that no more than three (3) members' terms shall end during any one calendar year. The City Council may re-appoint HLPC members as their terms expire without limitation to the number of consecutive terms. The Mayor shall fill any vacancies that may occur before a term has expired, only for the remainder of the term.
- (e) Any member may resign by submitting a letter of intent to the HPO that has been read into the official HLPC minutes and forwarded to the City Council. The City Council may terminate any HLPC member upon cause after an appropriate hearing or upon the absence of over 50% of the scheduled HLPC meetings within a calendar year. Termination shall be effective upon deposit of a letter of termination in the US mail to that last known address of the member being terminated.
- (f) The Chairperson and Vice Chairperson of the HLPC shall be elected by and from its membership.
- (g) A quorum for the transaction of business shall consist of not less than four (4) members of the HLPC.
- (h) The HLPC shall meet at least monthly, if business is at hand, and no less than quarterly. Special meetings may be called at any time by the HLPC Chairperson, Vice Chairperson or at the written request of at least four HLPC members. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 552, Texas Government Code.
- (i) Nonvoting members shall include the Executive director of Main Street Texarkana and a representative designated by the Texarkana Museum System as long as such entities are in existence and operational. Persons who have expertise in areas related to the Historic Landmark Preservation Commission such as, but not limited to, architecture, history, economic development, or building construction may volunteer and serve on the Historic Landmark Preservation Commission as non-voting members whether they live or work in the city limits or not. Such experts shall submit a letter of request for consideration to the HPO or designee to be forwarded to City Council for consideration of appointment.
- (j) Each Historic Landmark Preservation Commission member shall serve on at least one sub-committee. From time to time the Historic Landmark Preservation Commission may designate other sub-committees for special projects of a temporary nature. The Historic Landmark Preservation Commission shall include the following sub-committees:

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- (i) Guidelines and Standards Review
- (ii) Community Involvement and Marketing
- (iii) Expansion, Preservation, and Revitalization

2. The HLPC shall be empowered to:

- (a) Make recommendations to the City for the employment of staff and professional consultants as necessary to carry out the duties of the HLPC.
- (b) Adopt parliamentary rules and procedures necessary to carry out the business of the HLPC, which shall be ratified by the City Council.
- (c) Review and take action on the designation of Landmarks and the delineation of Districts, which shall be submitted to the Planning and Zoning Commission and ratified by the City Council.
- (d) Recommend and confer recognition upon the owners of Landmarks or Properties within Districts by means of certificates, plaques, or markers.
- (e) Review and recommend to City Council, and other applicable City boards and commissions, all proposed changes to the zoning ordinance, building code, general plan, or other adopted policies of the City that may affect the purpose of this Chapter.
- (f) Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (g) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated Districts located in the City. Such information shall be maintained securely, made accessible to the public, and should be updated at least every ten (10) years.
- (h) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property and any locally designated Landmark, as deemed necessary.
- (i) Create sub-committees from among its membership and delegate to these committees' responsibilities to carry out the purposes of this Chapter.
- (j) Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HLPC and the reasons for taking such actions.
- (k) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

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- (l) Review and take action on all Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Article.
- (m) Review and take action on all appeals on action taken by the HPO regarding the administrative review of Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Chapter.
- (n) Develop, prepare and adopt specific Design Guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness applications.
- (o) Make recommendations to the City concerning the utilization of state, federal, or private funds to promote the preservation of Landmarks and Districts within the City.
- (p) Propose incentive program(s) to the City Council for local property owners of historic Landmarks or within local Districts.
- (q) Review and take action on all City preservation-related incentive program applications involving work on Landmarks and Districts for compliance with adopted Design Guidelines pursuant to this Chapter.

Section 145-4. Appointment of Historic Preservation Officer

The City Manager or its designee shall appoint a qualified City official, or staff person to serve as the Historic Preservation Officer (HPO). The HPO must have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. In the absence of a qualified official or staff person of the municipality, a volunteer resident of the City may be appointed by City Council as HPO. The HPO shall be empowered to:

- (a) Administer this ordinance and advise the HLPC on matters submitted to it.
- (b) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this Chapter.
- (c) Receive and review all applications pursuant to this Chapter to ensure their completeness.
- (d) Review and take action on all Certificates of Appropriateness applications that are subject to administrative review pursuant to this Chapter.
- (e) Review and forward, with any recommendations, all applications for Certificates of Appropriateness subject to review by the HLPC pursuant to this Chapter.
- (f) Ensure proper posting and noticing of all HLPC meetings, schedule applications for HLPC review, provide packets to its members prior to the meetings, record meeting minutes, and facilitate all HLPC meetings.

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- (g) Review and help coordinate the City's preservation and urban design activities with those of local, State and federal agencies and with local, state, and national preservation organizations in the private sector.

ARTICLE IV. - DESIGNATION**Section 145-5. Criteria for Designation of Local Historic Landmarks and Districts**

Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be considered as recognized local Landmarks.

1. An individual Landmark may be designated if it is at least fifty (50) years old, and it substantially complies with two or more of the following:
 - (a) Possesses significance in history, architecture, archeology, and culture.
 - (b) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (c) Is associated with events that have made a significant impact in our past.
 - (d) Represents the work of a master designer, builder, or craftsman.
 - (e) Embodies the distinctive characteristics of a type, period, or method of construction.
 - (f) Represents an established and familiar visual feature of the City.
2. A District may be designated if it substantially complies with both of the following:
 - (a) Contains Properties and an environmental setting which meet two or more of the criteria for designation of a Landmark, and;
 - (b) Constitutes a distinct section of the city.

Section 145-6. Designation of Local Historic Landmarks and Districts

1. These provisions, pertaining to the designation of Historic Landmarks and Districts, constitutes a part of the Comprehensive Plan of the City of Texarkana, Texas.
2. The procedure for designating a historic Landmark, or to establish or amend a Historic District, may be initiated by the City, by the individual property owner(s), or by at least 20% of the residents of a potential District. An application for Determination of Significance shall be made on forms as prescribed by the City and shall be filed with the HPO along with fees in accordance with the municipal fee schedule. Buildings, structures, sites, or areas located within the City which substantially comply with the criteria found in Section 145-5 of this ordinance may be

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recommended as Landmarks or Districts by the HLPC. The application shall contain:

- (a) Name, address, telephone number of applicant, and physical address of the individual property, or
 - (b) Name, address, telephone number of applicant, and signed petition of at least 20% of the proposed area if for a proposed district.
 - (c) Site plan of the individual property or map indicating the geographic boundaries of the proposed area showing all affected buildings and/or structures.
 - (d) Detailed historic description and background on the Property or area.
 - (e) Current photographs of the overall property or area along with any historical photographs, if available.
 - (f) Any other information which the HPO or HLPC may deem necessary.
3. Upon receipt of a completed Determination of Significance application, the HPO shall schedule a hearing at the next available regularly scheduled HLPC meeting. Notice of the application shall be mailed to the property owner(s) and posted on the Property for a minimum period of fifteen (15) days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. Notice of applications for proposed Districts shall be mailed to each affected property owner and posted in at least four (4) separate locations that are visible from the public right-of-way at its external boundaries for a minimum period of fourteen 14 days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meetings Act.
 4. An individual Property or area that is under review by the HLPC for a formal Determination of Significance shall be protected by and subject to all of the provisions of this Chapter governing demolition, minimum maintenance standards and penalties until a final decision by the City Council becomes effective.
 5. At the initial HLPC hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance, or insignificance of the subject Property or area. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
 6. The HLPC shall forward the application to the Planning and Zoning Commission for a determination of any conflict in the proposed application with the current zoning requirements.
 7. After receipt of a determination by the Planning and Zoning Commission, the HLPC may take action to approve, postpone, requesting additional information, or deny the application. The HPO shall forward any final recommendation to the City Council.
 8. Upon receipt of the recommendation of the HLPC on the application, the City Council shall

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schedule a hearing on the application. Notice of such public hearing shall be given by publication of the date, time, and place of such hearing and the nature of the subject to be considered in a newspaper of general circulation in the City not less than 15 days before the hearing. A majority vote of the City Council shall be required to adopt an ordinance approving any amendment or change, except that a three-fourths vote of the City Council shall be required when either:

- (a) The HLPC has recommended for denial of a designation; or
 - (b) A written protest, against such designation, has been filed which is signed by the owners of 20 percent or more of the area included in such designation, or signed by the owners of 20 percent or more of the area within 200 feet of such designation. In order to be considered, the petition must have been received and filed before or at the HLPC meeting at which the item was heard.
9. In the event a change affecting designation for which application has been made is not approved, no person shall file a subsequent request for a Landmark or designation for the same Property for a period of one year from the date of such action.
10. Upon designation of a Landmark or District by the City Council, the designation shall be recorded by legal description on the City's official zoning maps, in the records of the real property of Bowie County, and with the tax appraisal office.

ARTICLE V. - MAINTENANCE**Section 145-7. Minimum Maintenance Standards**

No owner or person with an interest in real property designated as a Landmark, or a Property located within a District, shall permit the Property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HLPC, create a detrimental effect upon the historic character of the Landmark or District.

1. Examples of serious disrepair or significant deterioration include, but are not limited to, the following:
 - (a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
 - (b) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
 - (c) Deterioration or crumbling of exterior plaster finishes, surfaces, or mortars.
 - (d) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
 - (e) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

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- (f) Rotting, holes, and other forms of material decay.
- (g) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- (h) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure or Building.
- (i) Deterioration of any exterior feature so as to create or permit the creation of any hazardous, or unsafe conditions, to life, health, or other property.

Section 145-8. Tax Incentive for Residential Properties Within Historic Districts

1. In accordance with state law, the City Council finds that all residential properties located within designated Historic Residential Overlay Districts are historically significant and entitled to tax relief in order to encourage historic preservation and redevelopment.
2. The City shall exempt ten (10) percent of the assessed value of a Property, including the land necessary for access to and use of the Property but excluding all personal property, from annual City ad valorem taxation.
3. A property owner must comply with this ordinance in order to continue to receive the tax incentive. If, upon notice to the property owner of noncompliance with any portion of this ordinance, in the event the property owner fails within six months of such notice to bring the property into full compliance with this ordinance, the city shall provide notice to Bowie Central Appraisal District to revoke the tax incentive. Upon the property owner bringing the property back in compliance and receipt of completion of a Certificate of Appropriateness, the City shall notify the Bowie Central Appraisal District of such compliance and the property owner's tax incentive shall be reinstated.

Section 145-9. Tax Incentive Application and Approval Process for Historic Districts and Historic Properties

In accordance with state law, the City Council finds that all Buildings, structures, areas, or sites and non-residential zoned property, including downtown historic property redeveloped for residential uses that are listed on the National Register of Historic Places, a Recorded Texas Landmark, State Archaeological landmark, or locally designated Landmark, are historically significant and entitled to tax relief in order to encourage historic preservation and redevelopment.

1. Reinvestment Projects Exemption

The City shall exempt fifty (50) percent of the assessed value of a building or structure, including the land necessary for access to and use of the building or structure, from annual City ad valorem taxation for a period of 10 years from receipt of the tax exemption, or one hundred (100) percent of the assessed value of said building or structure for five (5) years for any non-residential zoned

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property that is listed on the National Register of Historic Places, a Recorded Texas Landmark, State Archaeological Landmark, or locally designated Landmark. This includes Historic Properties redeveloped for residential use Downtown. In order to receive this exemption, the structure or building must be in use providing an economic service to the community, and meet the following requirements:

- (a) Restorations amounting to twenty-five thousand dollars (\$25,000) in BCAD Improvement value or more, and that meet one of the requirements set forth in (b) through (g) below.
 - (b) Structural repairs and improvements;
 - (c) Electrical repairs and improvements;
 - (d) Plumbing repairs and improvements;
 - (e)Mechanical repairs and improvements;
 - (f) Interior repairs and improvements; or
 - (g) Exterior restoration.
2. Each applicant must submit documentation reflecting the cost of the eligible reinvestment project and complete the project within the agreed time frame.
 3. Façade restoration must comply with Design Guidelines, which are based on the Secretary of the Interior's Standards. Prior to beginning the reinvestment project, the Property owner shall apply for and receive a Certificate of Appropriateness. For properties listed on the National Register of Historic Places, a Recorded Texas Landmark, or State Archaeological Landmark, consultation with the Texas Historic Commission is required as well as Tribal Consultation when applicable.
 4. Must be in compliance with all adopted City building codes with a current Certificate of Occupancy.
 5. City staff will coordinate with the Bowie Central Appraisal District to create a tax exemption rebate process for the program.
 6. Notwithstanding the above, any project within a Historical District must have the approval of The Historic Landmark Preservation Commission for all contemplated projects via a Certificate of Appropriateness. The applicant must secure all city permits and must secure periodic city inspection of the project to insure proper completion of the project.
 7. When filing a tax incentive application with the Historic Preservation Officer or designee, the applicant shall:
 - (a) Certify to the Historic Preservation Officer or Designee that the subject Property is a historic resource.

PUBLISH

- (b) Certify to the Historic Preservation Officer or Designee that the tax incentive request is for a project that has received a Certificate of Appropriateness pursuant to this Chapter.
 - (c) Certify to the Historic Preservation Officer or Designee that the project for which the applicant wishes to apply a tax reduction has been completed in compliance with the Certificate of Appropriateness.
8. An application for a tax incentive shall be initiated by the owner of the subject Property, or by his or her agent, by completion of the appropriate application forms provided by the Historic Preservation Officer or Designee. The application shall include all receipts for the cost of the project, as well as an affidavit affirming that all information on the application is correct, and the receipts presented are for the cost of the project.
 9. No fees shall be required either upon filing of the application or upon approval or disapproval by the Historic Landmark Preservation Commission.
 10. The Historic Landmark Preservation Commission shall review all requests for tax incentives upon completion of the application form.
 11. The Historic Landmark Preservation Commission shall determine, from the data submitted by the applicant and the information provided by the Historic Preservation Officer or Designee, if the completed project is substantially in compliance with the Certificate of Appropriateness. If the Commission finds that additional information relative to the pending application is necessary for its review, the Commission may postpone its decision until such information is provided.
 12. The Commission shall have the authority to approve or disapprove an application for a tax incentive, or to approve a request with such conditions as the Commission deems necessary to bring the project into compliance with the approved Certificate of Appropriateness. The Commission shall not approve requests for tax incentives where the project was completed prior to the adoption of this ordinance, where the applicant has not obtained a Certificate of Appropriateness, or where the applicant has not substantially complied with the requirements imposed on a Certificate of Appropriateness.
 13. If approved for a tax incentive, the property owner must comply with this ordinance in order to continue to receive the tax incentive. If, upon notice to the property owner of noncompliance with any portion of this ordinance, in the event the property owner fails within six months of such notice to bring the property into full compliance with this ordinance, the city shall provide notice to Bowie Central Appraisal District to revoke the tax incentive. Nothing in this ordinance shall prevent a property owner, after at least one year has elapsed since revocation of the incentive, from reapplying for the tax incentive for property in compliance with this ordinance.
 14. *Effective date.* Upon approval, the Historic Preservation Officer or Designee shall notify the Bowie County Tax Assessor. The tax assessor shall reduce the City portion of the property tax for the subject Property in accordance with the provisions herein, and as indicated by the approved request.

PUBLISH**Section 145-10. - Procedure to Mitigate Demolition by Neglect**

1. Demolition by Neglect refers to the gradual deterioration of a Property when routine or minimum maintenance is not performed. The HPO, Planning and Community Development, and Inspections and Code Enforcement Department staff shall work together in an effort to reduce Demolition by Neglect involving Landmarks or Properties located within Districts within the City. A Demolition by Neglect Notice of Violation as determined by the HPO may be issued against the owner of the Property for failure to comply with the minimum maintenance standards by permitting the subject Property to exhibit serious disrepair or significant deterioration.
2. While the HPO will act as the point of contact, the Inspections and Code Enforcement Department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and Inspections and Code Enforcement Department staff, the City Manager may be consulted as a mitigating party.
3. The procedure for citing a property for Demolition by Neglect shall be as follows:
 - (a) Initial identification is made by visual inspection of the area by the HPO, an HLPC member, or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.
 - (b) Once the initial identification is made, followed by a preliminary determination by the HPO, the findings will be submitted to the Chief Building Official (CBO). Upon concurrence by the CBO, the property owner shall be notified by US mail of the defects of the Property and informed of various incentive programs that may be available for repair. The owner is given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to the CBO and a copy to the HPO. The stabilization proposal will be presented to the HLPC at the next available meeting. If the HLPC approves the proposal, a Certificate of Appropriateness (if necessary) may be issued. A copy of the COA and detail of the specific work which is necessary to correct the Demolition by Neglect conditions, as well as a time period to begin and complete the work, will be submitted to the CBO for approval before building permits can be obtained. The HPO shall update the HLPC in writing on the status of the property every thirty (30) days once work begins on the Property.
 - (c) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.
 - (d) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two (2) attempts, the matter returns to the HLPC for a Notice of Violation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the Property shall be posted with a notice of the violation in accordance with the provisions of this Chapter, and when a public hearing on the Notice of Violation is scheduled.
 - (e) At the public hearing the owner is invited to address the HLPC's concerns and to show cause why a Notice of Violation should not be issued. The HLPC may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies

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or make a proposal for stabilization, or issue a Notice of Violation to the owner of the Property for failure to correct the Demolition by Neglect conditions.

- (f) If the owner is cited for the condition of Demolition by Neglect of the Property, the owner will be given fourteen (14) days to submit a Certificate of Appropriateness application with a stabilization proposal to the HPO. If approved, work must commence within sixty (60) days. The HPO shall update the HLPC on the status of the Property every thirty (30) days once work begins on the Property.
- (g) No work shall commence without a building permit, if said work requires a building permit.
- (h) If the owner does not respond with a Certificate of Appropriateness application with a stabilization proposal, the matter is turned over to the City Attorney's office for action in Municipal Court, reviewed for civil action, or submitted for review by the Building and Standards Commission as outlined in Chapter 214 of the municipal code.

Section 145-11. - Ordinary Maintenance

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a Landmark or Property within a Historic District which does not involve a change in design, material, or outward appearance that requires the issuance of a building permit. In-kind repair/replacement and repainting is included in this definition of ordinary maintenance, unless painting involves an exterior masonry surface that was not previously painted. The HPO shall be in charge of making the decisions as to what is "ordinary maintenance."

Section 145-12. - Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts

No person shall carry out any construction, installation of structures of any kind, reconstruction, alteration, restoration, rehabilitation, removal, or relocation of any Landmark or any Property within a District, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any Landmark or any Property within a District without a Certificate of Appropriateness application. The application must be reviewed and approved by the HPO or the HLPC prior to the issuance of any building permit involving any Landmark or Property located within a District. The application shall be required in addition to, and not in lieu of, any required building permit.

Section 145-13. - Review Criteria for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts

1. In considering an application for a Certificate of Appropriateness, the HPO and the HLPC shall review it for compliance with *The Secretary of the Interior's Standards for Rehabilitation* and any applicable adopted Design Guidelines previously ratified by the City Council. The Standards and any applicable adopted Design Guidelines shall apply in all zones within the City designated

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as a Historic District and any Property designated as a Historic Landmark.

2. All review criteria shall be made available to the applicant, property owners of Landmarks, and Properties located within Districts. The HLPC shall promulgate and make recommendations to update the adopted Design Guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until ratified by the City Council.

Section 145-14. - Procedure for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts

1. The procedure for obtaining a Certificate of Appropriateness may be initiated by the City for all City-owned Landmarks or proposed work within a District, or by the individual property owner(s) of the subject Landmark or for a Property located within a District. The application must be submitted for review and approval by the HPO or the HLPC prior to the commencement of any work. An application for Certificate of Appropriateness shall be made on forms as prescribed by the City and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.
2. Administrative design review affecting Landmarks and Properties located in Districts.
 - (a) Upon receipt of a completed Certificate of Appropriateness application as determined by the HPO, the HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and the adopted Design Guidelines. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the proposed work and get initial design direction. The HPO shall determine if the application can be approved administratively and shall forward any Certificate of Appropriateness application to the HLPC for review, and approval if administrative approval is not appropriate. Proposed work to all Landmarks, Properties, all proposed work within a District, and for all City preservation- related incentive programs or federal projects must be reviewed by the HLPC.
 - (b) Administrative approval may only be made for in-kind replacements such as, but not limited to, re-painting with the same color or a color designated for the specific design palate and replacing materials with original products without alterations.
3. HLPC design review affecting Landmarks and Properties located in Districts.
 - (a) Within five (5) days of receipt of a completed Certificate of Appropriateness and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC meeting or post notice of a special called meeting. Notice of the pending HLPC hearing for compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the Property by the City establishing a fourteen (14) day period in which written comments may be submitted to the HPO. A published notice of the scheduled hearing shall also be made in accordance with the

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Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.

- (b) The HLPC shall review the application at the scheduled meeting. At that time, the applicant shall have an opportunity to be heard and present testimony and evidence to demonstrate that the proposed work is in compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
- (c) The HLPC may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within ninety (90) days of the original receipt of the application by the HPO, a Certificate of Appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing as well as the Inspection and Code Enforcement Department.
- (d) If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law, and any specific conditions of approval, if any, supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the HLPC's decision to the Inspections and Code Enforcement Department. Any specific conditions of approval made by the HLPC shall be attached to the construction documents prior to the issuance of any building permits. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO or HLPC. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or it shall become null and void.
- (e) In the event of extenuating circumstances that have caused a delay, an applicant may apply to the HPO for an extension of time to obtain a building permit, or to complete the project. For any project for which the time frame for completion shall extend beyond ninety (90) days, the applicant shall provide a quarterly report to the HPO evidencing the work performed, and the anticipated time frame for completion of the project.
- (f) Upon completion of a project, the applicant shall notify the HPO that the project has been completed. The HPO, or designee, shall inspect the project to ensure compliance with the Certificate of Appropriateness. If the HPO, or designee, finds that the project is not substantially in compliance with the COA, the HPO shall detail the work needed to be performed to bring the project into compliance.
- (g) Once the project has been completed in compliance with the COA, the HPO shall close out the COA and issue notice to the applicant that such work has been completed substantially in compliance with the COA and that the COA is being closed.
- (h) If the HLPC finds the proposed work will have an Adverse Effect on the Landmark or Property located within a District, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or any applicable adopted Design Guidelines, the HLPC shall advise the applicant at the hearing of the disapproval of the application and

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of any changes to the application which are necessary to approval of the same. Within five (5) days following the meeting, the HPO shall provide the applicant and any written commenter notice in writing of the disapproval of the application and of any changes to the application which are necessary for approval of the same. A Certificate of Appropriateness application that has been denied may not be resubmitted without incorporating changes to the application which are necessary for approval of the same.

4. Appeal Process.

- (a) The applicant or any persons adversely affected by the action of the HLPC may appeal the decision to The City's Board of Adjustment under the following conditions:
 - (i) Appeal requests shall be filed in writing to the HPO within ten (10) days of the HLPC's decision and shall follow the form required for a variance request under the City's Zoning Ordinance.
 - (ii) The appeal must specify in writing the grounds for the appeal. On receiving the appeal, the HPO shall transmit to the Board of Adjustment the papers constituting the record of the action that is appealed.
 - (iii) The Board of Adjustment may overturn the Board's decision or requirement if it makes affirmative findings of fact on each of the following criteria:
 - (A) The historic review regulations set forth, or findings of the Board do not allow for a reasonable use.
 - (B) The action of the Board was not based upon the preponderance of the evidence presented to the Board.
 - (C) The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.
 - (D) The reversal of the Board's decision or requirement will not alter the character of the area adjacent to the Property, will not impair the use of adjacent conforming property, and will not impair the purpose of this article or regulations to the Zoning District in which the Property is located.
- (b) The Board of Adjustment may apply conditions to its decision or modification of the Board's decision or requirement.
- (c) The Board of Adjustment shall schedule a hearing on such appeal within 30 days after the receipt of the notice of appeal, or as soon thereafter as is reasonably practicable. Notice of such hearing shall be published in a local newspaper not less than the 10th day before the date of the hearing. At the hearing, the applicant, owner, and all interested parties will have the

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opportunity to be heard. The Board of Adjustment shall uphold, reverse, or modify the decision or requirement of the Historical Review Board or the Historical Preservation Officer within 30 days of the appeal hearing unless a continuance is agreed upon. The Board of Adjustment will consider the same criteria and standard of review considered by the Historical Review Board, or the Historic Preservation Officer, and appeals may only allege that the HLPC's decision was arbitrary, capricious, or illegal.

(d) Only one appeal shall be allowed, and the Board of Adjustment's decision shall be final.

ARTICLE VI. - DEMOLITION**Section 145-15. - Demolition of Landmarks**

1. It is the intent of this, and succeeding sections, to preserve the historic and architectural resources of the City through limitations on demolition and removal of Landmarks, to the extent it is economically feasible practical and necessary. The demolition or removal of historic buildings, structures, and sites in the City diminishes the character of the City's Historic Districts, and it is strongly discouraged. Instead, the City recommends and supports preservation, rehabilitation, and relocation within the Historic District. It is recognized, however, that structural deterioration, economic hardship, and other factors not entirely within the control of the property owner may result in the necessary demolition or removal of a historic building, structure, or site.
2. Removal or repair of hazardous or dangerous Landmarks.
 - (a) If the Chief Building Official or designee determines a Landmark to be structurally unsound and a hazardous or dangerous building, structure, or site pursuant to the provisions found in the City's adopted building code, the building official shall be required to provide written notice to the HLPC of the ordered removal or repair of the Landmark prior to taking such action.
 - (b) The provisions contained in Section 214.00111 of the Texas Local Government Code provides additional authority to the City to preserve substandard historic buildings, and are effective immediately upon designation as a Certified Local Government by the US Department of the Interior, National Park Service and Texas State Historic Preservation Officer as provided by 16 U.S.C., Section 470 et seq.; and
 - (c) The property owner(s) of the demolished Landmark removed under this procedure is subject to the penalties found in Article VII of this Chapter.

Section 145-16. - Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts

1. No person shall carry out the demolition of a Landmark or Property within a District, including structures, buildings, secondary buildings, and landscape features that are not previously deemed a hazardous or dangerous building or condition by the Chief Building Official or designee, or without the review and approval of a Certificate of Appropriateness for Demolition application

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by the HLPC. The application shall be required in addition to, and not in lieu of, any required building permit. All demolition permits require a sixty day stay of demolition to allow for exploration of options to preserve the Landmark or Property.

2. In the absence of a determination by the building official of the subject Landmark or Property as a hazardous or dangerous building or condition, the HLPC may consider an application for a Certificate of Appropriateness for Demolition of a Landmark or Property located within a District, only if it meets compliance with one of the following:
 - (a) The subject Property of the application is not a recognized Landmark.
 - (b) The subject building, structure, or object is not an accessory building and/or landscape feature that is integral to the historic interpretation or integrity of the Landmark.
 - (c) The applicant is requesting a Certificate of Appropriateness for Demolition of a Landmark or Property on the basis of Economic Hardship pursuant to this Chapter.
 - (d) The subject building, structure, or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

Section 145-17. - Procedure for Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts

1. The procedure for obtaining a Certificate of Appropriateness for Demolition may be initiated by the City for all City-owned Landmarks or proposed work within a District, or by the individual property owner(s) of the subject Landmark or Property within a District. The application must be submitted to the HPO for review and approval by the HLPC prior to the commencement of any work. An application for Certificate of Appropriateness for Demolition shall be made on forms as prescribed by the City and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.
2. The application shall contain:
 - (a) Name, address, telephone number of applicant, and physical address of the individual property.
 - (b) Site plan of the individual Property or map indicating the area of the proposed demolition showing all affected buildings, structures, and objects on the site.
 - (c) Photographs of existing conditions as well as any historical photographs, if available.
 - (d) All future development plans for the Property, if available.
 - (e) Any other information which the HLPC may deem necessary to establish compliance with the Secretary of Interior Standards.

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3. An individual Property that is under review for a Certificate of Appropriateness for Demolition shall be protected by, and subject to all, of the provisions of this Chapter governing demolition, minimum maintenance standards, and penalties until a final decision by the HLPC becomes effective.
4. The procedure for a Certificate of Appropriateness for Demolition application involving a claim of Economic Hardship shall be as follows:
 - (a) Upon receipt of a completed Certificate of Appropriateness for Demolition application, the HPO shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in Section 145-18 herein. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the application and get initial direction.
 - (b) Within five (5) days of receipt of a completed Certificate of Appropriateness involving a claim of Economic Hardship and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC meeting. Notice of the pending HLPC hearing for compliance with the standards for economic hardship and the criteria for review shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the Property . The owner shall be required to stabilize and secure the Property subject to the penalties of this Chapter until a final decision by the HLPC becomes effective. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.
 - (c) The HLPC shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that standards for economic hardship and the criteria for review have been met. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant. In the event the HLPC does not act within ninety (90) days of receipt of the application, a Certificate of Appropriateness for Demolition may be granted.
 - (d) In considering the application, the HLPC shall take action to postpone the application in order to establish a Stay of Demolition period, during which time the owner shall allow the City to post a sign stating that the Property is subject to demolition. Said sign shall be at least three feet by two feet 3 X 2 readable from a point of public access and state that more information may be obtained from the HPO for the duration of the stay. The owner shall conduct, in good faith with the City local preservation organizations and interested parties, a diligent effort to seek an alternative that will result in the rehabilitation of the Landmark. Negotiations may include, but are not limited to, such actions to utilize various preservation incentive programs, sell or lease the Landmark, or facilitate proceedings for the City to acquire the Landmark under its power of eminent domain, if appropriate and financially possible. If negotiations are successful, the Certificate for Demolition application shall be considered withdrawn, and all

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associated applications closed.

- (e) At the end of the one hundred and eighty (180) days, if prior negotiations are unsuccessful and the request for demolition stands, the HPO shall schedule a second public hearing on the application at the next available regularly scheduled HLPC meeting pursuant to the same manner described above in Subsection (b).
- (f) At the end of the second hearing, the HLPC may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within sixty (60) days of the end of the stay period, a Certificate of Appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing.
- (g) If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law, and any specific conditions of approval, if any, supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the HLPC's decision to the Inspections and Code Enforcement Department. The approval shall be valid for one (1) year from the hearing date of the HLPC's final decision. An applicant may request an extension of the one year period from the HPO if the work has progressed and the HPO deems an extension is reasonable under the circumstances. The Historic Property shall immediately be removed from the City's inventory of Historic Properties, the official public records of real property of Bowie County, and the official zoning maps of the City.
 - (i) Prior to demolition, the HLPC may, as a condition of approval, require the owner to provide documentation of the demolished Historic Property at the owner's expense in accordance with the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey, or other information as specified.
 - (ii) Forward a recommendation to the Planning and Zoning Commission to place limitations on future development on the subject Property in regard to square footage, building footprint, scale mass, height, setbacks, etc. of the demolished Landmark to help ensure infill that is architecturally compatible.
 - (iii) Approval for the demolition of a Landmark may be conditioned upon the construction of an acceptable replacement building, structure, landscape, or park plan. A bond or other financial guaranty in the amount of the cost of the replacement may be required in order to assure the construction of the replacement building, structure, park, or landscape plan.
 - (iv) The HLPC may also require the owner to incorporate an appropriate memorialization of a Landmark, such as a photographic display or plaque, into any proposed future development project on the Property.
- (h) Denial of a Certificate of Appropriateness application for Demolition involving Economic Hardship shall prevent the owner from demolishing the Property or reapplying for another

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Certificate of Appropriateness application for Demolition for a period of three (3) years from the hearing date of the HLPC's final decision unless substantial changes in circumstances have occurred, other than resale of the Property or those caused by acts beyond the control of the owner. It shall be the responsibility of the owner to stabilize and maintain the minimum maintenance standards for the Property so as not to create a hazardous or dangerous condition.

- (i) The HLPC may continue to provide the owner with information regarding financial assistance for the necessary rehabilitation or repair work as it becomes available.
- (j) The owner may appeal the decision of the HLPC to the Board of Adjustment. Appeal requests shall be filed in writing to the HPO within ten (10) days of the HLPC's decision. The HPO must schedule the appeal for a public hearing at the next available regularly scheduled Board of Adjustment meeting. Notice of the appeal shall be posted on the Property for a period of fourteen (14) days upon receipt of a formal appeal request. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the hearing. Appeals to the Board of Adjustment shall be considered only on the record made before the HLPC and may only allege that the HLPC's decision was arbitrary, capricious, or illegal.

Section 145-18. - Economic Hardship involving Certificates of Appropriateness for Demolition Affecting Landmarks

1. No Certificate of Appropriateness for Demolition involving a claim of economic hardship may be approved, nor shall a demolition permit be issued by the City, unless the owner proves compliance with the following standards for economic hardship:
 - (a) The Property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.
 - (b) The Property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
 - (c) Earnest and reasonable efforts to find a purchaser interested in acquiring the Property and preserving it have failed.
 - (d) The Property cannot be moved or relocated to another site, similar site, or within the District.
2. Non-income Properties shall consist of owner occupied single family dwellings and non-income producing institutional properties. All standards for review shall be made available to the owner prior to the hearing.
3. The information to be considered may include, but shall not be limited to, the following:
 - (a) Purchase date, price, and financing arrangements;

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- (b) Current market value;
 - (c) Form of ownership;
 - (d) Type of occupancy;
 - (e) Cost estimates of demolition, and post demolition plans for development;
 - (f) Maintenance and operating costs;
 - (g) Inspection report by a licensed architect or structural engineer having experience working with Historic Properties;
 - (h) Costs and engineering feasibility for rehabilitation;
 - (i) Property tax information;
 - (j) Rental rates and gross income from the Property; and
 - (k) Other additional information as deemed appropriate.
4. Claims of economic hardship by the owner shall not be based on conditions resulting from the following:
- (a) Evidence of demolition by neglect, or other willful and negligent acts by the owner;
 - (b) Purchasing the Property for substantially more than market value at the time of purchase;
 - (c) Failure to perform normal maintenance and repairs;
 - (d) Failure to diligently solicit and retain tenants; or
 - (e) Failure to provide normal tenant improvements.
5. Throughout the process, the applicant shall consult in good faith with the HPO, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the Property. Such efforts must be demonstrated to the HLPC at the hearing.

ARTICLE VII. - ENFORCEMENT AND PENALTIES**Section 145-19. - Enforcement and Penalties**

1. *Violation of Chapter.* A person, firm, corporation, or other entity commits an offense if he/she/it violates this Chapter. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and in addition to other provisions of this Chapter, and the exercise of one or more of which shall not preclude exercise of the others, shall be

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imposed on those persons or entities found to have violated this Chapter:

(a) A Stop Work Order shall be issued as follows:

- (i) Whenever the building official or HPO, or their designee, finds any work regulated by this Chapter being performed in a manner either contrary to the provisions of this Chapter, without obtaining a Certificate of Appropriateness or other proper authorization, or dangerous or unsafe, the building official or the HPO is authorized to issue a stop work order.
 - (ii) The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
 - (iii) Any person, firm, corporation, or other entity who or which shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to penalties as prescribed herein or by law.
- (b) In the event the requirements of the Board or Historical Preservation Officer, as applicable, are not met, the building permit shall be revoked. Notice of Revocation shall be delivered or mailed to the applicant by the building official, or his or her designee, to the address provided on the application; and the property owner shall be required to return the property to its original state prior to issuance of the building permit.
- (c) A certificate of occupancy will not be granted for any property until compliance with all Certificate of Appropriateness requirements are verified by the Historical Preservation Officer or building official of the City.
- (d) Notice shall be provided by the City to Bowie Central Appraisal District to revoke the tax incentive as provided by either Section 145-8 item 3 or Section 145-9, item 13, as applicable.
- (e) Any person violating or failing to comply with any of the provisions of this Chapter shall be fined upon conviction not less than \$500.00 or more than \$2,000 per violation, and each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- (f) The City may take all necessary civil action to enjoin non-compliance or enforce the provisions hereof, and to request appropriate legal or equitable remedies or relief.
- (g) *Cumulative remedies.* The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under Texas Local Government Code Sec. 315.006 and Texas Government Code Sec. 442.016 as the same may be amended from time to time.

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1. The Highland Park-Bingham Park Historic Residential Overlay District was established by Ordinance 335-05 and amended by Ordinance 363-05. The purpose and intent of the Highland Park-Bingham Park Historic Residential Overlay District is to provide for the protection of the aesthetic and visual character of this historic residential neighborhood. The neighborhood consists of homes built between 1903 and 1935 and includes arts and crafts, prairie and cottage style homes. The neighborhood also includes the boyhood home of Ross Perot and the home of Wright Patman.
2. The Highland Park-Bingham Park Historic Residential Overlay District shall include all property on Wood Street between West 25th Street and West 29th Street, all property on Olive Street between West 23rd Street and West 29th Street, and all property on Walnut Street between West 25th and West 29th Street. Additionally, the district shall include residences fronting on West 23rd Street and West 24th Street between Olive and Wood, West 25th, West 26th, West 27th, and West 28th between the intersections of Olive Street and Walnut Street, and West 29th between Olive and Wood Streets including the corner properties of Olive and Wood Street Intersections. An official map of the Highland Park-Bingham Park Historic Residential Overlay District, Attachment I herein, shall be kept on file in the Planning and Community Development and Inspections and Code Enforcement departments and the boundaries of the Highland Park-Bingham Park Historic Residential Overlay District shall be shown on the City's official GIS maps including the Zoning map.
3. Development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District are hereby adopted as an official attachment to this Chapter. A violation of any provision contained within the development standards and preservation criteria for the district is a violation of this Chapter. Copies of the development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District shall be available in the office of the Director of Planning for the City of Texarkana, Texas.
4. The development standards and preservation criteria set forth in Section 145-22 for this overlay district control in the event of a conflict with the requirements for the underlying zoning district or other ordinances. Except, this section does not apply to life safety codes such as building or fire codes. If a proposed development or change in an external feature will not be visible from a public right-of-way once the project is completed, the Commission may waive review of the project.

Section 145-21. - Development Standards and Preservation Criteria for the Highland Park-Bingham Park Historic Residential Overlay District

1. *Development standards.* The following standards apply in the Highland Park-Bingham Park Historic Residential Overlay District:

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- (a) *In general.* The development standards for this historic overlay district control shall prevail in the event of a conflict with the requirements for the underlying zoning district.
- (b) *Height requirements.* The maximum permitted heights for buildings and structures are:
 - (i) Twenty-five feet for a main building; and
 - (ii) Twenty feet for an accessory building or structure.
- (c) *Lot size requirements.* Lots must conform to the following standards:
 - (i) Each lot must have a minimum area of 7,200 square feet and a minimum depth of 150 feet.
 - (ii) Each lot must have a width no less than 50 percent of the average width of all lots in both the same and the opposite blockface.
- (d) *Maximum lot coverage.* The maximum permitted lot coverage for all buildings and structures combined is 40 percent.
- (e) Minimum front yard.
 - (i) All buildings and structures must have a minimum front yard setback of 25 feet.
 - (ii) The main building on an interior lot must have a front yard setback that is:
 - (A) Equal to that of the closest main building on either side of the lot in the same blockface; or
 - (B) Between those of the closest main buildings on either side of the lot in the same blockface.
- (f) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.
- (g) *Minimum rear yard.* The minimum permitted rear yard setbacks for buildings and structures are:
 - (i) Ten feet for a main building, if the lot is 230 feet or less in depth;
 - (ii) Twenty feet for a main building, if the lot is over 230, but less than or equal to 250 feet in depth;
 - (iii) Thirty feet for a main building, if the lot is over 250 feet in depth; and
 - (iv) Five feet for an accessory building or structure.

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(h) Minimum side yards.

(i) All buildings and structures must have:

(A) On interior lots, a minimum side yard the greater of five feet; and

(B) On corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.

(ii) Except as otherwise provided in this Section, no balcony, porch or any portion of a building or structure may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(i) *Off-street parking requirements.* Residential uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit when the alley is accessible.(j) *Signs.* Signs of any character shall be not larger than four square foot (i.e., two feet by two feet).2. *Preservation criteria.* The following preservation criteria apply to all Property in the Highland Park-Bingham Park Residential Overlay Historic District:

(a) Building placement, form and treatment.

(i) *Accessory buildings.* Accessory buildings:

(A) Are only permitted in the rear yard no closer than 15 feet to a main building; and

(B) Must be compatible with the scale, shape, roof form, materials, detailing and color of a main building.

(ii) *Additions.* All additions to a building or structure must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing and color of the building or structure.(iii) *Architectural detail.* Materials, colors, structural and decorative elements and the manner in which they are used, applied or joined together must be typical of the style and period of a main building and compatible with the other buildings on the blockface.

(iv) Awnings.

(A) All awnings on the front and side facades of a main building must be typical of its style and period and complement its color scheme.

(B) Wood, metal and plastic awnings are not permitted, unless they:

(1) Are on an accessory building or the rear facade of a main building;

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- (2) Complement the color scheme of the building to which they are attached; and
 - (3) Are totally screened.
- (v) *Building placement.* All buildings or structures must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.
- (vi) *Building widths.* The minimum permitted width for a main building is 80 percent of the average width of the existing main buildings in the blockface.
- (vii) *Chimneys.* All chimneys must be compatible with the style and period of a main building. Chimneys on the front 50 percent of a main building or on a corner side facade must be:
 - (A) Constructed of brick, stucco, stone or other materials that look typical of the style and period of a main building; and
 - (B) Of a style and proportion that is typical of the style and period of a main building.
- (viii) *Color.*
 - (A) *Brick and stone surfaces.* Brick and stone surfaces not previously painted must not be painted unless the applicant establishes that:
 - (1) Painting is the only method by which the brick or stone may be restored or preserved; or
 - (2) The color and texture of replacement brick or stone cannot be matched with that of the existing brick or stone surface and the paint color matches that of the existing brick or stone surface.
 - (B) *Certain colors prohibited.* Fluorescent and metallic colors are not permitted on the exterior of any building or structure in this district.
 - (C) *Dominant and trim colors.* All buildings or structures must have a dominant color and no more than three trim colors. The colors of a building or structure must be complementary of each other and the overall character of this district.
 - (D) *Gutters and downspouts.* Gutters and downspouts must be painted or colored to match or complement the color scheme of the building or structure to which they are attached.
 - (E) *Roof colors.* Roof colors must complement the style and overall color scheme of the building or structure.
 - (F) *Stain.* The use and color of stain must be typical of the style and period of the building or structure on which the stain is applied.

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- (ix) Columns.
 - (A) *Function.* Columns are only permitted as vertical supports near the front entrance of a main building, or as vertical supports for porches.
 - (B) *Materials.* Columns must be constructed of brick, wood, cut stone or other materials that look typical of the style and period of a main building. No pipe or wrought iron columns are permitted.
 - (C) *Style.* Columns must be of a style typical of the style and period of a main building.
 - (D) Width dimensions.
 - (a) The width of a one-story column shaft at its widest point must be at least one-eighth the height of the column.
 - (b) The width of a two-story column shaft at its widest point must be at least one-eighth the height of the column.
- (x) Facade materials.
 - (A) *In general.* The only permitted facade materials are brick, wood siding, stone and stucco. All facade treatments and materials must be typical of the style and period of a main building.
 - (B) *Brick.* All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.
 - (C) *Wood facades.* Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary facade material, but may be used in roof gables and on foundation skirts in a manner that is typical of the style and period of a main building.
- (xi) Front entrances and porches.
 - (A) *Detailing.* Railings, moldings, tile work, carvings and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of a main building.
 - (B) *Enclosures.* A front entrance or porch may not be enclosed with any material, including iron bars, glass or mesh screening.
 - (C) *Facade openings.* Porches must not obscure or conceal any facade openings in a main building.

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- (D) *Floor coverings.* Carpeting is not permitted as a porch floor or step covering.
 - (E) *Location.* An entrance treatment, including door transoms, sidelights, stained glass, trim and hardware, must be retained in its original location.
 - (F) *Style.* The main building must have a front porch or entry treatment with a shape, roof form, materials and colors that are typical of the style and period of the building.
- (xii) *Height to width ratio.* The relationship between the height and width of the front facade of a main building, including side projections, must be compatible with those of the other main buildings in the blockface.
 - (xiii) *Porte cocheres.* Except as otherwise provided in this subsection, porte cocheres must be preserved as architectural features and not be enclosed on any side by fences, gates or any other materials. A wrought iron gate is permitted across the rear opening of a porte cochere if it has a screening factor of less than 50 percent and is compatible with the style and scale of a main building.
 - (xiv) *Roof forms.*
 - (A) *Eaves and soffits.* The height of eaves and soffits on a main building must be within ten percent of the height of eaves and soffits on the closest main building in this district of a similar style and having the same number of stories.
 - (B) *Materials and colors.* Roof materials and colors must complement the style and overall color scheme of the building or structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.
 - (C) *Overhang.* The roof overhang on a building or structure must be compatible with the style and scale of the building or structure. A replacement roof on an existing building or structure must have an overhang that is equal to or greater than the overhang of the roof it replaces.
 - (D) *Patterns.* Roof patterns of a main building must be typical of the style and period of the architecture of the building and include separate substructure roofs.
 - (E) *Skylights and solar panels.* Skylights and solar panels are only permitted on:
 - (1) The rear 50 percent of the roof of a main building on an interior lot;
 - (2) The rear inside quadrant of the roof of a main building on a corner lot; and
 - (3) The roof of an accessory building in the rear yard.
 - (F) *Slope and pitch.* The degree and direction of roof slope and pitch must be typical

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of the style and period of a main building and compatible with existing building forms in this district. Flat or mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of a main building.

- (xv) *Stairs.* Second story exterior staircases are only permitted on accessory buildings and the rear 50 percent of a main building, except that they are not permitted on a corner side facade.
- (xvi) *Window and doors.*
 - (A) *Front facade openings.* The total number of window and door openings (combined) in the front facade of a main building must be equal to or greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of a main building may not be increased.
 - (B) *Window openings/glass.* Clear, decorative stained and clear leaded glass typical of the style and period of the building may be permitted in any window opening. Reflective, tinted, opaque and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted, except in a bathroom window. Energy Efficiency windows can be considered through a Certificate of Appropriateness process.
 - (C) *Storm doors and windows.* Screens, storm doors and storm windows may be permitted if:
 - (1) Their frames are painted or colored to match or complement the color scheme of a main building;
 - (2) They do not obscure significant features of the window and doors they cover; and
 - (3) The screen mesh is 18 by 16 gauge.
 - (D) *Security and ornamental bars.* Security and ornamental bars are only permitted on an accessory building or on the rear or side facades of a main building.
 - (E) *Shutters.* Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.
 - (F) *Style.*
 - (1) All windows and doors in the front facade of a main building must be proportionally balanced in a manner typical of the style and period of the building.

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- (2) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building.
- (3) All windows, doors and lights in the front and side facades of a main building must be typical of the style and period of the building and compatible with the windows, doors and lights in the front and side facades of the other main buildings in the blockface. Windows must contain at least two lights (window panes). Sidelights must be compatible in style and materials with the door.
- (4) The frames of windows must be trimmed in a manner typical of the style and period of the building.

3. Fences.

(a) *Definitions.* The following definitions apply to terms used in these fence regulations:

- (i) *Finished side* means the side of a fence that does not reveal the structural components.
- (ii) *Structural component* means a post, column or other vertical or horizontal member providing support and strength for a fence.

(b) *Form.* Fences must be constructed and maintained in a vertical position.

(c) *Height.* The maximum permitted height for a fence is eight feet.

(d) *Location.*

- (i) Fences are not permitted in the front yard.
- (ii) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of a main building, except that the commission may allow a fence to be located in the rear 75 percent of the side yard if it determines that the fence does not screen any portion of a significant architectural feature of a main building on the same or an adjacent lot.
- (iii) A fence in the corner side yard must not be directly in front of the corner side facade, however, if a fence covers no more than 50 percent of the corner side facade, it may be permitted if:
 - (A) More screening is necessary to ensure privacy due to unusually high pedestrian or vehicular traffic; and
 - (B) The fence does not screen all or any portion of a significant architectural feature of a main building.

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- (iv) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.
 - (v) A fence must run either parallel or perpendicular to a building wall or lot line.
 - (vi) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of a main building on the adjacent lot with the greater setback.
- (e) *Materials.* A fence must be constructed of one or more of the following materials: wrought iron, wood, brick or stucco. Exposed concrete blocks are not permitted. Chain link fencing is permissible if it is not visible from the public right-of-way.
- (f) Masonry fences.
- (i) The color, texture, pattern and dimensions of masonry and the color, width, type and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of a main building as nearly as practicable.
 - (ii) All exposed brick in a fence must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.
- (g) Metal fences.
- (i) Wrought iron fences must be compatible with the style and period of a main building.
 - (ii) If a wrought iron is painted or colored, it must compliment the style and overall color scheme of the structure.
- (h) Wooden fences.
- (i) All wooden structural posts must be a least four inches in diameter (nominal size).
 - (ii) The side of a wooden fence facing a public street must be the finished side.
 - (iii) Wooden fences may be painted or stained a color that is complementary to a main building.
4. *Certain items prohibited in front and corner side yards.* The following items are not permitted in the front and corner side yards:
- (a) Berms higher than two feet.
 - (b) Pylons and similar structures.

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- (c) Rock or sculpture gardens.
 - (d) Permanent cooking or BBQ grills.
 - (e) Upholstered furniture. This prohibition includes porch areas.
 - (f) Satellite dishes and antennas. If reception requires such placement, then a satellite dish will be allowed if screened from public view by landscaping or building materials similar to those used on the facade of the main building.
 - (g) Basketball goals and playground equipment will not be permitted in the front or corner side yard.
- 5 *Outdoor lighting.* Outdoor light fixtures on the front facade of a main building and on poles in the front yard must be compatible with the style and period of a main building and not obscure or conflict with significant architectural details. Overhead and exposed wiring and conduit for outdoor lighting is not permitted. However, temporary holiday lighting displays are permitted from November through January.
 - 6 *Pavement, filler and edging materials.* If the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards, the landscape plan must be reviewed and approved by the commission. No more than 25 percent of the front yard of a residential use may be covered by pavement or filler materials.
 - 7 *Planter boxes.* Planter boxes must be:
 - (a)An integral part of and typical of the style and period of a main building;
 - (b) Eighteen inches or less in height;
 - (c) Thirty-six inches or less in depth; and
 - (d) Constructed of brick, stone or smooth-finish concrete that matches or is compatible in texture, color and style with a main building.
 8. *Retaining walls.* Retaining walls are not permitted in the front and side yards, except to preserve a natural or existing slope or to make slope similar to that of an adjacent lot. The height of a retaining wall must not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted stone, brick, stucco or smooth-finished concrete that is compatible in texture, color and style with a main building.
 9. Sidewalks, driveways and curbing.
 - (a) Materials.

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- (i) Asphaltic or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway or curbing material.
 - (ii) All public sidewalks and curbing must be constructed of brush finish concrete.
 - (iii) All private sidewalks and driveways must be constructed of brush finish concrete, brick, tile, slate or exposed aggregate. Gravel is allowed in the center strip of a ribbon driveway.
- (b) Width, style and spacing.
- (i) The maximum permitted width of a driveway in the front yard is ten feet. The driveway width may be expanded to 20 feet at any point behind the front facade.
 - (ii) Ribbon driveways are only permitted if the owner establishes that a ribbon driveway was an original architectural element of the site. If a ribbon driveway is permitted, the ribbons must be at least one foot wide.
 - (iii) Circular driveways are not permitted in the front yard.
 - (iv) A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot must be spaced a minimum of one foot from the existing driveway on the adjacent lot.
- (c) *Parking on driveways.* No vehicles shall be parked on the lawn area of a property.

SECTION 2: All ordinances or parts of ordinances (including Sections 140-106 and 140-110 of the Code of Ordinances) and resolutions or parts of resolutions in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 3: 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 4: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

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: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3, of the Charter of the City of Texarkana, Texas.

SECTION 7: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

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PASSED AND APPROVED in Regular Council Session on this the **22nd day of January, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



Minutes
Historic Landmark Preservation Committee Meeting
Thursday, November 9, 2023
Texarkana Texas City Hall, 2nd Floor Conference Room
220 Texas Blvd., Texarkana, Texas 75501
12:00 P.M.

Members Present:

Lauren Callaway
Alice Coleman
Dr. Robert Michael Guillory
Willis Johnston
Dawn Martin

Members Absent:

Dr. Craig Nakashian
Steve Thompson

City of Texarkana, Texas:

Deborah Jones
Daphnea Ryan

Texarkana Museum System

Emily Tarr

Other Attendees

Denver Blackwell, Monument Solar
Trenna Cridell, Owner 2822 Walnut
Cheri Flores, Monument Solar
Krista Gern, Monument Solar
Kelly Lusk, Texarkana Resident

1. Call to Order

The Meeting was called to order at 12:00 p.m.

2. Establishment of Quorum

A quorum was established with five members present.

3. Approval of Previous Minutes

The Committee reviewed the September 26, 2023 minutes and a motion was made to approve.

Result: Approved [Unanimous]

Mover: Dr. Robert Guillory

Second: Lauren Callaway

Ayes: Callaway, Coleman, Guillory, Johnston, Martin

Absent: Nakashian, Craig; Thompson, Steve

4. Certificate of Appropriateness Application – 2822 Walnut Street

Daphnea Ryan provided a summary of the application that includes low profile Jinko solar panels on the rear facing roof only, installation of new windows and a new roof, and turned the meeting over to Monument Solar to provide detailed information on the solar panel installation. Krista Gern provided a quick overview of their company and introduced the other team members, Cheri Flores, and Denver Blackwell. Ms. Gern transitioned the discussion giving the floor to Mr. Blackwell who provided an overview of the solar project. Mr. Blackwell explained the project for installing solar panels on the rear facing roof of the home and indicated the solar panels are low profile and flush with the roof allowing for low visibility. Mr. Blackwell indicated one tree was required to be removed and remaining trees will require trimming. Mr. Blackwell and members of the Monument Solar team fielded questions from the Committee. Willis Johnston asked if these solar panels have any reflectivity that would affect neighboring property owners and the team advised they do not have any reflective qualities. With no further questions, the Monument Solar team exited the meeting.

Ms. Ryan advised that window installation occurred prior to owners being aware of the Certificate of Appropriateness process. The windows installed are ReliaBilt Series 3201 Best Buy Double Hung, white sash, Ultra Low E with Argon, Clear, Single Strength 5/8 Inch Flat GBG with Half Screen in Standard Charcoal Fiberglass Mesh. <https://www.lowes.com/pd/ReliaBilt-3201-Vinyl-Replacement-White-Exterior-Double-Hung-Window-Rough-Opening-28-in-x-38-in-Actual-27-75-in-x-37-75-in/50278493>.

Ms. Ryan advised roof replacement occurred prior to owner knowing about the Certificate of Appropriateness process as well. Once advised of the process, the owner submitted a COA to ensure compliance. The new roof is a 20-year asphalt shingle in a two-tone gray. Willis Johnston asked Ms. Cridell about the decorative railing previously on the roof that was removed when the roof replacement occurred. Ms. Cridell advised the decorative railing caused damage to her roof, causing the roof to leak thereby damaging the living room ceiling. She stated the living room ceiling fell and that prompted her to move quickly to replace the roof. Ms. Cridell stated she did not want to have the railing re-attached to her new roof and risk damage again.

A motion was made to approve installation of low profile Jinko JKM390M solar panels on the rear facing roof only as outlined in the plan attached to the Certificate of Appropriateness application and included in these minutes, approving installed of ReliaBilt Series 3201 double hung, white sash, ultra low E with Argon, clear, single strength 5/8 inch flat GBG with half screen in standard charcoal fiberglass mesh windows, and approving installation of the two-tone gray asphalt shingles.

Result: Approved [Unanimous]

Mover: Lauren Callaway

Second: Alice Coleman

Ayes: Callaway, Coleman, Guillory, Johnston, Martin

Absent: Nakashian, Craig; Thompson, Steve

5. Historic Preservation Ordinance

Daphnea Ryan presented the Committee with the final draft ordinance. Ms. Ryan outlined the new additions to be in response to the Committee's last discussions as well as discussions with City Prosecutor, Deborah Jones. These changes include adding language to the definition of structure to include larger animal enclosures such as chick coops; removing the need for residents to apply for the tax incentive since all property will receive the incentive; adding language that the Historic Preservation Officer can issue a Stop Work Order for work being performed without a Certificate of Appropriateness; separation of Section 145-8 to separate tax incentives for residential properties and reinvestment properties to ensure regulations for each are easier to interpret; and language added to clarify the process for a property losing the tax incentive due to non-compliance.

Result: Approved [Unanimous]

Mover: Dr. Robert Guillory

Second: Dawn Martin

Ayes: Callaway, Coleman, Guillory, Johnston, Martin

Absent: Nakashian, Craig; Thompson, Steve

6. Staff Updates

Daphnea Ryan advised the Committee that Texarkana, Texas City Hall turns 100 next year and Administration is interested in the building being nominated as a Texas Historic Landmark and requesting nomination to the National Register of Historic Places. Ms. Ryan asked the Committee to begin thinking about this and asked if this would be a project, they would be interested in being involved in and would support. The Committee discussed and all indicated interest in the project and supporting this endeavor.

7. Historic Committee Project Updates

Willis Johnston advised a sample light is being shipped for the committee to look at. After discussion, Mr. Johnston will request two lights to test in both full sun and partial shade to gauge their functionality. Mr. Johnston indicated he will follow up with the committee via email when the light is received.

8. Main Street Updates

On behalf of Ina McDowell, Director of Main Street Texarkana, Daphnea Ryan relayed Main Street updates provided by Ms. McDowell via email. Ms. Ryan indicated that applications are available for the Christmas Parade to be held December 4, 2023 at 7:00 p.m. Anyone interested in entering can obtain an application at www.mainstreettexarkana.org or at Logan

Electric located at 208 E. Broad Street, Texarkana, Arkansas. Ms. Ryan advised the entry fee is \$25 and applications can be mailed to Main Street Texarkana, P.O. Box 631, Texarkana, USA 75504 or dropped at Logan Electric during the hours of 8:00 a.m. – 4:30 p.m. Monday through Friday.

9. Museum System Updates

Emily Tarr advised of a new exhibit at the Museum system titled Toys Through the Ages. Ms. Tarr also advised that the second Vintage and Collectible sale will be Thursday through Saturday, November 16-19.

Ms. Tarr provided an update to the Ace of Clubs House renovations and advised contractors will start with window repair, painting, and plaster soon. Ms. Tarr indicates she continues to follow the consultation with the Texas Historic Commission.

10. Adjournment

The meeting was adjourned at 1:20 p.m.

Result: Approved [Unanimous]

Mover: Dr. Robert Guillory

Second: Alice Coleman

Ayes: Callaway, Coleman, Guillory, Johnston, Martin

Absent: Nakashian, Craig; Thompson, Steve

Section 145 - Changes

Section 145 Definitions	1. Added definitions – Most definitions are new 2. Changed the definition of Building to state: <i>Building</i> shall refer to a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing. Prior definition stated: Building means any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. 3. Changed definition of Structure to state <i>Structure</i> is a constructed work that was created to serve some human activity and usually made for purposes other than creating human shelter, including but not limited to, sheds, carports, and detached garages. Prior definition said “See Building”
Section 145-3 (1) Historic Landmark Preservation Commission – was 140-106 (d)	Changes to a Commission – wording is slightly different but content is basically the same. (c) Changed the details on persons interested in serving on the HLPC to reflect the current process for Boards and Commissions. (h) changed language from stating the committee shall establish its own regular meeting schedule to stating the HLPC shall meet at least monthly if business is at hand, and no less than quarterly. Special meetings may be called at any time by the HLPC Chairperson, Vice chairperson, or at the written request of at least four HLPC members.
Section 145-3 (2) Powers	All but two are New ((b) and (c) were existing)
Section 145-4 HPO	New
Section 145-5	Was 140-106 (a) Reformatted but not significant language changes.
Section 145-6	New - Language outlining the process for designation of local landmarks or districts and tying it into the Comprehensive Plan.
Section 145-7 Minimum Maintenance Standards	New
Section 145-8 Tax Incentive	145-8 (1) to remove the requirement that the property be a homestead providing the tax incentive to all property in a designated historic district. Removes the need to file a form yearly. 145-8 (3) Adds language that owners must be in compliance with the ordinance in order to continue to receive the tax incentive. 127 homes in Highland Park Bingham Park Historic Overlay District. 44 are currently receiving the tax incentive. Current cost \$2,450.36 Proposed

2024-002 ATTH 02

	additional cost is \$6,389.40 for a yearly estimated cost of \$8,839.76 if approved.
Section 145-9 Tax Incentive Application Process	Separated Tax Incentives into two sections for more clarity between residential and investment properties. Provides details on the process for tax incentive application and process.
Section 145-10 Mitigate Demolition by Neglect	New
Section 145-11 Ordinary Maintenance	New – Clarifies decision of Ordinary Maintenance
Section 145-12 – COA Process	Original language and added new language stating the need for COA
Section 145-13 Review Criteria COA	New – Adds more clarity to the process for a Certificate of Appropriateness
Section 145-14 Procedure for COA	Was 140-106 (e) Reformatted and adds language to better outline the procedure but doesn't significantly change to overall process.
Section 145-14 (2)	Was 140-106 (e) (1) Adds a better timeline to state that within 5 days of receipt of a COA Application, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC Meeting. States notice must be mailed to all adjacent property owners as well as posted on the property for 14 days prior to public hearing
Section 145-14 (3) (c)	Changes the number of days to take action on a COA from 30 to 90 days
Section 145-14 (4)	New – Outlines the appeal process to the Board of Adjustment
Section 145-15; 145-16; and 145-17 Demolition of Landmarks	Mostly New – Incorporates the language on demolition that was in a different section of the Zoning ordinance but adds a lot of language on the process for a historic structure or property in a historic district.
Section 145-18 Economic hardship Involving COA for Demo	New – outlines what an owner has to do to receive a COA for Demolition involving a claim of economic hardship – this is saying they have to prove the property renovation would not be feasible, causes an economic hardship that could not be overcome, i.e. historic landmark that is an income producing property but is in such a deteriorated state that the amount of income earned would never pay for the repairs, or the cost for repairs to a residential property would greatly exceed the value it would ever reach.
Section 145-19	New – Outlines the Enforcement and Penalties instead of just stating something is a violation. Outlines Stop Work Orders Outlines Civil Actions, Restrictions on Future Development
Section 145-20 Establishment of Highland Park-Bingham park Historic District	Original language from 140-106 and added language to clarify the corner properties in the Olive and Wood Street Intersections that front W. 29 th Street.
Section 145-21 Development Standards	145-21 (2) (xvi) Window and doors. Added Energy efficiency windows can be considered through a Certificate of Appropriateness process.

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:

City of Texarkana, Texas

Version:

Update Date: 12/21/2023 2:56 PM

Briefing Sheet

Lead Department: Planning & Zoning
Commission **Action Officer:** Laura Puckett, Zoning
Ordinance No. 2024-004 rezoning Lot 1, Block 1, Buchanan Avenue Addition,
Subject: located at 100 Jones Street from Commercial to Single Family-3. Jermell
Fulton, owner.

Briefing: 1/22/2024 **Public Hearing:** 1/22/2024 **Council Vote:** 1/22/2024

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

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Jermell Fulton, owner, to rezone Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street from Commercial to Single Family-3. The intention is to place a single wide HUD code manufactured home on this property.

The Future Land Use Map has designated this property as "Mixed Use Development".

The adjacent zoning is Commercial to the north, south, and west, Industrial-1 to the east. The adjacent land use is vacant land to the north, south, and west, and Union Pacific Railroad yard to the east.

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

City of Texarkana, Texas

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.

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

Attachments

- a. 2024-004 ORD Rezoning 100 Jones Street (DOCX)
- b. 2024-004 ATTH 01 (Maps) (PDF)
- c. 2024-004 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Laura Puckett	Reviewer	Skipped
01/03/2024 4:40 PM			
Public Works Department	Dusty Henslee	Reviewer	Completed
01/04/2024 9:29 AM			
City Manager	Jennifer Evans	Reviewer	Skipped
6:00 PM			01/08/2024
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			01/08/2024

Meeting History

ORDINANCE NO. 2024-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOT 1, BLOCK 1, BUCHANAN AVENUE ADDITION, LOCATED AT 100 JONES STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM COMMERCIAL TO SINGLE FAMILY-3; 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 **Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street**, in the City of Texarkana, Bowie County, Texas, from **Commercial to Single Family-3**; 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 Commercial to Single Family-3 on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street** 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 **Commercial to Single Family-3**; 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 **Commercial to Single Family-3** 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 **Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street** in the City of Texarkana, Bowie County, Texas, from **Commercial to Single Family-3**.

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 **22nd of January, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

The map displays a grid of residential lots in Texarkana, Texas. The streets shown are Findley St, Jones St, Defee St, Industrial Blvd, and Williams St. The lots are color-coded: orange for one set of properties and blue for another. Owners are listed in red text. A specific lot, located between Jones St and Defee St, and between Williams St and Industrial Blvd, is highlighted with a black border. The lot number 1104 is visible on this highlighted lot. The owner of this lot is J. M. Fulton.

Block	Lot Number	Owner
Orange	920	ZEMO M
Orange	1008	
Orange	1014	
Orange	1017	BREWER, JOHNNY RAY
Orange	1019	KELLY, JASON S
Orange	1104	J. M. FULTON
Orange	1105	RAILEY-JOHNSON, ANDREA J
Orange	1109	
Orange	1111	KAPA INVESTMENTS LTD CO
Orange	1113	
Orange	1116	
Orange	1201	
Orange	1206	
Orange	1207	RICHARD D
Orange	1208	
Orange	1209	
Orange	1210	
Orange	1211	
Orange	1212	
Orange	1213	
Orange	1214	
Orange	1215	
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100 Jones Street



Attachment: 2024-004 ATTH 01 (Maps) (4155 : 2024-004 ORD rezoning from C to Single Family-3 at 100 Jones St.)

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:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 12/18/2023 8:58 AM

Lead Department:	<u>Planning & Zoning</u>	Action Officer:	<u>Laura Puckett, Zoning</u>
	<u>Commission</u>		<u>Administrator</u>
Subject:	<u>Ordinance No. 2024-005 granting a Specific Use Permit to allow a single wide HUD code manufactured home on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street. Jermell Fulton, owner.</u>		
Briefing:	<u>1/22/2024</u>	Public Hearing:	<u>1/22/2024</u>
		Council Vote:	<u>1/22/2024</u>

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 Jermell Fulton, owner, for a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street.

The Future Land Use Map has designated this property as "Mixed Use Development".

The adjacent zoning is Commercial to the north, south, and west, Industrial-1 to the east. The adjacent land use is vacant land to the north, south, and west, and Union Pacific Railroad yard to the east.

The City's Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 zoning district along with the approval of a Specific Use Permit.

Staff recommends for approval of this request with the following stipulations:

1. That one 2017 or newer single wide HUD code manufactured home be allowed on this property.
2. That the single wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the single wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner's responsibility to renew this permit.

City of Texarkana, Texas

5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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 recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

Attachments

- a. 2024-005 ORD SUP HUD code mnfctrd home south of 100 Jones Street (DOCX)
- b. 2024-005 ATTH 01 (Maps) (PDF)
- c. 2024-005 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Laura Puckett	Reviewer	Skipped
01/03/2024 4:41 PM			
Public Works Department	Dusty Henslee	Reviewer	Completed
01/04/2024 9:29 AM			
City Manager	Jennifer Evans	Reviewer	Skipped
6:00 PM			01/08/2024
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			01/08/2024

Meeting History

City of Texarkana, Texas

ORDINANCE NO. 2024-005

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-783 TO ALLOW THE LOCATION OF A SINGLE WIDE HUD CODE MANUFACTURED HOME ON LOT 1, BLOCK 1, BUCHANAN AVENUE ADDITION, LOCATED AT 100 JONES STREET, 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 the location of a single wide HUD code manufactured home on **Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street**, 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 the location of a single wide HUD code manufactured home** 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-783 for the location of a single wide HUD code manufactured home on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street**, in the City of Texarkana, Bowie County, Texas.

SECTION 2: The following stipulations are hereby imposed and made a part of this ordinance:

1. That one 2017 or newer single wide HUD code manufactured home be allowed on this property.
2. That the single wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the single wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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: 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 **22nd** day of **January, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

The map displays a grid of residential lots in Texarkana, Texas. The streets shown are Findley St, Jones St, Defee St, Industrial Blvd, and Williams St. The lots are color-coded: orange for one set of properties and blue for another. Owners are listed in red text. A specific lot, located between Jones St and Defee St, and between Williams St and Industrial Blvd, is highlighted with a black border. The lot number 1112 is visible on this highlighted lot.

Key owners and lot numbers visible on the map include:

- BLACKWELL, WILLIAM SR (Lot 920)
- IZQUIERDO, ANDRES (Lot 1106)
- THOMPSON, ANGELA (Lot 822, 826)
- JONES, GEORGE & ROBZENE (Lot 1109)
- PEREZ, CECILIO C (Lot 832, 836)
- CITY OF TEXARKANA (Lot 917, 1114, 1116)
- AUSTIN, CLYDENA & GENNIE (Lot 1009)
- CANNON, HUEY (Lot 1017)
- BREWER, JOHNNY RAY (Lot 1140)
- PENDLETON, G C ESTATE (Lot 1018, 1022, 1024)
- APPRaisal DIST TRUSTEE (Lot 1019, 1146)
- KELLY, JASON S (Lot 1104)
- APPRaisal DIST TRUSTEE (Lot 1105)
- RAILEY-JOHNSON, ANDREA J (Lot 1109)
- KAPA INVESTMENTS LTD CO (Lot 1111)
- SELF, HENRY (Lot 1113)
- APPRaisal DIST TRUSTEE (Lot 1201)
- CITY OF TEXARKANA (Lot 1206)
- CHURCH, ST JOHN BAPTIST (Lot 1207)
- CHURCH, LIFELINE CH OF (Lot 922)
- PENDLETON, G C ESTATE (Lot 1121)
- APPRaisal DIST TRUSTEE (Lot 1018)
- APPRaisal DIST TRUSTEE (Lot 1112)
- LEWIS, MARION (Lot 1114)
- APPRaisal DIST TRUSTEE (Lot 1206)
- CHURCH, ST JOHN BAPTIST (Lot 1207)
- CHURCH, LIFELINE CH OF (Lot 922)
- PENDLETON, G C ESTATE (Lot 1121)
- APPRaisal DIST TRUSTEE (Lot 1018)
- APPRaisal DIST TRUSTEE (Lot 1112)
- LEWIS, MARION (Lot 1114)
- APPRaisal DIST TRUSTEE (Lot 1206)
- CHURCH, ST JOHN BAPTIST (Lot 1207)

100 Jones 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:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 12/21/2023 2:54 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator
Subject: Ordinance No. 2024-006 rezoning an approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327, located at 3001 Bender Road from Single Family-1 to Two Family-2. Dennis Pascarella, owner.

Briefing: 1/22/2024 **Public Hearing:** 1/22/2024 **Council Vote:** 1/22/2024

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 Dennis Pascarella, owner, to rezone an approximate 5-acre tract of land (being Tract 13B), L. T. King HRS, A-327, located at 3001 Bender Road from Single Family-1 to Two Family-2. The intention is to build a city street and construct duplexes on each side of the road.

The Future Land Use Map has designated this property as "Suburban Residential".

The adjacent zoning is Two Family-2 to the north, W. Wallace Drive to the south, Single Family-2 to the west, and Agriculture to the east. The adjacent land use is vacant land to the north and east, service road to the south, and a residence to the west.

Staff recommends for approval of 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

City of Texarkana, Texas

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:

December 4, 2023

Attachments

- a. 2024-006 ORD Rezoning 3001 Bender Rd (DOCX)
- b. 2024-006 EXH 'A' (Legal Description) (PDF)
- c. 2024-006 ATTH 01 (Maps) (PDF)
- d. 2024-006 ATTH 02 (Letter of Opposition) (PDF)
- e. 2024-006 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Laura Puckett	Reviewer	Skipped
01/03/2024 4:41 PM			
Public Works Department	Dusty Henslee	Reviewer	Completed
01/04/2024 9:30 AM			
City Manager	Jennifer Evans	Reviewer	Skipped
6:00 PM			01/08/2024
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			01/08/2024

Meeting History

ORDINANCE NO. 2024-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING ON AN APPROXIMATE 5-ACRE TRACT OF LAND (BEING TRACT 13B), L. T. KING HRS, A-327, LOCATED AT 3001 BENDER ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-1 TO TWO FAMILY-2; 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 on an **approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327 (Exhibit ‘A’), located at 3001 Bender Road**, in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Two Family-2**; 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 Single Family-1 to Two Family-2 on an approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327 (Exhibit ‘A’), located at 3001 Bender 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-1 to Two Family-2**; 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-1 to Two Family-2** 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 on an **approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327 (Exhibit ‘A’),**

located at 3001 Bender Road in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Two Family-2**.

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 **22nd of January, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Z-23-18

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

THAT PAMELA CHERYL MULDREW, GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, does hereby grant, bargain, sell and convey unto JPM RENTAL PROPERTIES, LLC, GRANTEE, and unto its heirs and assigns forever, subject to the reservations from and exceptions to the conveyance and warranty, the following described lands located in the County of Bowie, State of Texas:

All that certain tract or parcel of land being a part of the L. T. KING HEADRIGHT SURVEY, A-327, Bowie County, Texas, and being all of a 5.0 acre tract as described in Fiduciary Deed from Estate of Carl W. Self, through its Independent Executrix, Peggy A. Self to Peggy A. Self, dated August 30, 2004, recorded in Volume 4400, Page 199 of the Real Property Records of Bowie County, Texas, and being more particularly described as follows:

BEGINNING at a found 1/2" rebar for corner on the South right-of-way lie of Bender Road at the Northeast corner of the above described 5.0 acre tract of land, same being the Northwest corner of a 5.00 acre tract as described in Warranty Deed to Brian G. Griffith recorded in Volume 4871, Page 254 of the Real Property Records of Bowie County, Texas;

THENCE: S 00° 34' 31" W, with the East boundary line of the above described 5.0 acre tract, same being the West boundary line of the above described 5.00 acre tract, 779.38 feet to a set 5/8" rebar with plastic cap (Stamped R.P.L.S. 4874 Typical) for corner on the North right-of-way line of West Wallace Street;

THENCE: N 89° 40' 53" W, with the North right-of-way line West Wallace Street, 280.00 feet to a set 5/8" rebar with plastic cap for corner in an existing fence line;

THENCE: N 00° 33' 30" E, along an existing fence line, same being the West boundary line of the above described 5.0 acre tract, same being the East boundary line of a 2.482 acre tract as described in Warranty Deed to Brenda Louise Davis, recorded in Volume 1730, Page 324 of the Real Property Records of Bowie county, Texas, 777.82 feet to a found 1/2" metal bold for corner on the South right-of-way lie of Bender Road;

Attachment: 2024-006 EXH 'A' (Legal Description) (4157 : 2024-006 ORD rezoning from SF-1 to 2F-2 at 3001 Bender)

THENCE: N 90° 00' 00" E, with the North boundary lien of the above described 5.0 acre tract, same being the South right-of-way line of Bender Road, 280.24 feet to the POINT OF BEGINNING, containing 5.0068 acres of land, more or less.

This conveyance is made subject to the following reservations from and exceptions to the conveyance:

Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; homestead or community property or survivorship rights, if any, of any spouse of Grantee; any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities to: (a) tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans; (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government; (c) filled-in lands, or artificial islands; (d) statutory water rights, including riparian rights; (e) the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area; standby fees, taxes and assessments by any taxing authority for the year 2023 and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year; rights of parties in possession; an easement located on the property granted Southwestern Electric Power Company by instrument recorded in/under Volume 478, Page 271, Clerk's File No. 1795 of the Deed Records of Bowie County, Texas; any and all items, including but not limited to, any shortages in area and/or discrepancies in boundaries, the existence of which would be shown by a current and accurate survey of the property; all leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the public record.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

WITNESS my hand this 26 day of October, 2023.

Pamela Cheryl Muldrew
Pamela Cheryl Muldrew

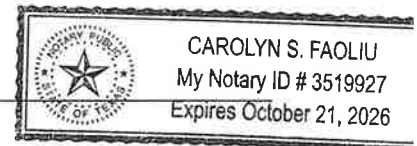
State of Texas
County of Bowie

On this day before the undersigned Notary Public, personally appeared Pamela Cheryl Muldrew, satisfactorily proven to be the person whose name appears as Grantor in the foregoing instrument and stated that she executed the same for the consideration, uses and purposes therein stated.

In witness whereof, I hereunto set my hand and seal on this 26 day of October, 2023.

Carolyn S. Faoliu
Notary Public in and for the
State of Texas

My commission expires:

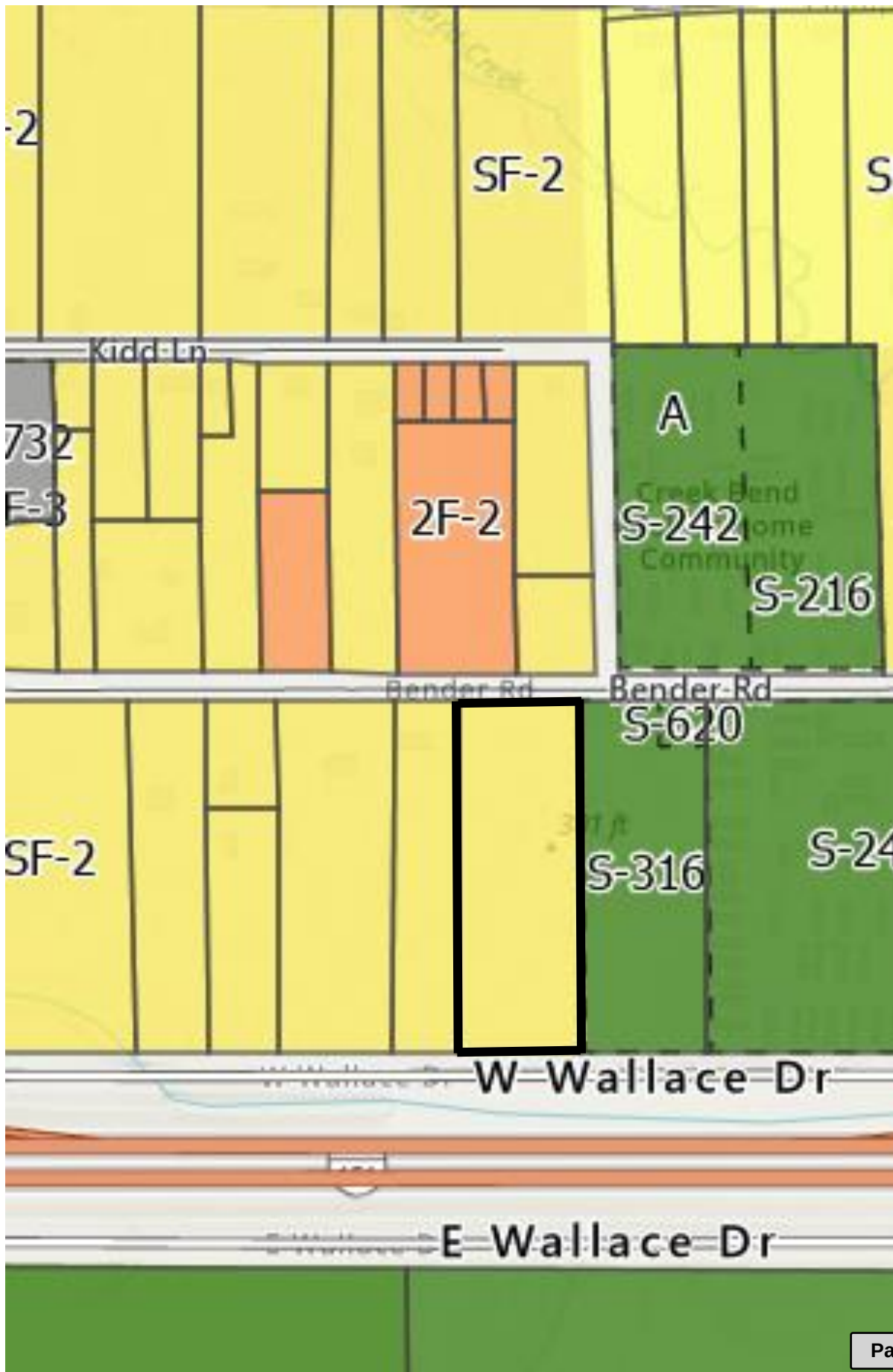


Document prepared by:
Unger Law Firm
Michael R. Unger, Attorney
4608 Summerhill Road
Texarkana, TX 75503

Grantee's Address:
JPM Rental Properties, LLC

1310 Old Post Rd
Texarkana AR 71854

3001 Bender Road



3001 Bender Road



Attachment: 2024-006 ATTH 01 (Maps) (4157 : 2024-006 ORD rezoning from SF-1 to 2F-2 at 3001 Bender)

Paloma Quintana
3211 Bender Rd
Texarkana Texas 75501
903-809-3483

December 4, 2023

Laura Puckett (Planning & Zoning Commission)
Council of Chambers
220 Texas Blvd Texarkana Texas 75501

Subject: Letter of Opposition to Proposed Zoning Change - Case Z-23-18

Dear Planning & Zoning Commission

I hope this letter finds you well. I am writing to express my strong opposition to the proposed zoning change (Case Z-23-18 currently being considered. I believe that the proposed change from Single Family 1 to Two Family -2, allowing the construction of individual duplexes, would have detrimental effects on our community.

While I appreciate the need for growth and development, I am concerned about the potential impacts on the character and stability of our neighborhood. The construction of individual duplexes may introduce issues such as increased traffic congestion, parking challenges, and changes in the overall aesthetic appeal of the area.

Furthermore, I am worried about the potential strain on existing infrastructure, including schools, utilities, and emergency services. Our community has thrived under the current zoning regulations, and I fear that altering these classifications could compromise our current quality of life.

In addition, the proposed change may negatively impact property values, affecting the investment and financial well-being of current homeowners in the area. The charm and unique character of our neighborhood, which attracted many of us to reside here, could be at risk by introducing a different housing structure.

I understand the importance of progress, but I urge the board to carefully consider the residents' concerns who will be directly affected by this proposed change. It is crucial to strike a balance between growth and maintaining the essence of our community.

I respectfully request that you consider the sentiments of the community members who value the current zoning regulations.

Thank you for your attention to this matter. I trust that you will carefully weigh the potential consequences before making a decision that will impact the lives of those residing in this community.

Sincerely,



Attachment: 2024-006 ATTH 02 (Letter of Opposition) (4157 : 2024-006 ORD rezoning from SF-1 to 2F-2 at 3001 Bender)

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:

City of Texarkana, Texas

Version:

Update Date: 12/21/2023 2:53 PM

Briefing Sheet

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator
Subject: Ordinance No. 2024-007 amending PD-05-7 for site plan approval on an approximate 4-acre tract (being part of Tracts 71, 71B, 71A, and 71C), George Brinlee HRS, A-18, located at 1 Roundabout Way. Cheney Pruett, owner and Kayla Wood, MTG Engineers and Surveyors, agent.

Briefing: 1/22/2024 **Public Hearing:** 1/22/2024 **Council Vote:** 1/22/2024

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

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Cheney Pruett, owner, and Kayla Wood, MTG Engineers and Surveyors, agent for site plan approval on an approximate 4-acre tract (being parts of Tracts 71, 71B, 71A, and 71C), George Brinlee HRS, A-18, located at 1 Roundabout way. The current zoning is Planned Development-General Retail. The property is currently vacant property. The proposed use is assisted living.

The Future Land Use Map designates this property as "Neighborhood Retail".

The adjacent zoning is Planned Development General Retail to the north, east and west, and Agriculture to the south. The adjacent land use is vacant land to the north, south, east and west.

The site plan consists of the following:

1. The construction of fourteen buildings (28 units) 1375 sq ft each unit.
2. The access driveway will be off Roundabout Way (this will be in the process of building).
3. There will be 2 parking spaces per unit. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
5. The new street (Roundabout Way) being constructed must be finished and accepted prior to any CO's for this development.
6. Property will have to be platted prior to any CO's.
7. Per new street ordinance passed last year, sidewalk will be required along Roundabout Way.

City of Texarkana, Texas

8. Recommend getting cross access easement with the Oaks.

Staff recommends for approval of the site plan with stipulations.

The applicant should also be aware that if this site plan approval item is approved, all other applicable city code/ordinance requirements must be met including but not limited to 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 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:

December 4, 2023

Attachments

- a. 2024-007 ORD site plan approval 1 Roundabout Way (DOCX)
- b. 2024-007 EXH 'A' (Site Plan)(PDF)
- c. 2024-007 EXH 'B' (Legal Description) (PDF)
- d. 2024-007 ATTH 01 (Maps) (PDF)
- e. 2024-007 ATTH 02 (Floorplan) (PDF)
- f. 2024-007 ATTH 03 (Elevations) (PDF)
- g. 2024-007 ATTH 04 (Site drawing) (PDF)
- h. 2024-007 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Laura Puckett	Reviewer	Skipped
01/03/2024 4:42 PM			
Public Works Department	Dusty Henslee	Reviewer	Completed
01/04/2024 9:31 AM			

City of Texarkana, Texas

City Manager 6:00 PM	Jennifer Evans	Reviewer	Skipped	01/08/2024
City Council 6:00 PM	Jennifer Evans	Meeting	Completed	01/08/2024

Meeting History

ORDINANCE NO. 2024-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-05-7 (GR) FOR SITE PLAN APPROVAL ON AN APPROXIMATE 4-ACRE TRACT OF LAND (BEING PART OF TRACTS 71, 71B, 71A, AND 71C), GEORGE BRINLEE HRS, A-18 LOCATED AT 1 ROUNDABOUT WAY, 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 4-acre tract of land (being part of Tracts 71, 71B, 71A, and 71C), George Brinlee HRS, A-18 (Exhibit ‘B’), located at 1 Roundabout Way in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-05-7 (GR)], and approval of the site plan (**Exhibit ‘A’**) would constitute an amendment to PD-05-7 (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 4-acre tract of land (being part of Tracts 71, 71B, 71A, and 71C), George Brinlee HRS, A-18 (Exhibit ‘B’), located at 1 Roundabout Way in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-05-7 (GR).

SECTION 2: PD-05-7 (GR) is hereby amended by approval of the site plan (**Exhibit ‘A’**), incorporated herein by reference for all purposes and includes the following:

1. The construction of fourteen buildings (28 units) 1375 sq ft each unit.
2. The access driveway will be off Roundabout Way (this will be in the process of building).
3. There will be 2 parking spaces per unit. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
5. The new street (Roundabout Way) being constructed must be finished and accepted prior to any CO's for this development.
6. Property will have to be platted prior to any CO's.
7. Per new street ordinance passed last year, sidewalk will be required along Roundabout Way.
8. Recommend getting cross access easement with the Oaks.

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 **22nd day of January, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



PRELIMINARY ~ FOR
REVIEW ONLY, NOT
INTENDED FOR
BIDDING,
CONSTRUCTION OR
PERMIT PURPOSES
11/27/2023
KAYLA R. WOOD
P.E. #104859

Scale	AS SHOWN
Drawn By	S.G.F.
Checked By	K.R.W.
File No.	

PROPOSED
DUPLICES
TEXARKANA, TEXAS

Sheet Number
XXXXXXXXXX

2024-007 EXH 'B'

Property Description
4.047 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 part of that certain tract of land described as 43.229 acres in the deed from Kirk Patton, et al, to Gibson Park Development, LLP, dated October 27, 2005, recorded in Volume 4765, Page 302 of the Real Property Records of 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, the Northeast corner of the said 43.229 acre tract, the Northwest corner of that certain tract of land described as 8.925 acres in the deed from American Heritage Apartments, Inc., to 2815 Richmond, LLC, dated October 22, 2019, recorded in Document No. 2019-00011317 of the Real Property Records of Bowie County, Texas, lying in the South line of Lot No. 5 of the Amended Plat of Richmond McKnight Addition, according to the plat recorded in Volume 2778, Page 292 of the Real Property Records of Bowie County, Texas;

THENCE South 02 degrees 29 minutes 26 seconds East a distance of 263.63 feet along the East line of the said 43.229 acre tract and the West line of the said 8.925 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG, said corner bears South 02 degrees 29 minutes 26 seconds East a distance of 234.09 feet to a 3/8 inch steel rod found for a corner, the Southwest corner of the said 8.925 acre tract;

THENCE South 85 degrees 08 minutes 40. seconds West a distance of 536.24 feet across the said 43.229 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the beginning of a circular curve to the left;

THENCE in a Northwesterly direction along the arc of the said circular curve, a distance of 430.81 feet, with a delta angle of 58 degrees 16 minutes 42 seconds, a radius of 423.55 feet, a chord bearings of North 59 degrees 24 minutes 31 seconds West, and a chord distance of 412.48 feet to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the end of the said circular curve;

THENCE North 02 degrees 21 minutes 09 seconds West a distance of 24.65 feet across and through the said 43.229 acre tract to a 5/8 inch steel rod found for a corner, an angle point in the North line of the said 43.229 acre tract, the Southeast corner of that certain tract of land described as 9.24 acres in the deed from Meloney Diane Oliver Graham, et al, to East McKnight, LLC, dated September 30, 2015, recorded in Document No. 2015-11269 of the Real Property Records of Bowie County, Texas, and the Southwest corner of that certain tract of land described as Tract One, with 4.068 acres in the deed from The Oaks Assisted Living, LLC, to Heritage ALA LLC, dated December 12, 2019, recorded in Document No. 2019-00013404 of the Real Property Records of Bowie County, Texas;

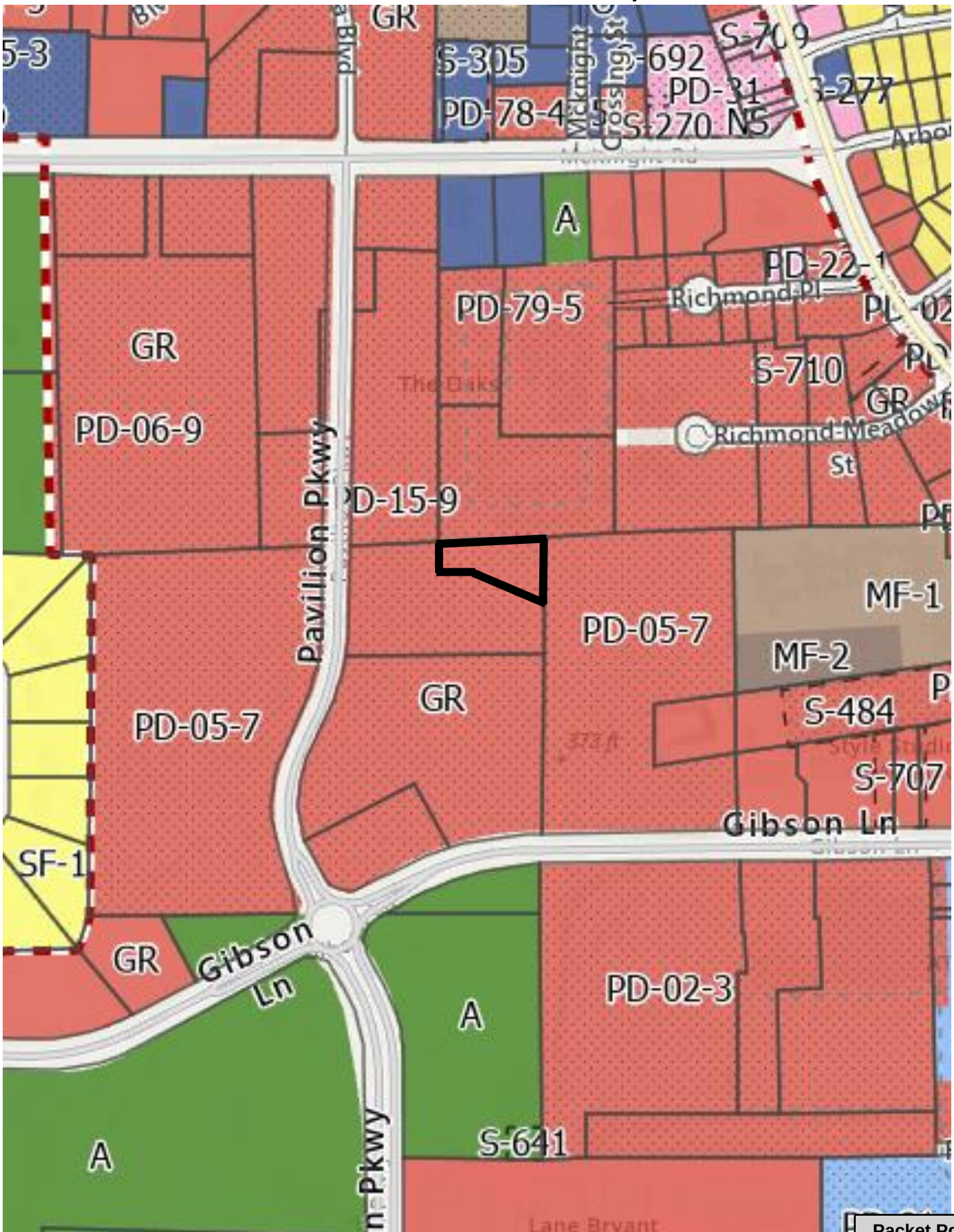
THENCE North 85 degrees 09 minutes 22 seconds East a distance of 527.84 feet along the North line of the said 43.229 acre tract and the South

Attachment: 2024-007 EXH 'B' (Legal Description) (4158 : 2024-007 ORD Amendment to PD-05-7 for site plan approval at 1 Roundabout Way)

line of the said 4.068 acre tract to a 1/2 inch steel rod (control monument) found for a corner, an angle point in the North line of the said 43.229 acre tract, the Southeast corner of the said 4.068 acre tract, and the Southwest corner of Lot No. 6 of the said Amended Plat of Richmond-McKnight Addition;

THENCE North 85 degrees 11 minutes 52 seconds East (Basis Of Bearings) a distance of 354.23 feet along the North line of the said 43.229 acre tract, the South line of the said Lot No. 6, and the South line of the said Lot No. 5 to the point of beginning and containing 4.047 acres of land (176,308.96 Sq. Ft.)

1 Roundabout Way

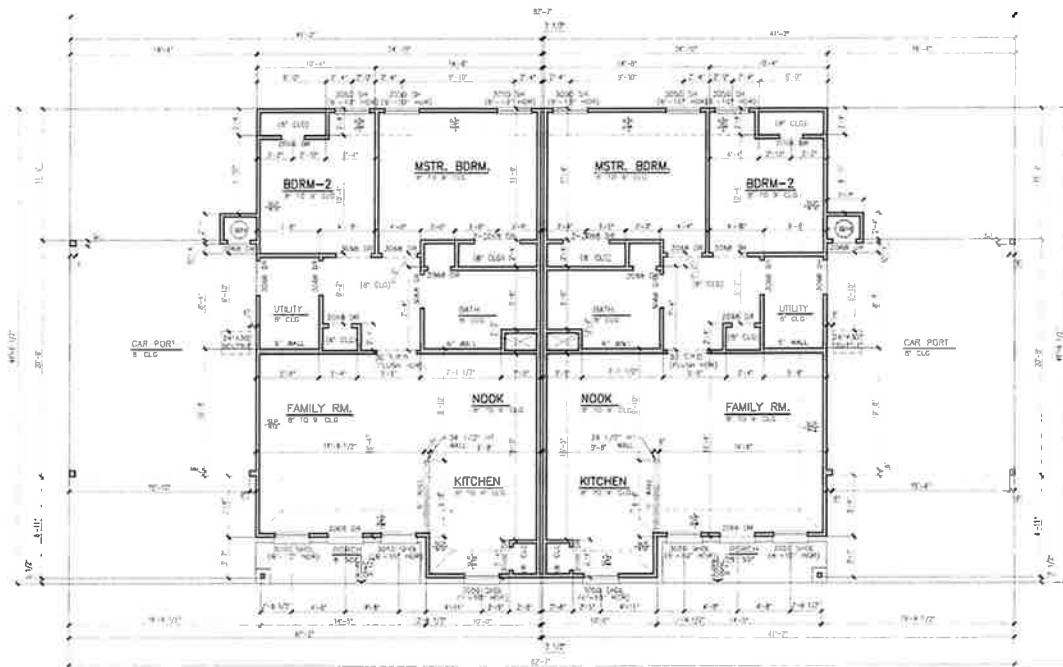


1 Roundabout Way



2024-007 ATTH 02

Amendment to PD-05-7



SQUARE FOOTAGES	
First Floor	385
Total Living Area	385
Car Port	338
Patios	32
Stairs	0
Total Under Build	755

FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

SQUARE FOOTAGES	
First Floor	385
Total Living Area	385
Car Port	338
Patios	32
Stairs	0
Total Under Build	755

TOTAL BLDG SQUARE FOOTAGES	
First Floor	1970
Total Living Area	1970
Garage	679
Patios	104
Stairs	0
Total Under Build	2753

TAYLOR & TAYLOR DEVELOPMENT
ASSISTED LIVING

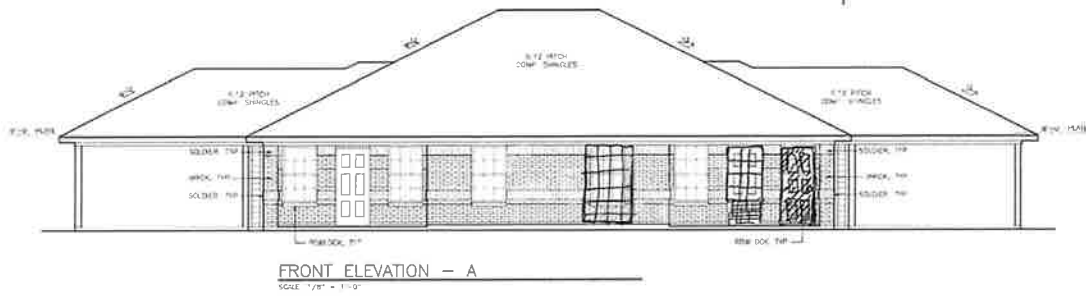
DATE
04/26/2023

FRAMING
CONCRETE
1.1

Attachment: 2024-007 ATTH 02 (Floorplan) (4158 : 2024-007 ORD Amendment to PD-05-7 for site plan approval at 1 Roundabout Way)

2024-007 ATTH 03

Amendment to PD-05-7



For complete drawings see sheets 7.5.a through 7.5.f. This drawing is not to be used for construction. It is for informational purposes only. The drawings are not to be used for construction. It is for informational purposes only. The drawings are not to be used for construction. It is for informational purposes only.

TAYLOR & TAYLOR DEVELOPMENT
ASSISTED LIVING

FRAMIN
CONCRE
2.1

Attachment: 2024-007 ATTH 03 (Elevations) (4158 : 2024-007 ORD Amendment to PD-05-7 for site plan approval at 1 Roundabout Way)



FRONT ELEVATION - B
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/16" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 1/16" = 1'-0"



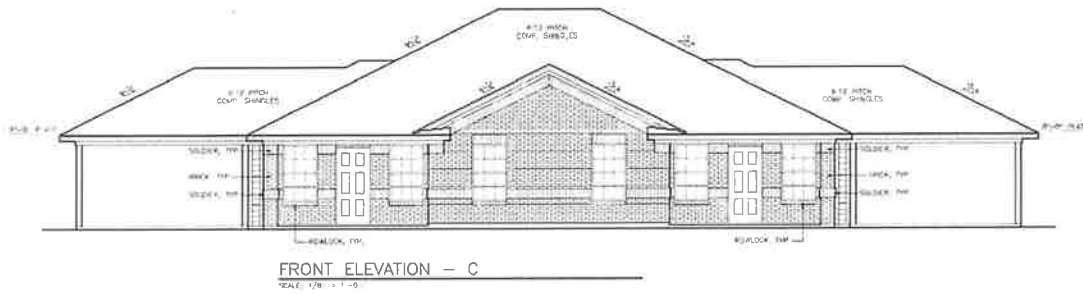
RIGHT SIDE ELEVATION
SCALE: 1/16" = 1'-0"

THE DRAWING IS PREPARED BY THE ARCHITECT FOR THE CLIENT'S USE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE ARCHITECT'S WRITTEN CONSENT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.

TAYLOR & TAYLOR DEVELOPMENT
ASSISTED LIVING

FRAMING
CONCRETE
2.1

Attachment: 2024-007 ATTH 03 (Elevations) (4158 : 2024-007 ORD Amendment to PD-05-7 for site plan approval at 1 Roundabout Way)



Our drawings are not to be used for any other purpose than the one intended. We are not responsible for any errors or omissions in the drawings. We are not responsible for any changes or modifications made to the drawings without our written consent.

TAYLOR & TAYLOR DEVELOPMENT
ASSISTED LIVING

TRIM/
FINISH-O
2.2

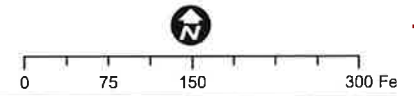
Attachment: 2024-007 ATTH 03 (Elevations) (4158 : 2024-007 ORD Amendment to PD-05-7 for site plan approval at 1 Roundabout Way)

2024-007 ATTH 04

Amendment to PD-05-7



PROPOSED 4-ACRE SITE
TEXARKANA, TEXAS



Attachment: 2024-007 ATTH 04 (Site drawing) (4158 : 2024-007 ORD Amendment to PD-05-7 for site plan approval at 1 Roundabout Way)

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: 2024-007 Goals & Perspectives (4158 : 2024-007 ORD Amendment to PD-05-7 for site plan approval at 1 Roundabout Way)

City of Texarkana, Texas

Version: A

Update Date: 12/4/2023 9:38 AM

Briefing Sheet

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator
Subject: Ordinance No. 2023-154 rezoning an approximate 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305, located at 7770 Hampton Road from Single Family-2 to Commercial. Tyler Parsons for FMG North Texas, owner.

Briefing: 1/8/2024 **Public Hearing:** 1/8/2024 **Council Vote:** 1/8/2024

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

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Tyler Parsons, FMG North Texas, owner, to rezone an approximate 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305, located at 7770 Hampton Road from Single Family-2 to Commercial. The intended use is outdoor advertising.

The adjacent zoning is Single Family-2 to the north, east and west, and Interstate-30 to the south. The adjacent land use is vacant land to the north and west, auto body shop to the east and Interstate-30 to the south.

The Future Land Use Map has designated this property as "Regional Commercial".

Staff recommends for approval of 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

City of Texarkana, Texas

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:

November 6, 2023

Attachments

- a. 2023-154 ORD rezoning SF-2 to C at 7770 Hampton Rd (DOCX)
- b. 2023-154 EXH 'A' (Legal Description) (PDF)
- c. 2023-154 ATTH 01 (maps) (PDF)
- d. 2023-154 Goals & Perspectives (DOCX)
- e. 2023-154 ORD rez 7770 Hampton signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
11/28/2023 10:44 AM			
Public Works Department	Dusty Henslee	Reviewer	Completed
11/28/2023 10:49 AM			
City Manager	David Orr	Reviewer	Completed
12:43 PM			11/28/2023
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			12/11/2023

Meeting History

12/11/23	City Council	MOVED FORWARD	Next: 01/08/24
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ORDINANCE NO. 2023-154

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 1.50-ACRE TRACT OF LAND (BEING TRACTS 84A, 84C, AND 85A), M. H. JANES HRS, A-305, LOCATED AT 7770 HAMPTON 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 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305 (Exhibit ‘A’), located at 7770 Hampton 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 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305 (Exhibit ‘A’), located at 7770 Hampton 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:

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 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305 (Exhibit 'A'), located at 7770 Hampton 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 **8th of January, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

**EXHIBIT A
TO SPECIAL WARRANTY DEED**

[Property Legal Description]

LAM1350:

All that certain tract or parcel of land being a part of the M. H. JAMES HEADRIGHT SURVEY, Abstract No. 305, Bowie County, Texas, and being a part of that certain 1.638 acre tract of land conveyed to Danny Proctor by General Warranty Deed recorded in Volume 4895, Page 290 of the Real Property Records of Bowie County, Texas; also being a part of that certain 13.235 acre tract of land as conveyed to Danny L. Proctor by General Warranty Deed recorded in Volume 4956, Page 89 of the Real Property Records of Bowie County, Texas; and also being a part of that certain 10.000 acre tract of land as conveyed to Danny L. Proctor by General Warranty Deed recorded in Volume 5001, Page 326 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:

COMMENCING at a 1/2" iron pin found for corner on the North right-of-way line of Hampton Road, said Point of Commencing being the Southeast corner of said 13.235 acre Proctor tract of land; THENCE N 87 deg. 27' 15" W., 43.01 feet with the North right-of-way line of Hampton Road, same being the South line of said 13.235 acre tract of land, to an angle point in said line;

THENCE N 84 deg. 30' 45" W., 333.78 feet with the South line of said 13.235 acre tract and on with the South line of said 1.638 acre tract, same being the North right-of-way line of Hampton Road, to a 1/2" iron pin set for corner on the South line of said 1.638 acre tract and being the Point of Beginning for the herein described tract of land;

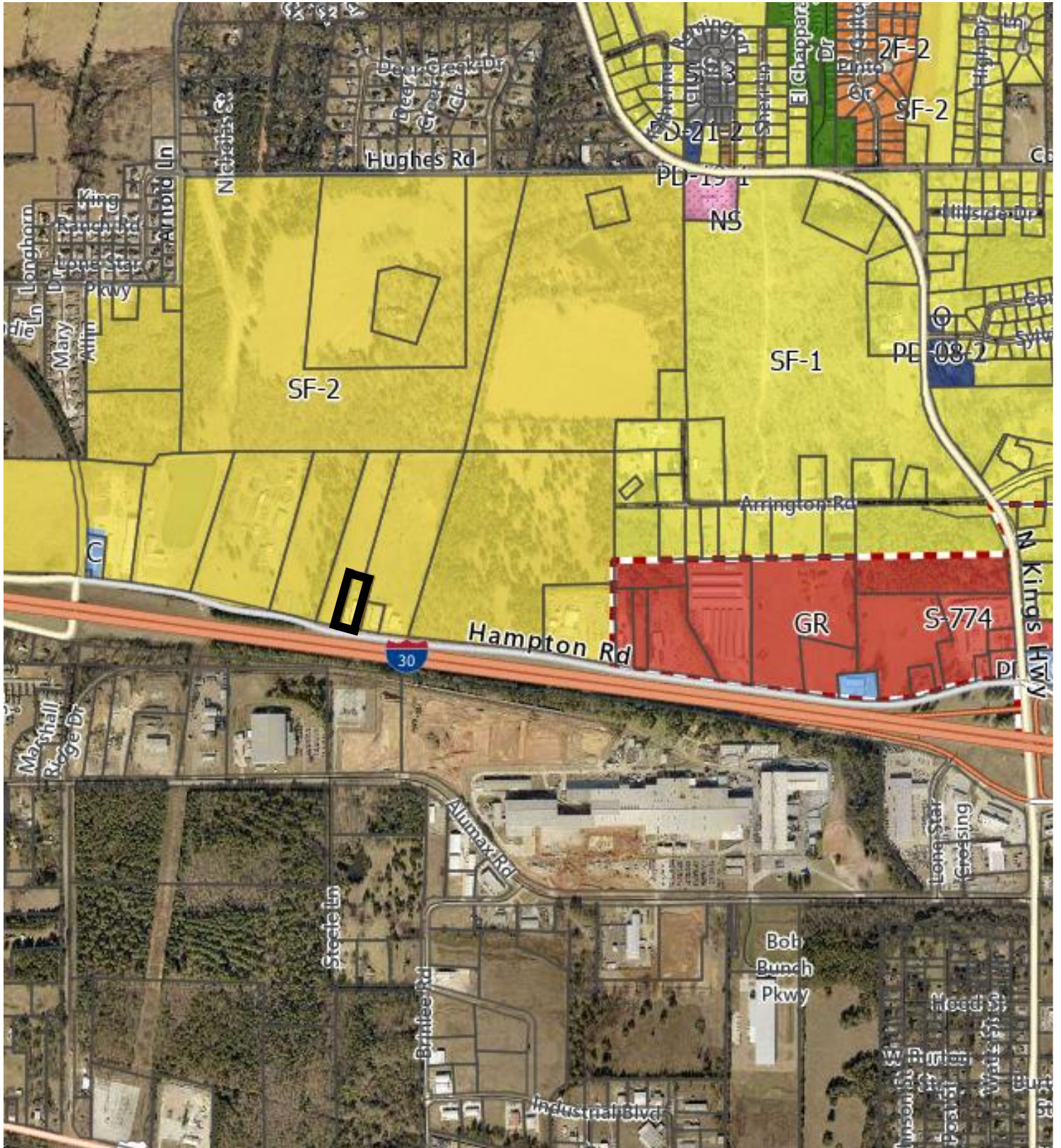
THENCE N 84 deg. 30' 45" W., 160.32 feet with the South line of said 1.638 acre tract and on with the South line of said 10.000 acre tract, same being the North right-of-way line of Hampton Road, to a 1/2" iron pin set for corner;

THENCE N 09 deg. 07' 36" E., 413.46 feet across said 10.000 acre tract to a 1/2" iron pin set for corner;

THENCE S 80 deg. 52' 24" E., 160.00 feet across said 10.000 acre tract and said 13.235 acre tract to a 1/2" iron pin set for corner;

THENCE S 09 deg. 07' 36" W., 403.29 feet across said 13.235 acre tract and said 1.638 acre tract to the Point of Beginning and containing 1.500 acre of land, more or less.

7770 Hampton Road



Attachment: 2023-154 ATTH 01 (maps) (4132 : 2023-154 ORD rezone from SF-2 to C at 7770 Hampton Road)

7770 Hampton Road



Attachment: 2023-154 ATTH 01 (maps) (4132 : 2023-154 ORD rezone from SF-2 to C at 7770 Hampton 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:

ORDINANCE NO. 2023-154

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 1.50-ACRE TRACT OF LAND (BEING TRACTS 84A, 84C, AND 85A), M. H. JAMES HRS, A-305, LOCATED AT 7770 HAMPTON 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 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305 (Exhibit 'A'), located at 7770 Hampton 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 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305 (Exhibit 'A'), located at 7770 Hampton 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:

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 1.50-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305 (Exhibit 'A'), located at 7770 Hampton 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.

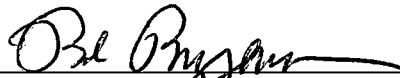
SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

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 **8th of January, 2024**.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:21 p.m.

Attachment: 2023-154 ORD rez 7770 Hampton signed (4132 : 2023-154 ORD rezone from SF-2 to C at 7770 Hampton Road)

**EXHIBIT A
TO SPECIAL WARRANTY DEED**

[Property Legal Description]

LAM1350:

All that certain tract or parcel of land being a part of the M. H. JANES HEADRIGHT SURVEY, Abstract No. 305, Bowie County, Texas, and being a part of that certain 1.638 acre tract of land conveyed to Danny Proctor by General Warranty Deed recorded in Volume 4895, Page 290 of the Real Property Records of Bowie County, Texas; also being a part of that certain 13.235 acre tract of land as conveyed to Danny L. Proctor by General Warranty Deed recorded in Volume 4956, Page 89 of the Real Property Records of Bowie County, Texas; and also being a part of that certain 10.000 acre tract of land as conveyed to Danny L. Proctor by General Warranty Deed recorded in Volume 5001, Page 326 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:

COMMENCING at a 1/2" iron pin found for corner on the North right-of-way line of Hampton Road, said Point of Commencing being the Southeast corner of said 13.235 acre Proctor tract of land; THENCE N 87 deg. 27' 15" W., 43.01 feet with the North right-of-way line of Hampton Road, same being the South line of said 13.235 acre tract of land, to an angle point in said line;

THENCE N 84 deg. 30' 45" W., 333.78 feet with the South line of said 13.235 acre tract and on with the South line of said 1.638 acre tract, same being the North right-of-way line of Hampton Road, to a 1/2" iron pin set for corner on the South line of said 1.638 acre tract and being the Point of Beginning for the herein described tract of land;

THENCE N 84 deg. 30' 45" W., 160.32 feet with the South line of said 1.638 acre tract and on with the South line of said 10.000 acre tract, same being the North right-of-way line of Hampton Road, to a 1/2" iron pin set for corner;

THENCE N 09 deg. 07' 36" E, 413.46 feet across said 10.000 acre tract to a 1/2" iron pin set for corner;

THENCE S 80 deg. 52' 24" E., 160.00 feet across said 10.000 acre tract and said 13.235 acre tract to a 1/2" iron pin set for corner;

THENCE S 09 deg. 07' 36" W., 403.29 feet across said 13.235 acre tract and said 1.638 acre tract to the Point of Beginning and containing 1.500 acre of land, more or less.

City of Texarkana, Texas

Version: A

Update Date: 11/30/2023 1:53 PM

Briefing Sheet

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator
Ordinance No. 2023-155 approving a Specific Use Permit to allow one additional use of a beauty salon on an approximate 4.126-acre tract of land (being Tract 15), located at 6500 Summerhill Road. Jessica Davis, owner, and Michelle Lee, agent.

Subject: Michelle Lee, agent.

Briefing: 1/8/2024 **Public Hearing:** 1/8/2024 **Council Vote:** 1/8/2024

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

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Jessica Davis, owner, and Michelle Lee, agent, for a Specific Use Permit to allow one additional use of a Beauty Salon on an approximate 4.126-acre tract of land (being Tract 15), J. W. Lane HRS, A-345, located at 6500 Summerhill Road.

The adjacent zoning is Single Family-1 to the west and east, Multiple Family-2 to the north, and agriculture to the south. The adjacent land use is residential to west, north, vacant land to the east and cemetery to the south.

The Future Land Use Map has designated this property as "High Density Residential".

Staff recommends for approval of this request with the following stipulations:

1. That the owner/or any employee performing the application of tattooing procedures (permanent cosmetics) be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a beauty salon.
3. That any remodeling of the current building must meet all city codes and requires licensed contractors.

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

City of Texarkana, Texas

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:

November 6, 2023

Attachments

- a. 2023-155 ORD granting SUP for Beauty Salon at 6500 Summerhill Rd (DOCX)
- b. 2023-155 EXH 'A' (Legal Description) (PDF)
- c. 2023-155 ATTH 01 (Maps) (PDF)
- d. 2023-155 Goals & Perspectives (DOCX)
- e. 2023-155 ORD SUP beauty salon 6500 Summerhill signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
11/28/2023 10:45 AM			
Public Works Department	Dusty Henslee	Reviewer	Completed
11/28/2023 10:49 AM			
City Manager	David Orr	Reviewer	Completed 11/28/2023
12:43 PM			
City Council	Jennifer Evans	Meeting	Completed 12/11/2023
6:00 PM			

Meeting History

12/11/23 City Council MOVED FORWARD Next: 01/08/24

S-785

ORDINANCE NO. 2023-155

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-785 TO ALLOW ONE ADDITIONAL USE OF A BEAUTY SALON ON AN APPROXIMATE 4.126-ACRE TRACT OF LAND (BEING TRACT 15), J. W. LANE HRS, A-345, LOCATED AT 6500 SUMMERHILL ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow a beauty salon on an **approximate 4.126-acre tract of land (being Tract 15), J. W. Lane HRS, A-345, located at 6500 Summerhill Road**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and 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 a beauty salon** 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-785 to allow one additional use of a beauty salon on an approximate 4.126-acre tract of land (being Tract 15), J. W. Lane HRS, A-345, located at 6500 Summerhill Road** in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following stipulations are hereby imposed and made a part of this ordinance:

1. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a beauty salon.
2. That any remodeling of the current building must meet all city codes and requires licensed contractors.
3. That no painting of the windows or the building with advertisement or graphic art is allowed.

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: 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 **8th day of January, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2023-155 EXH 'A'

S-785

2022-00005171 Page 3 of 4

EXHIBIT "A"

TRACT ONE

All that certain tract or parcel of land situated in the JOHN W. LANE HEADRIGHT SURVEY, Abstract No. 345, Bowie County, Texas, 4.94 also being part of that certain 34.758 acre tract conveyed from Herbert Lane and wife, Clara R. Lane to Gerald G. Haire and wife, Helen Haire, by Correction Deed dated January 16, 1973 and recorded in Volume 526, Page 638 of the Deed Records of Bowie County, Texas and subject tract being more particularly described as follows:

COMMENCING at the iron pipe at the most Southerly Southwest corner of said Haire tract, same being: THENCE N 00 deg. 53' 22" W, 212.70 feet along the West boundary line of said Haire tract, same being along the East boundary line of the Red Springs Cemetery to an iron pipe for corner at the Northeast corner of the said Red Springs Cemetery, and being the POINT OF BEGINNING for the herein described tract of land; THENCE S 88 deg. 58' 53" W, 241.64 feet along an existing fence line, being the South line of said Haire tract and the North boundary line of the Red Springs Cemetery, to a right-of-way marker found for corner in the East right-of-way line of F.M. Road No. 1597 (Summerhill Road); THENCE N 14 deg. 17' 12" W, 512.53 feet along the East right-of-way line of Summerhill Road, being a line 40.00 feet from and parallel to the centerline of said Road, to a 1/2 inch reinforcing steel rod found for corner; THENCE N 75 deg. 32' 29" E, 20.00 feet to a 1/2 inch reinforcing steel rod found for corner at the Southwest corner of Lot No. 1 in Block No. 3 of Dogwood Lake Estates Second Addition according to the map or plat of said Addition recorded in Volume 532, Page 736 of the Deed Records of Bowie County, Texas; THENCE N 79 deg. 16' 20" E, 416.97 feet along the South boundary line of said Block No. 3 to a 1/2 inch reinforcing steel rod found for corner at the Southeast corner of Lot No. 2 in Block No. 3 of Dogwood Lake Estates Second Addition; THENCE N 88 deg. 34' 45" E, 260.53 feet along the South boundary line of Block No. 3 of Dogwood Lake Estates Second Addition to a 1/2 inch reinforcing steel rod set for corner; THENCE S 00 deg. 48' 11" E, 129.27 feet, a new line, along an extension of an existing fence line and with said fence line to a 1/2 inch reinforcing steel rod set for corner at an existing fence corner; THENCE N 88 deg. 34' 45" E, 132.87 feet, a new line, along an existing fence line and with an extension of said fence line, to a 1/2 inch reinforcing steel rod set for corner in the West right-of-way line of a street designated as Oakledge Circle; THENCE S 01 deg. 25' 15" E, 33.04 feet along the West right-of-way line of Oakledge Circle to an iron pipe found for corner, from which corner the radius point of a curve bears S 18 deg. 52' 09" E, 50.00 feet to a distance of 77.85 feet, through a central angle of 80 deg. 12' 37" (chord being S 25 deg. 31' 03" W) 70.22 feet to a 1/2 inch reinforcing steel rod set for corner; THENCE S 23 deg. 55' 49" W, 368.77 feet along a line being 0.5 foot at right angles from and parallel with an existing fence line and with the West boundary line of a certain tract recorded in Volume 2427, Pages 212-216 of the Real Property Records of Bowie County, Texas, to the POINT OF BEGINNING and containing 3.393 acres of land, more or less.

TRACT TWO:

All that certain tract or parcel of land lying in and being a part of the JOHN W. LANE HEADRIGHT SURVEY, A-345, Bowie County, Texas, and more particularly described as follows:

BEGINNING at a 3/8" rein. steel found at the Southeast corner of a certain 4.182 acre tract being described on the plat of Dogwood Plaza, a subdivision of the John W. Lane Headright Survey, A-345, Bowie County, Texas, plat of said subdivision recorded in Volume 2274, Page 184 of the Real Property Records of Bowie County, Texas, said point also being on the West right-of-way line of a street designated as Oakledge Drive;

2022-00005171 Page 4 of 4

THENCE Generally W, 191.55 feet with the Southeast boundary line of said Dogwood Place Subdivision for corner;
 THENCE Generally E, 128.60 feet in a line parallel with the Westmost boundary line of the 0.362-acre tract conveyed by Enbridge, L.P., et al, to Dogwood Place Subdivision/Dogwood Place Townhomes Association, Inc., by deed dated January 26, 2017 and filed for record in Bowie County, Texas on February 3, 2017 for corner;
 THENCE Generally, E 56.8 feet in a line parallel with the Southeast boundary line of said Dogwood Place Subdivision for corner;
 THENCE Generally, N 128.60 feet with the Westmost boundary line of the .0362 tract described hereinabove to a point in the Southeast boundary line of said Dogwood Place Subdivision to enclose the 0.178 acres of land, more or less.

TRACT THREE:

Ad that certain tract or parcel of land situated in the JOHN W. LANE HEADRIGHT SURVEY, Abstract Number 345, Bowie County, Texas and being a part of a certain 4.59 acre tract recorded in Volume 2414, Page 17 of the Real Property Records of Bowie County, Texas, and also being part of that certain 34.788 acre tract conveyed from Herbert Lee and wife, Clara R. Lee to Gerald G. Hale and wife, Helen Hale, by deed dated January 18, 1973 and recorded in Volume 654, Page 535 of the Deed Records of Bowie County, Texas, and the subject tract being more particularly described as follows:

COMMENCING at an iron pipe at the most Southerly Southeast corner of said 34.788 acre Hale tract;
 THENCE: N 01° 03' 22" W, 212.78 feet with a fence, along the West boundary line of said 34.788 acre Hale tract, same being along the East boundary line of the Red Springs Cemetery to an iron pipe for corner at the Northeast corner of said Red Springs Cemetery;
 THENCE: N 35° 25' 01" E, 332.24 feet to a point for corner;
 THENCE: N 01° 25' 18" W, 52.30 feet to an iron pipe for corner in the South line of a curve having a radius of 50.00 feet;
 THENCE: in a Northerly direction with said curve, being an arc to the right, a distance of 126.81 feet, through a central angle of 145° 05' 04" and a chord bearing N 01° 25' 18" W, 55.40 feet to an iron pipe for corner;
 THENCE: N 01° 25' 18" E, 33.04 feet along the West right-of-way line of a street designated as Oakridge Circle to a 1/2 inch reinforcing steel rod set for corner and being the POINT OF BEGINNING for the herein described tract of land;
 THENCE: S 89° 24' 45" W, 132.87 feet with a extension of an existing fence line with said fence line to a 1/2 inch reinforcing steel rod set for corner at an existing fence corner;
 THENCE: N 00° 46' 01" W, 128.27 feet along an existing fence line and an extension of said fence line, to a 1/2 inch reinforcing steel rod set for corner in an existing fence on the South boundary line of Block Numbered Three (3) of Dogwood Lake Estates Second Addition, according to the map or plat of said Addition, recorded in Volume 532, Page 736 of the Plat Records of Bowie County, Texas;
 THENCE: N 68° 34' 46" E, 121.47 feet along an existing fence line, being the South line of said Block No. 3 of said Dogwood Lake Estates Second Addition, to a 1/2 inch reinforcing steel rod set for corner at the Southeast corner of said Block No. 3;
 THENCE: S 01° 25' 18" E, 128.26 feet along the West right-of-way line of Oakridge Circle to the POINT OF BEGINNING and containing 0.362 acres of land, more or less.

AND

ALL OF LOT 1C, 1ST REPLAT OF LOT 1A, BLOCK 3, THE THIRD AMENDED REPLAT OF RICHMOND DEVELOPMENT FOURTH SUBDIVISION, A SUBDIVISION OF A PART OF THE GEORGE BRINLEE HEARIGHT SURVEY, ABSTRACT 18, BOWIE COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 6265, PAGE 76 OF THE REAL PROPERTY RECORDS OF BOWIE COUNTY, TEXAS.

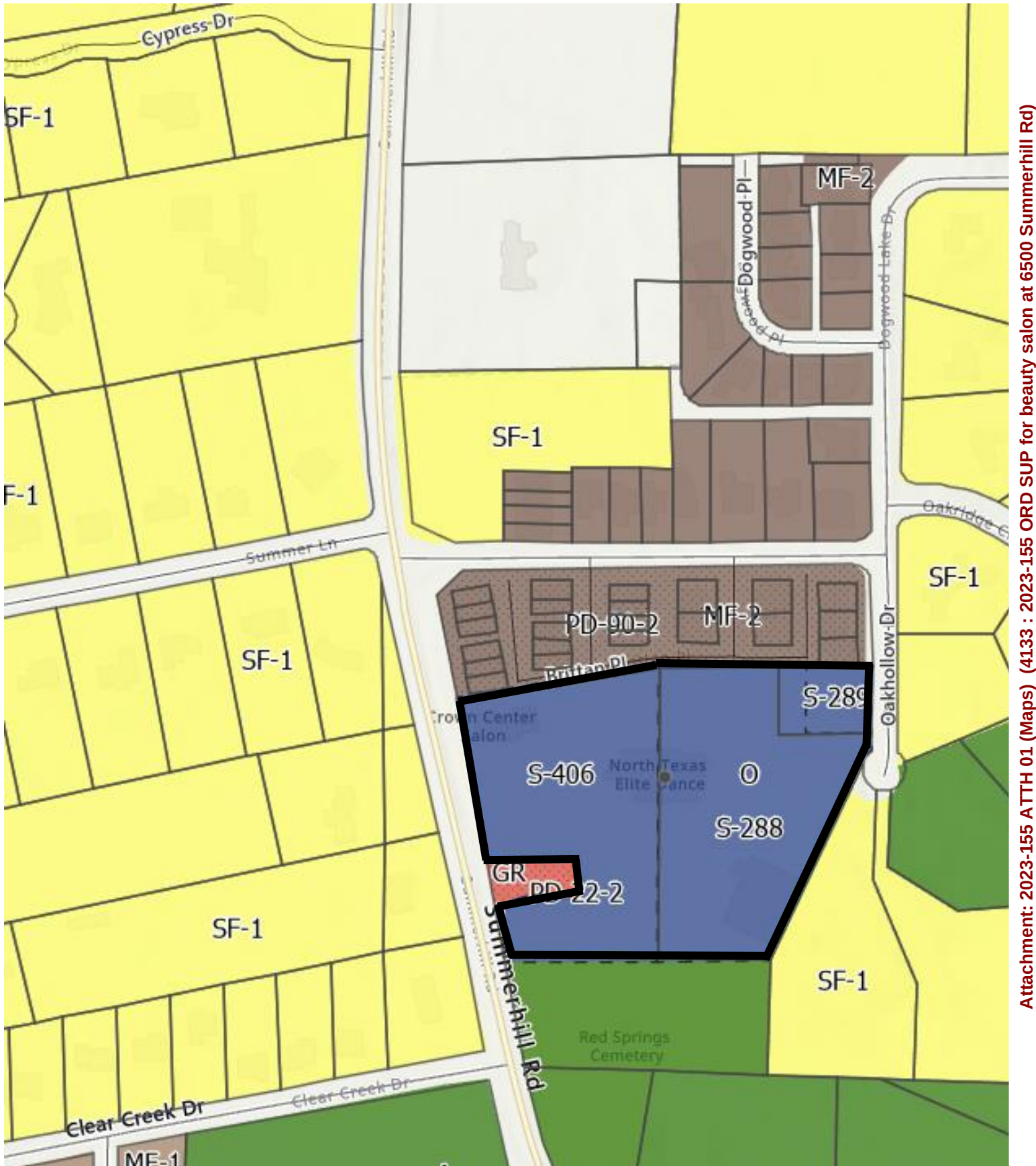
THE STATE OF TEXAS
 COUNTY OF BOWIE

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Bowie County, Texas.
 2022-08005171 DEED
 04/26/2022 11:33:15 AM Total Fees: \$38.00

Tina Petty, County Clerk
 Bowie County, Texas



6500 Summerhill Road



Attachment: 2023-155 ATTH 01 (Maps) (4133 : 2023-155 ORD SUP for beauty salon at 6500 Summerhill Rd)

6500 Summerhill Road



Attachment: 2023-155 ATTH 01 (Maps) (4133 : 2023-155 ORD SUP for beauty salon at 6500 Summerhill 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:

S-785

ORDINANCE NO. 2023-155

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-785 TO ALLOW ONE ADDITIONAL USE OF A BEAUTY SALON ON AN APPROXIMATE 4.126-ACRE TRACT OF LAND (BEING TRACT 15), J. W. LANE HRS, A-345, LOCATED AT 6500 SUMMERHILL ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow a beauty salon on an **approximate 4.126-acre tract of land (being Tract 15), J. W. Lane HRS, A-345, located at 6500 Summerhill Road**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and 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 a beauty salon** 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-785 to allow one additional use of a beauty salon on an approximate 4.126-acre tract of land (being Tract 15), J. W. Lane HRS, A-345, located at 6500 Summerhill Road** in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following stipulations are hereby imposed and made a part of this ordinance:

1. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a beauty salon.
2. That any remodeling of the current building must meet all city codes and requires licensed contractors.
3. That no painting of the windows or the building with advertisement or graphic art is allowed.

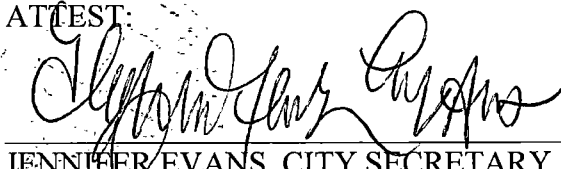
SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

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: 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 **8th day of January, 2024.**

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:22 p.m.

City of Texarkana, Texas

Version: A

Update Date: 11/30/2023 1:58 PM

Briefing Sheet

Lead Department: Planning & Zoning
Commission **Action Officer:** Laura Puckett, Zoning
Administrator
Ordinance No. 2023-156 granting a Specific Use Permit to allow one additional
use of a beauty school on the W 1/2 of Lots 1-3, Block 18 and the E 1/2 of Lots
1-3, All of Lots 4-6 and All of Block 17, Rochelle Addition, located at 3123
Subject: Magnolia Street. Brenda Adams, owner.

Briefing: 1/8/2024 **Public Hearing:** 1/8/2024 **Council Vote:** 1/8/2024

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

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Brenda Adams, owner, for a Specific Use Permit to allow a Beauty School on the W ½ of Lots 1-3, Block 18, and the E ½ of Lots 1-3, All of Lots 4-6 and All of Block 17, Rochelle Addition, located at 3123 Magnolia Street.

The adjacent zoning is Two Family-2 to the west, Single Family-2 to the north, Commercial to the east, and parking to the south. The adjacent land use is residential to the west and north, garage/shop to the east, and parking space to the south.

The Future Land Use Map has designated this property as “High Density Residential”.

Staff recommends for approval of this request with the following stipulations:

1. That the owner/or any employee performing the application of tattooing procedures (permanent cosmetics) be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a beauty school.
3. That any remodeling of the current building must meet all city codes and requires licensed contractors.
4. That you maintain the natural barrier to adjoining residential parcels.

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

City of Texarkana, Texas

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:

November 6, 2023

Attachments

- a. 2023-156 ORD granting SUP for Beauty School 3123 Magnolia (DOCX)
- b. 2023-156 ATTH 01 (Maps) (PDF)
- c. 2023-156 Goals & Perspectives (DOCX)
- d. 2023-156 ORD SUP beauty school 3123 Magnolia signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
11/28/2023 10:46 AM			
Public Works Department	Dusty Henslee	Reviewer	Completed
11/28/2023 10:48 AM			
City Manager	David Orr	Reviewer	Completed 11/28/2023
12:43 PM			
City Council	Jennifer Evans	Meeting	Completed 12/11/2023
6:00 PM			

Meeting History

12/11/23 City Council MOVED FORWARD Next: 01/08/24

S-784

ORDINANCE NO. 2023-156

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-784 TO ALLOW ONE ADDITIONAL USE OF A BEAUTY SCHOOL ON THE W ½ OF LOTS 1-3, BLOCK 18 AND THE E ½ OF LOTS 1-3, AND ALL OF LOTS 4-6, BLOCK 17, ROCHELLE ADDITION, LOCATED AT 3123 MAGNOLIA STREET, 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 a beauty school on the **W ½ of Lots 1-3, Block 18 and the E ½ of Lots 1-3, and All of Lots 4-6, Block 17, Rochelle Addition, located at 3123 Magnolia Street**, 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 a beauty school** 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-784 to allow one additional use of a beauty school on the W ½ of Lots 1-3, Block 18 and the E ½ of Lots 1-3, and All of Lots 4-6, Block 17, Rochelle Addition, located at 3123 Magnolia Street**, in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following stipulations are hereby imposed and made a part of this ordinance:

1. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a beauty school.
2. That any remodeling of the current building must meet all city codes and requires licensed contractors.
3. That no painting of the windows or the building with advertisement or graphic art is allowed.

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: 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 **8th day of January, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

3123 Magnolia Street



3123 Magnolia 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:

S-784

ORDINANCE NO. 2023-156

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-784 TO ALLOW ONE ADDITIONAL USE OF A BEAUTY SCHOOL ON THE W ½ OF LOTS 1-3, BLOCK 18 AND THE E ½ OF LOTS 1-3, AND ALL OF LOTS 4-6, BLOCK 17, ROCHELLE ADDITION, LOCATED AT 3123 MAGNOLIA STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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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 a beauty school** 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-784 to allow one additional use of a beauty school on the W ½ of Lots 1-3, Block 18 and the E ½ of Lots 1-3, and All of Lots 4-6, Block 17, Rochelle Addition, located at 3123 Magnolia Street**, in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following stipulations are hereby imposed and made a part of this ordinance:

1. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a beauty school.
2. That any remodeling of the current building must meet all city codes and requires licensed contractors.
3. That no painting of the windows or the building with advertisement or graphic art is allowed.

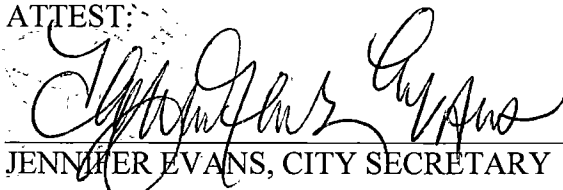
SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

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: 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 8th day of January, 2024.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:23 p.m.

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 12/8/2023 9:45 AM

Lead Department: City Manager **Action Officer:** David Orr, City Manager
Subject: Resolution No. 2023-162 approving a Memorandum of Understanding with Texas A&M University Texarkana.

Briefing: 1/8/2024 **Public Hearing:** 1/8/2024 **Council Vote:** 1/8/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Texas A&M University-Texarkana is a comprehensive regional university committed to Academic Excellence, Student Success, and Community Leadership. As a member of The Texas A&M University System, one of the largest and most distinguished higher education systems in the nation, TAMUT provides students with a world-class degree in a family atmosphere known as a “community” of higher education.

The City of Texarkana, Texas, a local government of the state of Texas, has core mission and vision statements to be a thriving regional center for education, business and culture which attracts and serves our residents and visitors. The City of Texarkana, Texas, gifted 300 acres along with an additional 75 acres from the Anita and Truman Arnold Foundation to support the university’s new campus near Bringle Lake in Texarkana, Texas.

The parties recognize the unique contributions that each entity makes to the cultural, educational and economic prosperity of the Northeast Texas Region. The parties acknowledge that the success in achieving respective goals, responsibilities and interests require an express commitment by both parties to establish a process that facilitates enhanced communication, continued education and advancement of mutually beneficial opportunities.

This MOU (ATTH 01) provides a framework for strengthening the relationship between the City of Texarkana, Texas and Texas A&M University-Texarkana. Furthermore, the parties recognize the implementation of this MOU will include educational efforts to promote the understanding of the university and local government relationship within their respective organizations.

As a part of this MOU, TAMUT intends to provide:

City of Texarkana, Texas

- **University Partner Scholarship:** A scholarship of 25% of the value of tuition for all undergraduate or graduate programs, certificates, or micro-credentials, delivered in-person, online, or hybrid, will be extended to all Collaborator's full-time employees. No application fee shall be charged.
- **First Flight Scholarship:** The First Flight Scholarship is available to any full-time employee of Collaborator who is a **NEW** student to TAMUT enrolled in at least six (6) hours in any undergraduate or graduate degree program. With it, the employee will receive their first course free in addition to the 25% discount of the value of tuition. No application fee shall be charged.

The City of Texarkana, Texas intends to provide active promotion of the collaboration to its employees including, but not limited to:

- Opportunities for TAMUT student internships, fellowships and future employment throughout city departments.
- Opportunities for TAMUT faculty and staff to participate in boards, commissions and committees to be actively involved in the future growth and development of the community.
- Economic development and entrepreneurship opportunities through funding the development of The Assembly Line, a regional business incubator located in downtown Texarkana.
- Promotion on the organization's website and email (electronic links, email templates, and/or logos to be provided by TAMUT)
- Allowing the promotion of on-site visits by a TAMUT representative to host information sessions and discuss the institutional collaboration and related opportunities with employees.
- Allowing the placement of brochures, flyers, posters, and/or other promotional material in gathering areas (materials to be provided by TAMUT)
- Employees of Collaborator are asked to provide verification of employment letter each year to continue the scholarship.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

City of Texarkana, Texas

Staff recommends for approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2023-162 RES Approving TAMUT MOU (DOCX)
- b. 2023-162 ATTH 01 MOU Partner City Texarkana TX 11.13.23 do (PDF)
- c. 2023-162 Goals & Perspectives (DOCX)
- d. 2023-162 RES Apprv. MOU with TAMUT signed (PDF)

Staff Coordination

City Manager	Vicky Coopwood	Department Head Review	Skipped	
	12/08/2023 9:45 AM			
City Manager	Jennifer Evans	City Manager Review	Skipped	12/11/2023
6:15 PM				
City Council	Jennifer Evans	Meeting	Completed	12/11/2023
6:00 PM				

Meeting History

12/11/23 City Council MOVED FORWARD Next: 01/08/24

RESOLUTION NO. 2023-162**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH TEXAS A&M UNIVERSITY - TEXARKANA; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Texas A&M University-Texarkana (TAMUT) is a comprehensive regional university committed to Academic Excellence, Student Success, and Community Leadership. As a member of The Texas A&M University System, one of the largest and most distinguished higher education systems in the nation, TAMUT provides students with a world-class degree in a family atmosphere known as a “community” of higher education, and

WHEREAS, the City of Texarkana, Texas, a local government of the state of Texas, has core mission and vision statements to be a thriving regional center for education, business and culture which attracts and serves our residents and visitors, and

WHEREAS, the City of Texarkana, Texas, gifted 300 acres along with an additional 75 acres from the Anita and Truman Arnold Foundation to support the university’s new campus near Bringle Lake in Texarkana, Texas, and

WHEREAS, the parties recognize the unique contributions that each entity makes to the cultural, educational and economic prosperity of the Northeast Texas Region, and

WHEREAS, the parties acknowledge that the success in achieving respective goals, responsibilities and interests require an express commitment by both parties to establish a process that facilitates enhanced communication, continued education and advancement of mutually beneficial opportunities, and

WHEREAS, this MOU (**ATTH 01**) provides a framework for strengthening the relationship between the City of Texarkana, Texas and Texas A&M University-Texarkana. Furthermore, the parties recognize the implementation of this MOU will include educational efforts to promote the understanding of the university and local government relationship within their respective organizations.

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

SECTION 1: The Memorandum of Understanding with Texas A&M University – Texarkana is approved.

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 **8th day of January, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2023-162 RES Approving TAMUT MOU (4149 : 2023-162 RES Approving TAMUT MOU)



**Memorandum of Understanding
by and between
TEXAS A&M UNIVERSITY-TEXARKANA
and
CITY OF TEXARKANA, TEXAS**

This Memorandum of Understanding (“MOU”) is entered into and effective [Click or tap here to enter text.](#) (the “Effective Date”), by and between **Texas A&M University-Texarkana**, an agency of the State of Texas and a member of The Texas A&M University System (“[TAMUT]”), and City of Texarkana, Texas (“Collaborator”). Member and Collaborator are sometimes hereafter referred to as “Party” individually and as “Parties” collectively.

WHEREAS, Texas A&M University-Texarkana is a comprehensive regional university committed to Academic Excellence, Student Success, and Community Leadership. As a member of The Texas A&M University System, one of the largest and most distinguished higher education systems in the nation, TAMUT provides students with a world-class degree in a family atmosphere known as a “community” of higher education, and

WHEREAS, the City of Texarkana, Texas, a local government of the state of Texas, has core mission and vision statements to be a thriving regional center for education, business and culture which attracts and serves our residents and visitors, and

WHEREAS, the City of Texarkana, Texas, gifted 300 acres along with an additional 75 acres from the Anita and Truman Arnold Foundation to support the university’s new campus near Bringle Lake in Texarkana, Texas, and

WHEREAS, the parties recognize the unique contributions that each entity makes to the cultural, educational and economic prosperity of the Northeast Texas Region, and

WHEREAS, the parties acknowledge that the success in achieving respective goals, responsibilities and interests require an express commitment by both parties to establish a process that facilitates enhanced communication, continued education and advancement of mutually beneficial opportunities, and

WHEREAS, this MOU provides a framework for strengthening the relationship between the City of Texarkana, Texas and Texas A&M University-Texarkana. Furthermore, the parties recognize the implementation of this MOU will include educational efforts to promote the understanding of the university and local government relationship within their respective organizations.

NOW, THEREFORE, the City of Texarkana, Texas and Texas A&M University-Texarkana agree to the following:

This MOU consists of two articles. Article 1 is a non-binding portion of this MOU containing the general understandings and intentions of the Parties. Article 2 contains terms to which the Parties agree to be bound. The Parties agree as follows:

Article 1

- 1.1 This Article 1 is not intended to be legally binding on either Party.
- 1.2 The Parties desire to develop a strong and effective Business/Education Institution collaboration that enhances workforce productivity and professional development (the "Purpose").
- 1.3 The Parties agree to enhanced communication and to plan strategic goals that will capitalize on educational and economic development opportunities, environmental and cultural stewardship, deepen community pride and offer hope for future collaborative opportunities.
- 1.4 Create partnership programs and joint projects including but not limited to economic development projects, educational internships and fellowships, cultural grant opportunities, parks, recreation and trail grant opportunities, historical exhibits, community speaker series and joint proclamations.
- 1.5 Formalize annual meetings including both virtual and in-person consultations to review mutual goals and implement new strategic opportunities.
- 1.6 TAMUT intends to provide:

1. **University Partner Scholarship:** A scholarship of 25% of the value of tuition for all undergraduate or graduate programs, certificates, or micro-credentials, delivered in-person, online, or hybrid, will be extended to all Collaborator's full-time employees. No application fee shall be charged.

AND

2. **First Flight Scholarship:** The First Flight Scholarship is available to any full-time employee of Collaborator who is a **NEW** student to TAMUT enrolled in at least six (6) hours in any undergraduate or graduate degree program. With it, the employee will receive their first course free in addition to the 25% discount of the value of tuition. No application fee shall be charged.

Employees must meet the admission standards of the program to which they apply and remain in "good" academic standing. Restrictions may apply. Students who are eligible for financial assistance under the Hazlewood Act are not eligible for additional scholarships or tuition discounts.

OR

3. At Collaborator's request, TAMUT may permit faculty to participate as a resource for Collaborator's activities related to the MOU on a limited and discretionary basis, as determined by TAMUT. Such instances may include firm-specific training and executive education opportunities. TAMUT is responsible for the education and academic evaluation of the student and for monitoring the student's learning experiences.
 4. TAMUT shall also require its students to follow all TAMUT policies and procedures, including but not limited to the Student Code of Conduct, as well as all local, state, and federal laws.
- 1.4 City of Texarkana, Texas intends to provide active promotion of the collaboration to its employees including, but not limited to:
1. Opportunities for TAMUT student internships, fellowships and future employment throughout city departments.
 2. Opportunities for TAMUT faculty and staff to participate in boards, commissions and committees to be actively involved in the future growth and development of the community.
 3. Economic development and entrepreneurship opportunities through funding the development of The Assembly Line, a regional business incubator located in downtown Texarkana.
 4. Promotion on the organization's website and email (electronic links, email templates, and/or logos to be provided by TAMUT)
 5. Allowing the promotion of on-site visits by a TAMUT representative to host information sessions and discuss the institutional collaboration and related opportunities with employees.
 6. Allowing the placement of brochures, flyers, posters, and/or other promotional material in gathering areas (materials to be provided by TAMUT)
 7. Employees of Collaborator are asked to provide verification of employment letter each year to continue the scholarship.

Article 2

- 2.1 This Article 2 is intended to be legally binding on the Parties.
- 2.2 Each Party acknowledges that neither Party will have any legal rights or obligations as to the understandings and intentions in Article 1, and neither Party should or may take any action or fail to take any action in detrimental reliance on Article 1.
- 2.3 The Parties anticipate that under this MOU it may be necessary for a Party (the "Disclosing Party") to transfer information of a confidential nature ("Confidential Information") to the other Party (the "Receiving Party"). The Disclosing Party shall clearly identify Confidential Information at the time of disclosure by (i) appropriate stamp or markings on the document

exchanged, or (ii) written notice, with attached listings of all material, copies of all documents, and complete summaries of all oral disclosures (under prior assertion of the confidential nature of the same) to which each notice relates, delivered within thirty (30) days of the disclosure to the other Party.

- (a) “Confidential Information” does not include information that: (i) is or becomes publicly known or available other than as a result of a breach of this MOU by the Receiving Party; (ii) was already in the possession of the Receiving Party as the result of disclosure by an individual or entity that was not then obligated to keep that information confidential; (iii) the Disclosing Party had disclosed or discloses to an individual or entity without confidentiality restrictions; or (iv) the Receiving Party had developed or develops independently before or after the Disclosing Party discloses equivalent information to the Receiving Party.
 - (b) The Receiving Party shall use the same reasonable efforts to protect the Disclosing Party’s Confidential Information as it uses to protect its own confidential information of a similar nature. The Receiving Party may use Confidential Information only for the Purpose under this MOU and may disclose Confidential Information only to its directors, regents, officers, employees, agents, consultants, advisors, or other representatives (“Representatives”) having a need to know the Confidential Information for the Purpose, provided that they are subject to confidentiality obligations not less restrictive than those set forth herein, and that the Receiving Party remains responsible for its Representatives’ compliance with such obligations.
 - (c) If the Receiving Party is legally required to disclose Confidential Information, the Receiving Party shall, to the extent allowed by law, promptly give the Disclosing Party written notice of the requirement so as to provide the Disclosing Party a reasonable opportunity to pursue appropriate process to prevent or limit the disclosure. If the Receiving Party complies with the terms of this Section, disclosure of that portion of the Confidential Information, which the Receiving Party is legally required to disclose, will not constitute a breach of this MOU.
 - (d) The Receiving Party shall, upon request of the Disclosing Party, promptly return or destroy all materials embodying Confidential Information other than materials in electronic backup systems or otherwise not reasonably capable of being readily located and segregated without undue burden or expense, except that the Receiving Party may securely retain one (1) copy in its files solely for record purposes. The Receiving Party’s obligations as to Confidential Information will survive the termination or expiration of this MOU for a period of three (3) years.
- 2.4 Each Party acknowledges that all rights in any trademarks, service marks, slogans, logos, designs, and other similar means of distinction associated with that Party (its “Marks”), including all goodwill pertaining to the Marks, are the sole property of that Party. Neither Party may use the Marks of the other without the advance written consent of that Party, except that each Party may use the name of the other Party in factual statements that, in context, are not misleading or imply an endorsement by that Party or its employees. The Parties will mutually agree in advance upon any public announcements, or communications to the media regarding this MOU to be provided pursuant to this MOU.
- 2.5 Each Party shall be responsible for its own costs, risks, and liabilities as a result of its

activities under this MOU without expectation of reimbursement from the other Party. There will be no exchange of funds or other resources among the Parties.

- 2.6 This MOU commences on the Effective Date and continues for five years (the “Term”), unless sooner terminated as provided herein, not to exceed a total Term of five (5) years. Either Party may terminate this MOU effective upon thirty (30) days’ written notice to the other Party. Either Party may terminate this MOU effective upon written notice to the other Party if the other Party materially breaches any term of this MOU and fails to cure such breach within ten (10) days after receiving written notice of the breach.
- 2.7 Each Party shall conduct all activities in connection with this MOU in compliance with all applicable federal, state, and local laws, rules, and regulations.
- 2.8 The validity of this MOU and all matters pertaining to this MOU, including but not limited to, matters of performance, breach, remedies, procedures, rights, duties, interpretation or construction, shall be governed and determined in accordance with the laws of the State of Texas. Pursuant to Section 85.18(b), Texas Education Code, mandatory venue for all legal proceedings against TAMUT is to be in the county in which the principal office of TAMUT’s governing officer is located.
- 2.9 Any notice required or permitted under this MOU must be in writing and in English, and is deemed given: (a) three (3) business days after it is deposited and post-marked with the United States Postal Service, postage prepaid, certified mail, return receipt requested, (b) the next business day after it is sent by overnight carrier, (c) on the date sent by email transmission with electronic confirmation of receipt by the party being notified, or (d) on the date of delivery if delivered personally. Parties can change their respective notice address by sending to the other Party a notice of the new address. Notices should be addressed as follows:

(a) Texas A&M University-Texarkana: Attention: Dr. Jennifer Davis
7101 University Avenue
Texarkana, TX 75503
Phone: (903) 334-6752
Email: jdavis@tamut.edu

(b) With a copy to: Texas A&M University-Texarkana
Attention: Contracts Office
7101 University Avenue
Texarkana, TX 7503
Phone: (903) 223-3053
Email: contracts@tamut.edu

(c) Collaborator: City of Texarkana, Texas
Attention to: David Orr
220 Texas Blvd.
Texarkana, TX 75501
Phone (903) 798-3900
Email: david.orr@txkusa.org

- 2.10 This MOU is not intended to create a partnership or joint venture between the Parties.

Neither Party may bind the other or otherwise act in any way as the representative of the other, unless specifically authorized, in advance and in writing, to do so, and then only for the limited purpose stated in such authorization.

- 2.11 This MOU contains the entire understanding of the Parties as to its subject matter and supersedes all other written and oral agreements between the Parties as to that subject matter.
- 2.12 This MOU is assignable only with the written consent of both Parties.
- 2.13 Each provision of this MOU is severable. If any provision is rendered invalid or unenforceable by statute or regulations or declared null and void by any court of competent jurisdiction, the remaining provisions will remain in full force and effect if the essential terms of this MOU remain valid, legal, and enforceable.
- 2.14 Neither Party is liable or responsible to the other Party for any loss or damage or for any delays or failure to perform under this MOU due to causes beyond its reasonable control, including, but not limited to, acts of God, employee strikes, epidemics, war, riots, flood, fire, sabotage, terrorist acts or any other circumstances of like character (force majeure occurrence).
- 2.15 Member is an agency of the state of Texas and under the Constitution and the laws of the state of Texas possesses certain rights and privileges, is subject to certain limitations and restrictions, and only has authority as is granted to it under the Constitution and the laws of the state of Texas. Collaborator expressly acknowledges that Member is an agency of the state of Texas and nothing in this MOU will be construed as a waiver or relinquishment by Member of its right to claim such exemptions, remedies, privileges, and immunities as may be provided by the Constitution and the laws of the state of Texas.
- 2.16 Prior to performing any specific projects or work contemplated by this MOU, the Parties will enter into a separate agreement containing definitive statements of work and associated budgets. Notwithstanding the foregoing, this MOU does not bind the Parties to negotiate or consummate any such later agreement(s).

Each Party enters into this MOU as of the Effective Date.

Texas A&M University-Texarkana

City of Texarkana, Texas

By: _____

By: _____

Name: Ross C. Alexander, Ph.D.

Name: Bob Bruggeman

Title: President

Title: Mayor

Date: [Click or tap here to enter text.](#)

Date: [Click or tap here to enter text.](#)

By: _____

Name: David Orr, Ph.D.

Title: City Manager

2023-162 ATTH 01

Date: [Click or tap here to enter text.](#)

Attachment: 2023-162 ATTH 01 MOU Partner City Texarkana TX 11.13.23 do (4149 : 2023-162 RES Approving TAMUT MOU)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Medium

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2023-162**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH TEXAS A&M UNIVERSITY - TEXARKANA; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Texas A&M University-Texarkana (TAMUT) is a comprehensive regional university committed to Academic Excellence, Student Success, and Community Leadership. As a member of The Texas A&M University System, one of the largest and most distinguished higher education systems in the nation, TAMUT provides students with a world-class degree in a family atmosphere known as a "community" of higher education, and

WHEREAS, the City of Texarkana, Texas, a local government of the state of Texas, has core mission and vision statements to be a thriving regional center for education, business and culture which attracts and serves our residents and visitors, and

WHEREAS, the City of Texarkana, Texas, gifted 300 acres along with an additional 75 acres from the Anita and Truman Arnold Foundation to support the university's new campus near Bringle Lake in Texarkana, Texas, and

WHEREAS, the parties recognize the unique contributions that each entity makes to the cultural, educational and economic prosperity of the Northeast Texas Region, and

WHEREAS, the parties acknowledge that the success in achieving respective goals, responsibilities and interests require an express commitment by both parties to establish a process that facilitates enhanced communication, continued education and advancement of mutually beneficial opportunities, and

WHEREAS, this MOU (ATTH 01) provides a framework for strengthening the relationship between the City of Texarkana, Texas and Texas A&M University-Texarkana. Furthermore, the parties recognize the implementation of this MOU will include educational efforts to promote the understanding of the university and local government relationship within their respective organizations.

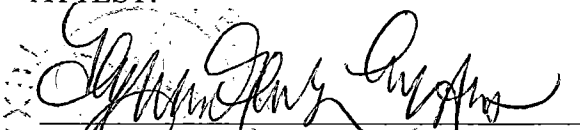
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: The Memorandum of Understanding with Texas A&M University – Texarkana is approved.

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 8th day of January, 2024.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:25 p.m.

Attachment: 2023-162 RES Apprv. MOU with TAMUT signed (4149 : 2023-162 RES Approving TAMUT MOU)



**Memorandum of Understanding
by and between
TEXAS A&M UNIVERSITY-TEXARKANA
and
CITY OF TEXARKANA, TEXAS**

This Memorandum of Understanding ("MOU") is entered into and effective Click or tap here to enter text. (the "Effective Date"), by and between **Texas A&M University-Texarkana**, an agency of the State of Texas and a member of The Texas A&M University System ("[TAMUT]"), and City of Texarkana, Texas ("Collaborator"). Member and Collaborator are sometimes hereafter referred to as "Party" individually and as "Parties" collectively.

WHEREAS, Texas A&M University-Texarkana is a comprehensive regional university committed to Academic Excellence, Student Success, and Community Leadership. As a member of The Texas A&M University System, one of the largest and most distinguished higher education systems in the nation, TAMUT provides students with a world-class degree in a family atmosphere known as a "community" of higher education, and

WHEREAS, the City of Texarkana, Texas, a local government of the state of Texas, has core mission and vision statements to be a thriving regional center for education, business and culture which attracts and serves our residents and visitors, and

WHEREAS, the City of Texarkana, Texas, gifted 300 acres along with an additional 75 acres from the Anita and Truman Arnold Foundation to support the university's new campus near Bringle Lake in Texarkana, Texas, and

WHEREAS, the parties recognize the unique contributions that each entity makes to the cultural, educational and economic prosperity of the Northeast Texas Region, and

WHEREAS, the parties acknowledge that the success in achieving respective goals, responsibilities and interests require an express commitment by both parties to establish a process that facilitates enhanced communication, continued education and advancement of mutually beneficial opportunities, and

WHEREAS, this MOU provides a framework for strengthening the relationship between the City of Texarkana, Texas and Texas A&M University-Texarkana. Furthermore, the parties recognize the implementation of this MOU will include educational efforts to promote the understanding of the university and local government relationship within their respective organizations.

NOW, THEREFORE, the City of Texarkana, Texas and Texas A&M University-Texarkana agree to the following:

This MOU consists of two articles. Article 1 is a non-binding portion of this MOU containing the general understandings and intentions of the Parties. Article 2 contains terms to which the Parties agree to be bound. The Parties agree as follows:

Article 1

- 1.1 This Article 1 is not intended to be legally binding on either Party.
- 1.2 The Parties desire to develop a strong and effective Business/Education Institution collaboration that enhances workforce productivity and professional development (the "Purpose").
- 1.3 The Parties agree to enhanced communication and to plan strategic goals that will capitalize on educational and economic development opportunities, environmental and cultural stewardship, deepen community pride and offer hope for future collaborative opportunities.
- 1.4 Create partnership programs and joint projects including but not limited to economic development projects, educational internships and fellowships, cultural grant opportunities, parks, recreation and trail grant opportunities, historical exhibits, community speaker series and joint proclamations.
- 1.5 Formalize annual meetings including both virtual and in-person consultations to review mutual goals and implement new strategic opportunities.
- 1.6 TAMUT intends to provide:

1. **University Partner Scholarship:** A scholarship of 25% of the value of tuition for all undergraduate or graduate programs, certificates, or micro-credentials, delivered in-person, online, or hybrid, will be extended to all Collaborator's full-time employees. No application fee shall be charged.

AND

2. **First Flight Scholarship:** The First Flight Scholarship is available to any full-time employee of Collaborator who is a **NEW** student to TAMUT enrolled in at least six (6) hours in any undergraduate or graduate degree program. With it, the employee will receive their first course free in addition to the 25% discount of the value of tuition. No application fee shall be charged.

Employees must meet the admission standards of the program to which they apply and remain in "good" academic standing. Restrictions may apply. Students who are eligible for financial assistance under the Hazlewood Act are not eligible for additional scholarships or tuition discounts.

OR

3. At Collaborator's request, TAMUT may permit faculty to participate as a resource for Collaborator's activities related to the MOU on a limited and discretionary basis, as determined by TAMUT. Such instances may include firm-specific training and executive education opportunities. TAMUT is responsible for the education and academic evaluation of the student and for monitoring the student's learning experiences.
 4. TAMUT shall also require its students to follow all TAMUT policies and procedures, including but not limited to the Student Code of Conduct, as well as all local, state, and federal laws.
- 1.4 City of Texarkana, Texas intends to provide active promotion of the collaboration to its employees including, but not limited to:
1. Opportunities for TAMUT student internships, fellowships and future employment throughout city departments.
 2. Opportunities for TAMUT faculty and staff to participate in boards, commissions and committees to be actively involved in the future growth and development of the community.
 3. Economic development and entrepreneurship opportunities through funding the development of The Assembly Line, a regional business incubator located in downtown Texarkana.
 4. Promotion on the organization's website and email (electronic links, email templates, and/or logos to be provided by TAMUT)
 5. Allowing the promotion of on-site visits by a TAMUT representative to host information sessions and discuss the institutional collaboration and related opportunities with employees.
 6. Allowing the placement of brochures, flyers, posters, and/or other promotional material in gathering areas (materials to be provided by TAMUT)
 7. Employees of Collaborator are asked to provide verification of employment letter each year to continue the scholarship.

Article 2

- 2.1 This Article 2 is intended to be legally binding on the Parties.
- 2.2 Each Party acknowledges that neither Party will have any legal rights or obligations as to the understandings and intentions in Article 1, and neither Party should or may take any action or fail to take any action in detrimental reliance on Article 1.
- 2.3 The Parties anticipate that under this MOU it may be necessary for a Party (the "Disclosing Party") to transfer information of a confidential nature ("Confidential Information") to the other Party (the "Receiving Party"). The Disclosing Party shall clearly identify Confidential Information at the time of disclosure by (i) appropriate stamp or markings on the document

exchanged, or (ii) written notice, with attached listings of all material, copies of all documents, and complete summaries of all oral disclosures (under prior assertion of the confidential nature of the same) to which each notice relates, delivered within thirty (30) days of the disclosure to the other Party.

- (a) "Confidential Information" does not include information that: (i) is or becomes publicly known or available other than as a result of a breach of this MOU by the Receiving Party; (ii) was already in the possession of the Receiving Party as the result of disclosure by an individual or entity that was not then obligated to keep that information confidential; (iii) the Disclosing Party had disclosed or discloses to an individual or entity without confidentiality restrictions; or (iv) the Receiving Party had developed or develops independently before or after the Disclosing Party discloses equivalent information to the Receiving Party.
 - (b) The Receiving Party shall use the same reasonable efforts to protect the Disclosing Party's Confidential Information as it uses to protect its own confidential information of a similar nature. The Receiving Party may use Confidential Information only for the Purpose under this MOU and may disclose Confidential Information only to its directors, regents, officers, employees, agents, consultants, advisors, or other representatives ("Representatives") having a need to know the Confidential Information for the Purpose, provided that they are subject to confidentiality obligations not less restrictive than those set forth herein, and that the Receiving Party remains responsible for its Representatives' compliance with such obligations.
 - (c) If the Receiving Party is legally required to disclose Confidential Information, the Receiving Party shall, to the extent allowed by law, promptly give the Disclosing Party written notice of the requirement so as to provide the Disclosing Party a reasonable opportunity to pursue appropriate process to prevent or limit the disclosure. If the Receiving Party complies with the terms of this Section, disclosure of that portion of the Confidential Information, which the Receiving Party is legally required to disclose, will not constitute a breach of this MOU.
 - (d) The Receiving Party shall, upon request of the Disclosing Party, promptly return or destroy all materials embodying Confidential Information other than materials in electronic backup systems or otherwise not reasonably capable of being readily located and segregated without undue burden or expense, except that the Receiving Party may securely retain one (1) copy in its files solely for record purposes. The Receiving Party's obligations as to Confidential Information will survive the termination or expiration of this MOU for a period of three (3) years.
- 2.4 Each Party acknowledges that all rights in any trademarks, service marks, slogans, logos, designs, and other similar means of distinction associated with that Party (its "Marks"), including all goodwill pertaining to the Marks, are the sole property of that Party. Neither Party may use the Marks of the other without the advance written consent of that Party, except that each Party may use the name of the other Party in factual statements that, in context, are not misleading or imply an endorsement by that Party or its employees. The Parties will mutually agree in advance upon any public announcements, or communications to the media regarding this MOU to be provided pursuant to this MOU.
- 2.5 Each Party shall be responsible for its own costs, risks, and liabilities as a result of its

activities under this MOU without expectation of reimbursement from the other Party. There will be no exchange of funds or other resources among the Parties.

- 2.6 This MOU commences on the Effective Date and continues for five years (the "Term"), unless sooner terminated as provided herein, not to exceed a total Term of five (5) years. Either Party may terminate this MOU effective upon thirty (30) days' written notice to the other Party. Either Party may terminate this MOU effective upon written notice to the other Party if the other Party materially breaches any term of this MOU and fails to cure such breach within ten (10) days after receiving written notice of the breach.
- 2.7 Each Party shall conduct all activities in connection with this MOU in compliance with all applicable federal, state, and local laws, rules, and regulations.
- 2.8 The validity of this MOU and all matters pertaining to this MOU, including but not limited to, matters of performance, breach, remedies, procedures, rights, duties, interpretation or construction, shall be governed and determined in accordance with the laws of the State of Texas. Pursuant to Section 85.18(b), Texas Education Code, mandatory venue for all legal proceedings against TAMUT is to be in the county in which the principal office of TAMUT's governing officer is located.
- 2.9 Any notice required or permitted under this MOU must be in writing and in English, and is deemed given: (a) three (3) business days after it is deposited and post-marked with the United States Postal Service, postage prepaid, certified mail, return receipt requested, (b) the next business day after it is sent by overnight carrier, (c) on the date sent by email transmission with electronic confirmation of receipt by the party being notified, or (d) on the date of delivery if delivered personally. Parties can change their respective notice address by sending to the other Party a notice of the new address. Notices should be addressed as follows:
- (a) Texas A&M University-Texarkana: Attention: Dr. Jennifer Davis
7101 University Avenue
Texarkana, TX 75503
Phone: (903) 334-6752
Email: jdavis@tamut.edu
- (b) With a copy to: Texas A&M University-Texarkana
Attention: Contracts Office
7101 University Avenue
Texarkana, TX 7503
Phone: (903) 223-3053
Email: contracts@tamut.edu
- (c) Collaborator: City of Texarkana, Texas
Attention to: David Orr
220 Texas Blvd.
Texarkana, TX 75501
Phone (903) 798-3900
Email: david.orr@txkusa.org
- 2.10 This MOU is not intended to create a partnership or joint venture between the Parties.

Neither Party may bind the other or otherwise act in any way as the representative of the other, unless specifically authorized, in advance and in writing, to do so, and then only for the limited purpose stated in such authorization.

- 2.11 This MOU contains the entire understanding of the Parties as to its subject matter and supersedes all other written and oral agreements between the Parties as to that subject matter.
- 2.12 This MOU is assignable only with the written consent of both Parties.
- 2.13 Each provision of this MOU is severable. If any provision is rendered invalid or unenforceable by statute or regulations or declared null and void by any court of competent jurisdiction, the remaining provisions will remain in full force and effect if the essential terms of this MOU remain valid, legal, and enforceable.
- 2.14 Neither Party is liable or responsible to the other Party for any loss or damage or for any delays or failure to perform under this MOU due to causes beyond its reasonable control, including, but not limited to, acts of God, employee strikes, epidemics, war, riots, flood, fire, sabotage, terrorist acts or any other circumstances of like character (force majeure occurrence).
- 2.15 Member is an agency of the state of Texas and under the Constitution and the laws of the state of Texas possesses certain rights and privileges, is subject to certain limitations and restrictions, and only has authority as is granted to it under the Constitution and the laws of the state of Texas. Collaborator expressly acknowledges that Member is an agency of the state of Texas and nothing in this MOU will be construed as a waiver or relinquishment by Member of its right to claim such exemptions, remedies, privileges, and immunities as may be provided by the Constitution and the laws of the state of Texas.
- 2.16 Prior to performing any specific projects or work contemplated by this MOU, the Parties will enter into a separate agreement containing definitive statements of work and associated budgets. Notwithstanding the foregoing, this MOU does not bind the Parties to negotiate or consummate any such later agreement(s).

Each Party enters into this MOU as of the Effective Date.

Texas A&M University-Texarkana

By: _____

Name: Ross C. Alexander, Ph.D.

Title: President

Date: _____

City of Texarkana, Texas

By: Bob Bruggeman

Name: Bob Bruggeman

Title: Mayor

Date: 01-08-2024

By: _____

Name: David Orr, Ph.D.

Title: City Manager

Date: _____

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Texas A&M University-Texarkana

By: 
 Name: Ross C. Alexander, Ph.D.
 Title: President
 Date: 1-18-24

City of Texarkana, Texas

By: 
 Name: Bob Bruggeman
 Title: Mayor
 Date: 01-18-2024

By: 
 Name: David Orr, Ph.D.
 Title: City Manager
 Date: 1/18/24