CITY OF TEXARKANA

CITY COUNCIL

MINUTES ● JANUARY 9, 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	
Vacant Seat	Ward 5	Excused	
Jay Davis	Ward 6	Present	
Libby White	Ward 5	Absent	

Staff Present: City Manager David Orr, Jennifer Evans, Sherry Jackson Hawkins, Robby Robertson, Vashil Fernandez, Dusty Henslee, Karey Parker, Brooke Stone, Gary Smith, J.W. Bramlett, Mashell Daniel, Chiquita Burks, and Kristin Peeples.

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 23, 2023 at 6:00 p.m.
Monday, February 13, 2023 at 6:00 p.m.
Monday, February 27, 2023 at 6:00 p.m.

Dr. Martin Luther King, Jr. Day:
The 7th Annual **MLK Day Parade** will be held at 11:30 a.m. on Monday, January 16th. The parade will take place on East Front Street, Texarkana, Arkansas, and is sponsored by Bridging the Gaps of Arkansas. There is a $20 application fee for participants.

For more information call (903) 417-2342 or (903) 908-9754.

The **MLK Annual Prayer Breakfast** will be held at 7:00 a.m. on Saturday, January 14th. Washington Cafeteria at 1900 Marietta Street, Texarkana, Arkansas is hosting. A $10 donation would be appreciated.

The **MLK Acts of Kindness Gala** is scheduled for Sunday, January 15th, beginning at 7:00 p.m. The celebration will be held at Eagle Hall located on the campus of Texas A&M - Texarkana, 7101 University Avenue, Texarkana, Texas.

This year's **MLK Celebration of Reflection** has the theme: "Together We Can Be the Dream!" It will be hosted at Dunbar Elementary, 2315 West 10th Street, Texarkana, Texas, on Monday, January 16th. The festivities begin at 1:00 p.m.

Continuing the celebratory announcements, the Mayor congratulated Council Members Mary Hart and Christie Page for just celebrating their early January birthdays. He also congratulated his aunt Virginia Latimer who turned 105 on January 1st!

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.

JoAnn White expressed concerns about mold & mildew in her Renaissance Plaza apartment and ongoing health issues in dealing with the situation.

V. CLOSED SESSION

The City Council convened into closed session pursuant to Texas Government Code Section 551.074 (Personnel Matters) to deliberate the appointment of a public officer to fill a vacancy in council membership (Ward 5 Council Member with an unexpired term ending November 2023) and interview persons for that appointment.

Ward 5 Letter of Interest - Van Alexander

RESULT:	**CLOSE ACTION**

Ward 5 Letter of Interest - Elizabeth White

RESULT:	**CLOSE ACTION**

VI. RECONVENED INTO OPEN SESSION

Council reconvened into open session after interviewing two candidates for the Ward 5 vacancy. Jennifer Evans tallied the votes. Mayor Bruggeman said, by unanimous vote, Libby White was chosen as the appointee for the Ward 5 Council Member seat.

VII. SPECIAL ACTION ITEM

1. Resolution No. 2023-014 filling the vacancy in council membership for the position of Ward 5 Council Member with an unexpired term ending November 2023.

   Public Hearing:
   Council Vote: January 9, 2023

   Council Member Davis made the motion to add the name Libby White to the resolution.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jay Davis, Ward 6
SECONDER:	Mary Hart, Ward 2
AYES:	Bruggeman, Matlock, Hart, Williams, Page, Davis
ABSENT:	White
EXCUSED:	Seat

VIII. SWEARING IN FOR WARD 5 COUNCIL MEMBER

Judge Sherry Jackson had Libby White take the Oath of Office. Mayor Bruggeman thanked Van Alexander for submitting an application to be considered for the Ward 5 seat. Council Member White said she is excited for the opportunity and is ready to serve "with all of her heart".

IX. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Council made no appointments to any board, commission or committee.

X. ITEMS FOR CONSIDERATION

Consent Items

(7:09 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Davis, White
EXCUSED:	Bruggeman, Seat

1. Consider approval of the minutes of the Regular Meeting of the City Council held on December 12, 2022 at 6:00 PM.

2. Ordinance No. 2023-001 amending the Building Maintenance Fund budget (Fund 228) for the fiscal year ending September 30, 2023, to add unspent funds of One Hundred Ten Thousand Nine Hundred Seventy-One Dollars ($110,971) from the preceding fiscal year.

Public Hearing:
Council Vote: January 9, 2023

3. Ordinance No. 2023-002 amending the budgeted revenues and expenditures for the 2022 Bond Fund (Fund 425) in the amount of TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000) for the fiscal year ending September 30, 2023.

   Public Hearing:
   Council Vote: January 9, 2023

4. Ordinance No. 2023-003 amending the Major Street Maintenance Fund budget (Fund 120) for the fiscal year ending September 30, 2023, to add unspent funds of Seven Hundred Sixty-Two Thousand Three Hundred Thirty-Nine Dollars ($762,339) from the preceding fiscal year.

   Public Hearing:
   Council Vote: January 9, 2023

5. Resolution No. 2023-011 authorizing the City Manager to execute a one-time agreement with EST, Inc. of Wake Village, Texas, in an amount not to exceed $452,130, with funds budgeted from the 2022 Bond Fund, to supply the design, surveying, and drawings for the Moores Lane and Galleria Oaks street reconstruction project.

   Public Hearing:
   Council Vote: January 9, 2023

6. Ordinance No. 2023-013 authorizing the City Manager to make a budget amendment to purchase one (1) 941 500HP Water Pump PF6000T Variable Frequency Drive from Stuart C Irby Co., of Texarkana, Texas, with budgeted funds, in the amount of One Hundred Sixty-Five Thousand Two Hundred Eighty Dollars ($165,280).

   Public Hearing:
   Council Vote: January 9, 2023

Action Items

[There were no action items].

XI. FIRST BRIEFINGS

1. Ordinance No. 2023-004 amending Sections of Chapter 8, "Animal Care and Control" of the Code of Ordinances [technical amendments to section 8-1 thru 8-3, 8-5 thru 8-8, 8-11 thru 8-15, and 8-18 -- definitions, rabies vaccination and city registration requirements, confinement and restraint of animals, impoundment and quarantine, livestock and fowl, sanitary requirements, animal care, animal nuisances, and dangerous dogs].

   Public Hearing: January 23, 2023
   Council Vote: January 23, 2023

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 1/23/2023 6:00 PM**

2. Ordinance No. 2023-005 rezoning a 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane from Agriculture to Commercial. Emanuel Sanchez, owner and Aaron Gaylor, agent. (A 3/4 vote is required by the City Council to approve this request).

   Public Hearing: January 23, 2023
   Council Vote: January 23, 2023

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 1/23/2023 6:00 PM**

3. Ordinance No. 2023-006 amending PD-22-3 (C) for site plan approval on a 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane. Emanuel Sanchez, owner and Aaron Gaylor, agent. (A 3/4 vote is required by the City Council to approve this request).

   Public Hearing: January 23, 2023
   Council Vote: January 23, 2023

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 1/23/2023 6:00 PM**

4. Ordinance No. 2023-007 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lot 8, Block 48, Grandview Addition located at 3704 Jones Street. Janice Jamison, owner.

   Public Hearing: January 23, 2023
   Council Vote: January 23, 2023

Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 1/23/2023 6:00 PM**

5. Ordinance No. 2023-008 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street. Electra Walker, owner, and Robin Junior, agent.

   Public Hearing: January 23, 2023
   Council Vote: January 23, 2023

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 1/23/2023 6:00 PM**

6. Ordinance No. 2023-009 rezoning Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street from Commercial to Single Family-3. Angela Forte, owner.

   Public Hearing: January 23, 2023
   Council Vote: January 23, 2023

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 1/23/2023 6:00 PM**

7. Ordinance No. 2023-010 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street. Angela Forte, owner.

   Public Hearing: January 23, 2023
   Council Vote: January 23, 2023

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 1/23/2023 6:00 PM**

8. Ordinance No. 2023-012 amending Chapter 21 of the Code of Ordinances by adding Section 21-1(b) providing for a variance to distance prohibitions applicable solely to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in the specific instance of the business changing ownership or management.

   Public Hearing: January 23, 2023
   Council Vote: January 23, 2023

   Jeff Lewis briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 1/23/2023 6:00 PM**

XII. PUBLIC HEARINGS

1. Ordinance No. 2022-153 rezoning on a portion of a 4.60-acre tract of land (being Tract 19), J. W. Lane HRS, A-345, located at 6500 Summerhill Road from Office to General Retail. William Davis Trust, owner, Josh Davis, and David Williams, MTG Engineers and Surveyors, agents.

   Public Hearing: January 9, 2023
   Council Vote: January 9, 2023

   David Williams presented himself for questions at this hearing.
   (7:26 p.m.)

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

2. Ordinance No. 2022-154 amending PD-22-2 for site plan approval on Lot 1, J&J Supreme Subdivision Minor Plat, located at 6500 Summerhill Road. Josh Davis, representing William Davis Trust, owner, and David Williams MTG Engineers and Surveyors, agent.

   Public Hearing: January 9, 2023
   Council Vote: January 9, 2023

   David Williams presented himself for questions at this hearing.
   (7:28 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Christie Page, Ward 4
SECONDER:	Jay Davis, Ward 6
AYES:	Matlock, Hart, Williams, Page, Davis, White
EXCUSED:	Bruggeman, Seat

3. Ordinance No. 2022-155 granting a Specific Use Permit to allow a single wide HUD code manufactured home on an approximate 0.36-acre tract of land (being Tract 58), Grandview Addition TR 4, located at 3207 Montgomery Street. Shuemekia and Robert Blackwell, owners.

   Public Hearing: January 9, 2023
   Council Vote: January 9, 2023

There were no public comments made at this hearing.
(7:29 p.m.)

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

4. Ordinance No. 2022-156 rezoning Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street from Single Family-2 to Single Family-3. William Matlock, owner.

   Public Hearing: January 9, 2023
   Council Vote: January 9, 2023

   There were no public comments made at this hearing. The Mayor asked the City Secretary for a roll call vote.
   (7:31 p.m.)

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Jay Davis, Ward 6
AYES:	Bruggeman, Hart, Williams, Page, Davis, White
ABSTAIN:	Matlock
EXCUSED:	Seat

5. Ordinance No. 2022-157 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street. William Matlock, owner.

   Public Hearing: January 9, 2023
   Council Vote: January 9, 2023

   There were no public comments made at this hearing. The Mayor asked the City Secretary for a roll call vote.
   (7:32 p.m.)

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Libby White, Ward 5
SECONDER:	Christie Page, Ward 4
AYES:	Bruggeman, Hart, Williams, Page, Davis, White
ABSTAIN:	Matlock
EXCUSED:	Seat

6. Ordinance No. 2022-158 rezoning Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street. Larry Rose, owner.

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

There were no public comments made at this hearing. Jeff Lewis informed the council, Larry Rose, owner, had to leave the meeting to take care of a family member and was not available, at this time, while his agenda item was being considered.
(7:35 p.m.)

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

7. Ordinance No. 2022-159 granting a Specific Use Permit to allow the location of a pre-fabricated/factory fabricated home (shell) on Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street. Larry Rose, owner.

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

There were no public comments made at this hearing.
(7:36 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Libby White, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Davis, White
EXCUSED:	Bruggeman, Seat

8. Ordinance No. 2022-160 rezoning north 14', west 1/2 of Lot 14, and the south 36', west 1/2 of Lot 15, Harmes Addition, located at 813 Capp Street. John Marshall, owner.

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

Mary Bruce asked to what classification will the property be rezoned and the intended use or business at this location.
(7:39 p.m.)

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

XIII. CITY MANAGER'S REPORT

Wholesale Water Contract Amendments - CPI Adjustment
Beginning January 1st, wholesale water contracts increased by the Consumer Price Index (CPI), a 12-month average of 8.2%. Contracts included are with the City of Nash, Day & Zimmerman, Central Bowie Water Supply, Red River County Water Supply, Redwater, Atlanta, Domino, Hooks, Leary, Macedonia-Eylau, and Oak Gove. Thank you to Gary Smith, his TWU team, and Jo Thomason for all their work on these contract amendments.

Final Bi-State Budget
The 2023 Bi-State budget was approved by the Intergovernmental Advisory Committee (IAC) on December 15th. The monthly contributions required from each entity include: Texarkana, Texas = $173,234.25 per month, Texarkana, Arkansas = $132,575.33 per month and Bowie County = $169,486.08 per month. The full budget document has been sent out and will be posted on the city's finance department web page.

Northeast Texas Regional Alliance Legislative Trip - Austin, Texas
The Northeast Texas Regional Alliance Legislative Trip is scheduled for March 1st and 2nd, 2023 in Austin. The organizing group has reserved a conference hotel room rate and if council is interested in attending, let staff know as soon as possible so rooms can be reserved at the preferred rate.

Reminders for Council Members
Dr. Martin Luther King Jr. Acts of Kindness Gala, TAMU-T Eagle Hall, Sunday January 15th at 7:00 p.m. (table reserved)

Annual Chamber of Commerce Celebration, Texarkana Convention Center - Friday, January 27th at 6:00 p.m. (table reserved)

City Offices will be closed for the Dr. Martin Luther King Jr. Holiday on Monday, January 16th.

XIV. ADMINISTRATIVE COMMENTS

1. City Council

   Council Member Davis said LaMichael James, former student of Liberty Eylau High School, was selected for the 2023 College Football Hall of Fame. He had exceptional performances playing for the University of Oregon Ducks. KUDOS to LaMichael for his athletic accomplishments!

The Mayor said the Homeless Coalition is hosting a Chili Cook-off on Friday, January 27th from 5:00 p.m. to 8:00 p.m. It will be held at the Salvation Army, 316 Hazel Street, Texarkana, Arkansas. For more information, contact Vashil Fernandez at (903) 798.3904.

The Mayor thanked Jennifer Evans for her administrative support at the Intergovernmental Advisory Committee meetings held during the past two years.

Council Member White received a city lapel pin to wear proudly as the new Ward 5 Council Member.

2. City Staff

City Manager Orr said the National Fitness Campaign project is finally underway. Prep work has begun for the installation of the fitness equipment. He thanked Robby Robertson and his staff for all of the work done in order to launch this project.

He also warmly welcomed Libby White to the City Council.

XV. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:46 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Christie Page, Ward 4
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Davis, White
EXCUSED:	Bruggeman, Seat

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

Version:

Briefing Sheet

Update Date: 1/5/2023 12:02 PM

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

Subject: Ward 5 Letter of Interest - Van Alexander

Attachments

a. Ward 5 Letter of Interest- Van Alexander (010923) (PDF)

RECEIVED
JAN - 3 2023
BY:

To the Mayor and City Council,

I would like to be considered as the replacement for Counselor Bill Harp in representing Ward 5 for the City of Texarkana Texas. I have lived in Texarkana since 1966 and have lived in Ward 5 for the last 30 plus years. I served as the councilmen of Ward 5 for 5 terms from 1997 to 2006. I also served as Mayor Pro Tem for 2 terms. Before that, I was the chairman of the Planning & Zoning committee. I am currently the Mayor's appointment to the Budget Committee where I serve as Chairman. I believe my institutional knowledge and my budget experience qualifies me to serve on the City Council at a high level.

Thank you for your consideration.

Van Alexander

Attachment: Ward 5 Letter of Interest- Van Alexander (010923) (3916 : W5 Ltr of Interest - Van Alexander)

Briefing Sheet

Version:
Update Date: 1/5/2023 12:02 PM

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

Subject: Ward 5 Letter of Interest - Elizabeth White

Attachments

a. Ward 5 Letter of Interest - Elizabeth White (010923) (PDF)

RECEIVED
JAN - 3 2023
BY: Vicky Coopwood
9:00 A.M.

December 29, 2022

Dear City Council Members,

Thank you for considering my application and letter of interest to fill the vacant Ward 5 Council seat in Texarkana, Texas. To my knowledge, I meet all of the requirements for councillorship, as my husband, Brad White, and I have lived in Ward 5 of Texarkana, Texas, since November 2009. In the following letter, please find my detailed explanation of why I would make a promising addition to the Council to help lead Texarkana into an even greater tomorrow.

After graduating from Pleasant Grove High School in 2003, I achieved a Psychology Degree from Texas A&M University in College Station, Texas. During my time at A&M, I was elected President of the Chi Omega Sorority, which ignited my desire to lead and serve in the community. While executing that role, I developed leadership, management, and speaking skills that have influenced my career and service paths. My dream has always been to help people, wherever I am in life and however the opportunity arises. I thrive in social settings, making connections with people and looking for ways to improve situations.

Upon graduating from Texas A&M, I worked for Prestonwood Baptist Church in Plano, Texas, before marrying my husband and moving back home to Texarkana in 2008. I have continued to work in church environments and put my Psychology degree to work raising our four boys over the last 11 years. Our oldest son is in the STEM program in the 6th Grade Center at Texas Middle School, and our younger three are excelling in 4th Grade, 2nd Grade, and Kindergarten at Red Lick Elementary School. Since my boys started public school, I have also served in multiple roles in the Red Lick School District, including my most recent appointment as Secretary for the Parent Teacher Community Organization Board (PTCO). I am also active in the PGYA Sports Organization for Pleasant Grove School District and have been a head coach for youth basketball teams for three years, in addition to serving as a head coach for PGYA T-ball this past spring. In addition to coaching for PGYA this season, I am also helping as Assistant Coach for the Trinity Youth Basketball League in the Kindergarten age division.

People are my passion, and wherever my kids have been plugged in, that is where I have given my time and attention. My family and I have been active members of Heritage Church for the past eight years, and since 2018, I have volunteered as the Director of Women's Ministry for my church family. In addition to leading Bible Studies, I have also been the guest speaker for the main church service, organized meetings, planned multiple events for 200+ women, and worked as part of the staff team at Heritage to fulfill our goal in partnering with churches in the community to transform Texarkana.

While serving my family as a stay-at-home parent, I realized I also needed a creative outlet for my talents. In 2019, I embraced the opportunity to co-host a multi-media show called Table Talk with the KLFI TV station in Texarkana. Over the next two years, I interviewed multiple leaders in our area and helped share the goals of our community and leadership. In 2021, I had the opportunity to interview

Attachment: Ward 5 Letter of Interest - Elizabeth White (010923) (3917 : W5 Letter of Interest - Elizabeth White)

Sarah Huckabee Sanders at one of her Town Hall appearances in Texarkana during her campaign for Governor. I was inspired by her ability to hold the role as mom and also community leader.

Working for KLFI sparked an interest in speaking on camera and interviewing individuals in the community. My eyes were opened to so many non-profits and organizations in our city that are doing amazing work. Through that experience, I was able to meet people in the community I never would have otherwise, so when an opportunity presented itself to work with Texarkana Magazine and meet even more people, I took the challenge! During 2021-2022, I hosted on-camera interviews for Texarkana Magazine's social media platform and also wrote a column in their monthly publication. I had the opportunity to interview Judge John Tidwell, former Mayor James Bramlett, and many business leaders in our community during my time with the Magazine. In the interviews, I was able to dig in to the inspiring stories of these amazing leaders, and it stirred a desire in me to follow in their footsteps in serving our community even more. I have included a copy of the story I wrote on James Bramlett for the December 2021 edition of Texarkana Magazine. While writing his story, I realized that I was one of the "young ones" he refers to who grew up here, moved off, but then came back home and wanted to make Texarkana the best it can be.

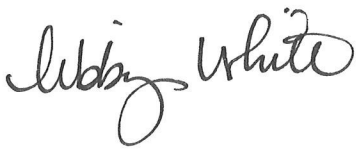
Now that our youngest is in Kindergarten, it is my time to take the next steps to fulfill that goal. I took a step and earned my Personal Training Certification through The National Council on Strength and Fitness in July 2022. I also completed the process of starting my own LLC in the State of Texas—Fueled & Fit, LLC—and I have been training men and women at the Wacha Resolutions Training Center in Downtown Texarkana for the past five months. This new venture has allowed me to tap into another area of my skills and develop new relationships in the community.

I am ready to dive into public service in order to hear the needs outside of my daily bubble, to form new and lasting connections, and to set an example for my kids of giving sacrificially and making a difference in the lives of others.

My cumulative experiences both professionally and through service capacities over the past two decades have helped mold me into a driven, organized, compassionate community member. It would be an honor to serve on the Texarkana, Texas City Council and give back to the same community that has given so much to me. I hope my love for people, speaking abilities, ambition, and positive mindset will be an asset for our Council and the future of Texarkana.

Thank you for considering me for this position.

Sincerely,



Libby White

Attachment: Ward 5 Letter of Interest - Elizabeth White (010923) (3917 : W5 Letter of Interest - Elizabeth White)

Living His Best Life

November 2021 Texarkana Magazine

By Libby White

If you have lived in Texarkana for a while, you have probably heard the name James Bramlett. You might remember the decade he served as the Mayor of Texarkana, Texas, or have done business with him at Farmer's Bank and Trust, or maybe you have attended the Bramlett Beans and Cornbread Community Fundraiser in the last 23 years and shook his hand as he handed you a bowl of beans. His love for Texarkana runs as deep as his roots in our community.

"My family has been in Texarkana since 1884. My great grandfather came here in July of that year to work for the Texas and Pacific Railroad. We've been here a long time, almost since the inception of the community. I've lived here most of my life, and I love this community," Bramlett stated.

One of his favorite memories of his childhood is the 20-mile paper route he began for the Texarkana Gazette at the age of 14.

"When I went to the Gazette to get the paper route, I met Bobbie Eaves, who became one of my first mentors," Bramlett recalled. "She was the District Manager for all of us young boys, and I was given 35 papers (houses per month for daily delivery). But they also needed someone to take a route in the Spring Lake Park area as well because this other young kid didn't want it anymore. I took that job on, giving me 70 papers, and eventually worked it up to 90 papers. My route was from Texas Boulevard to Summerhill Road to College Drive to I-30. I threw the Sunday morning paper and then the afternoon route. As a paper boy, you're a self-contractor. I would buy the papers from the Gazette each month. Every day, they dropped the papers off at my front porch. When I got home from school, I would roll them up, put them in bags, get on my bicycle, and then I'd have a 20-mile route to ride."

"At the end of each month, I'd have to collect the dollar they owed for the paper that month. So instead of going to every house and knocking on the door, I decided to make a little invoice and put it in an envelope and wrap it in the paper. Then they would just mail me a check. It taught me a lot about business, inventory management, accounts payable, and accounts receivable. I was in the 8th grade making $90 a month, which was a lot of money back then. It's one of the best jobs I've ever had. It taught me so much about business that I still apply today, in myself and at Farmer's Bank taking care of customers. It taught me about life and people and interacting with adults as a business person at 14 years old. The individuals on that route, I still remember all they did for me. There were so many special people, like Ms. Peavy, over on Meadow Lane. She always made sure I got a Christmas gift every year."

"A great thing about living in Texarkana is that many of the individuals who were my customers back then are still my customers today at Farmer's. That's over about 50 years. There are some individuals in there who were influential in my life, and I met them while being their paper boy."

Bramlett graduated from Texas High School in 1975, and met his wife, Kathy, a few years later.

"There are so many individuals who have made such a difference in my life, and one is my wife, Kathy," Bramlett grinned. "We've been married for 44 years. I have to give her credit that I wouldn't be where I

Attachment: Ward 5 Letter of Interest - Elizabeth White (010923) (3917 : W5 Letter of Interest - Elizabeth White)

am today without her. I asked her to marry me at Spring Lake Park, just another thing I love about this community."

"After I got married at 20, I decided it was time to go to college. I went to Texarkana College for four years and then took seven years off. When I was 32, I decided to go back to school and went to TAMU-Texarkana. Dr. Lila Walker, who is another of the individuals who I credit with who I am today, encouraged me to go back to school. I graduated in December 2000 with a BAAS (Bachelor of Applied Arts and Sciences) Degree. It was a long road of working and raising our son, J.W. I had to make sure I graduated college before he started going to college!"

While Bramlett pursued an education and started raising a family, he got involved helping one of his best friends, John Jarvis, run for Mayor. Previously, Bramlett had never had a desire to hold a public office. But after years of serving alongside Jarvis, it sparked an interest in serving the community, and he ran for City Council.

"In 1998, John (Jarvis) decided it was time for him to go home, and he told someone I was going to run for Mayor. He told the Texarkana Gazette that before he even told me!" Bramlett chuckled. "I served as Mayor of Texarkana, Texas, for 10 years (1998-2008)."

During his decade of service, Bramlett is most proud of helping bring the new TAMU-Texarkana campus to its current Bringle Lake location, and for helping allocate millions of dollars to the redevelopment of the Rose Hill Community, the area where he grew up with his parents and grandparents.

"To be able to redevelop Rose Hill was really neat, especially to do something south of the Interstate. Most of the development has been to the north, so we were most proud of the fact that we were investing millions and millions of dollars south of the Interstate for the first time since the mid-1960s," beamed Bramlett.

"I miss being Mayor because of the people. We have such a giving community, and everyone gives back to make sure Texarkana is the greatest place in the country. There's nowhere else I'd rather live. That's why I continue to help however I can to make this community a great place to live, work and raise a family. Kids go off to college, but it's those individuals we want to move back here because they are going to take our place one day. I appreciate anyone who has ever given me and the community the support they have because we continue to grow and develop and get better each and every day."

Bramlett has done his fair share of giving back, both professionally and as a volunteer. One of his passions is helping those in need through the annual Bramlett Beans and Cornbread Community Fundraiser.

"The idea actually started in 1991 with Paula Jeans," Bramlett explained. "She was the CFO for Texarkana Water Utilities at that time, and it came about through her dad passing away the previous year. The staff anonymously collected 5 baskets of food for 5 families who were employees at TWU. It started there and has just grown and grown through the years."

"Then in 1998, a city employee came to me and said, 'Wouldn't it be cool if you, as the Mayor, did this as the Bramlett Beans and Cornbread Fundraiser and we invited the community?' I always wanted to do something to give back. When we officially started the Community Fundraiser, it was just our staff

Attachment: Ward 5 Letter of Interest - Elizabeth White (010923) (3917 : W5 Letter of Interest - Elizabeth White)

baking the beans, baking the cornbread, and baking the desserts for about four years. But then it grew so much that we had to figure out another way. So, we started getting sponsors."

"Our event on December 2, 2021 will mark our 23rd year. We missed last year because of COVID. It would be possible without the sponsorship from Big Jake's BBQ, Texas High donating the cornbread, and Starbucks doing the coffee and desserts and drinks. I can't tell you how much I appreciate their sponsorship all these years. And then we have the staff of volunteers who help each year, and without them coming together, it wouldn't happen."

"This year is the first time we will have it at the Texarkana Convention Center, and we really appreciate them for allowing us to bring Bramlett Beans and Cornbread right here near I-30, because the traffic count is going to be so much higher here than at the Southwest Center."

"We now serve over 100 families from the community each year with food baskets of a month's worth of food and Christmas gifts. The agencies give us a list of families who meet the criteria of eligibility for the baskets. I'm hoping before long that we can hit 200 baskets. I really think we're going to hit 150 this year."

For the past 16 years, Bramlett has also served in the banking industry, drawing on the relationships he has built through the years and the business skills he developed starting as a paper boy. In March of 2012, Bramlett helped Farmer's Bank and Trust open a location in Texarkana on Summerhill Road as their Senior Vice President. He is now serves as the Texarkana Market President.

"There were only five of us originally when we started, and now we have over 85 employees. It's a fifth-generation, family-owned bank. It's just a great place to be and a really good fit for me."

While he was at work on a normal day in 2018, his good friend, TAMU-T Athletic Director, Michael Galvan, asked Bramlett if he could ride with him by the Spring Lake Park ball fields to show him some things they were working on. When Bramlett and Galvan arrived at the same field where Bramlett played Little League, he was surprised by his family and dozens of colleagues and community members who had gathered to surprise him with the dedication of the James Bramlett Field at Spring Lake Park. The field had been updated for the TAMU-T Women's Softball team with state-of-the-art lighting and a new scoreboard with James Bramlett's name.

"The field at Spring Lake Park really means a lot to me because that's where I asked Kathy to marry me, my bike route was through that area, and I attended Spring Lake Park Elementary school," Bramlett shared. "I wouldn't have ever expected that."

"I told my son, J.W., that I'm living the best life, and it's right here in Texarkana."

Attachment: Ward 5 Letter of Interest - Elizabeth White (010923) (3917 : W5 Letter of Interest - Elizabeth White)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/3/2023 5:09 PM

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

Subject: Resolution No. 2023-014 filling the vacancy in council membership for the position of Ward 5 Council Member with an unexpired term ending November 2023.

Briefing: 1/9/2023 **Public Hearing:** **Council Vote:** 1/9/2023

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Ward 5 Council Member Bill Harp completed a household move that placed him outside of the city's Ward 5 boundaries. Thereby, this action deemed his office as vacant.

The Council called for applications and letters of interests from qualified, voting citizens in Ward 5 to fill the unexpired term ending November 2023.

This resolution is the appointment of an applicant chosen by the Council after interviews have been conducted.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Staff recommends this action be taken to bring council seats to a full six-member council and to have representation on the council for Ward 5 citizens.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2023-014 RES Appointment of Ward 5 (DOCX)
b. 2023-014 Goals & Perspectives (DOCX)
c. 2023-014 RES Appt. of W5 CMbr WHITE signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	01/03/2023 5:09 PM
City Manager	David Orr	City Manager Review	Completed	01/03/2023 5:14 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

RESOLUTION NO. 2023 - 014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, FILLING THE VACANCY IN COUNCIL MEMBERSHIP FOR THE POSITION OF WARD 5 COUNCILMEMBER WITH AN UNEXPIRED TERM ENDING NOVEMBER 2023; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Charter, Article II, Sections 3 provides that if a member of the council shall cease to reside in the city, or a councilman shall cease to reside in the ward from which he is elected, his office shall be deemed vacant; and

WHEREAS, Ward 5 Council Member Bill Harp provided written notice of resignation as a member of the City Council effective December 31, 2022, thereby deeming the office of Ward 5 vacant as of January 1, 2023; and

WHEREAS, the City Charter, Article II, Sections 6(a) and 6(c), provide that the City Council may, by majority vote of the remaining councilmembers (including the Mayor as a temporary, full-voting member), fill a vacancy in council membership, including the office of Mayor, or may defer filling a vacancy in council membership until the next regular City election; and

WHEREAS, the City Council called for applications and letters of interest from qualified Ward 5 residents.

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

SECTION 1: That the City Council appoints _____ as Ward 5 Councilmember for the remaining unexpired term ending November 2023.

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

PASSED AND APPROVED in Regular Council Session on this the **9th day of January, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-014 RES Appointment of Ward 5 (3915 : 2023-014 RES appointing a Ward 5 council member)

City of Texarkana, Texas

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

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

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

Attachment: 2023-014 Goals & Perspectives (3915 : 2023-014 RES appointing a Ward 5 council member)

RESOLUTION NO. 2023 - 014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, FILLING THE VACANCY IN COUNCIL MEMBERSHIP FOR THE POSITION OF WARD 5 COUNCILMEMBER WITH AN UNEXPIRED TERM ENDING NOVEMBER 2023; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Charter, Article II, Sections 3 provides that if a member of the council shall cease to reside in the city, or a councilman shall cease to reside in the ward from which he is elected, his office shall be deemed vacant; and

WHEREAS, Ward 5 Council Member Bill Harp provided written notice of resignation as a member of the City Council effective December 31, 2022, thereby deeming the office of Ward 5 vacant as of January 1, 2023; and

WHEREAS, the City Charter, Article II, Sections 6(a) and 6(c), provide that the City Council may, by majority vote of the remaining councilmembers (including the Mayor as a temporary, full-voting member), fill a vacancy in council membership, including the office of Mayor, or may defer filling a vacancy in council membership until the next regular City election; and

WHEREAS, the City Council called for applications and letters of interest from qualified Ward 5 residents.

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

SECTION 1: That the City Council appoints Libby White as Ward 5 Councilmember for the remaining unexpired term ending November 2023.

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

PASSED AND APPROVED in Regular Council Session on this the **9th day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:03 p.m.

Attachment: 2023-014 RES Appt. of W5 CMbr WHITE signed (3915 : 2023-014 RES appointing a Ward 5 council member)

CITY OF TEXARKANA

CITY COUNCIL

MINUTES • DECEMBER 12, 2022

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	
Bill Harp	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Daphnea Ryan, Mashell Daniel, Dusty Henslee, J.W. Bramlett, Vashil Fernandez, Chris Black, Brandon Uselton, Gary Smith, Kristin Peeples, Lisa Thompson, Chiquita Burks, Robby Robertson, Sherry Jackson Hawkins, and Karey Parker.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER BILL HARP

III. SWEARING-IN COUNCIL MEMBERS FOR WARD 4 AND WARD 6

Municipal Judge Sherry Jackson officiated the oath of office and swearing-in for Christie Page and Jay Davis, Council Members for Wards 4 and 6, respectively. Mayor Bruggeman presented them each a Certificate of Election and congratulated them for remaining on the council for another term.

IV. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, January 9, 2023 at 6:00 p.m.
Monday, January 23, 2023 at 6:00 p.m.

IAC Meeting - December 15th

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

The Intergovernmental Advisory Committee for the Bi-State Justice Center building will meet on Thursday, December 15, 2022, at 10 a.m. This meeting will be held in the Board Room on the second floor at Texarkana Arkansas City Hall, 216 Walnut Street, Texarkana, Arkansas.

Senior Day Out 2022

The Senior Day Out Christmas Party at Southwest Center will be held December 14th from 9 a.m. - 2 p.m. The first 100 senior citizens will get a free lunch. There will also be music, dancing, bingo, health screenings, vendors, door prizes and more. All participants are encouraged to donate an unused pair of socks to receive extra door prize entries.

Additional Parks & Recreation information can be found on the city's website at <http://www.ci.texarkana.tx.us> or by contacting staff at (903) 798-3978.

Annual Downtown Christmas Celebration

"Christmas on Main" and all its favorite activities will be held at the Perot Theatre on December 17th from 10 a.m. - 8 p.m.

Recent Events Around Town

First Baptist Church hosted the "Unsung Heroes" luncheon on Friday, December 9th. The luncheon honored workers and first responders across the city who do not always receive open recognition for the work they do.

These groups include fire fighters, waste water treatment plant staff, police officers, city parks and road crews and Waste Management personnel. Church staff was extremely pleased with the turnout, with this year's event having over 300 attendees.

On Monday, December 5th, community residents enjoyed the annual downtown Christmas Parade. It also was well attended and enjoyed by all.

V. 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.

VI. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

The City Council made no new appointments or any reappointments to a board, commission, or committee. After reviewing council-specific appointments, each council member will remain on his or her respective board for the upcoming calendar year.

Council Members Annual Board Appointments Review

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

RESULT:	CLOSE ACTION

VII. RESIGNATION OF COUNCIL MEMBER BILL HARP

Council Member Harp announced his resignation as the city's representative for Ward 5, having served for five years. A future move will place him outside of the Ward 5 boundaries. He said it has been his privilege to represent the citizens of Ward 5 and the City of Texarkana, Texas.

Mayor Bruggeman presented Mr. Harp with a starred plaque and a certificate of council recognition. The City Council expressed well wishes for his outstanding service and commitment to the citizens of Ward 5 and his professional and personal friendship to each council member.



The Mayor made the following announcement regarding a representative for Ward 5:

The City Council is seeking candidates who are willing to fill a vacancy and serve as the representative for Ward 5 constituents. The City Council will consider appointing a Ward 5 resident, who is a registered voter and otherwise fully qualified, to serve the remaining unexpired term that will end November 2023.

Ward 5 residents who are interested in being appointed to serve in the position, must submit an **application and letter of interest** to City Secretary Jennifer Evans. Applications can be

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

obtained on the City Council's web page beginning December 19th. Or, an interested Ward 5 resident can obtain an application from the City Secretary's office. Please see the city's website for more details.

The filing period and deadline to submit the application and letter of interest is December 19th to January 3rd by 5:00 p.m. The application and letter of interest must be in the City Secretary's possession by the stated deadline.

Letters of interest will be included in the City Council agenda packet for the January 9, 2023 council meeting. All interested candidates will be interviewed by the City Council in Closed Session during the January 9th regular meeting and should plan to attend.

VIII. ITEMS FOR CONSIDERATION

Consent Items

(6:27 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on November 14, 2022 at 6:00 PM.

2. Resolution No. 2022-145 authorizing the purchase of a cyber security "Rubrik Disaster Recovery Solution" from SHI – Government Solutions of Austin, Texas, in the amount of $215,130 from budgeted technology funds [to be fully reimbursed from the 2022 Homeland Security Grant awarded to the City].

   Public Hearing:
   Council Vote: December 12, 2022

3. Resolution No. 2022-146 authorizing the City Manager to execute a one-time agreement with MTG Engineers and Surveyors, Inc. of Texarkana, Texas, in an amount not to exceed $72,500, with funds budgeted from the 2022 Bond Fund (Fund 425), to supply the design, surveying, and drawings for the Robison Road Street Reconstruction Project.

   Public Hearing:
   Council Vote: December 12, 2022

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

4. Resolution No. 2022-147 authorizing the City Manager to purchase one (1) 2022 Case CE 650M Dozer through the Sourcewell Buy Board in an amount not to exceed the Texas portion with budgeted funds, $62,204.55, and the total amount not to exceed $99,431.82.

   Public Hearing:
   Council Vote: December 12, 2022

5. Resolution No. 2022-152 authorizing the City Manager to execute a contract with Windstream Kinetic for VOIP phone service, in the amount of $179,964 over a three-year (3) period with funds budgeted in departmental budgets.

   Public Hearing:
   Council Vote: December 12, 2022

Action Items

6. Resolution No. 2022-151 appointing a Mayor Pro Tem beginning December 12, 2022, until such time the City Council elects a successor Mayor Pro Tem.

   Public Hearing:
   Council Vote: December 12, 2022

   Council Member Hart made a motion to reappoint Council Member Matlock as the Mayor Pro Tem.
   (6:27 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Bill Harp, Ward 5
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

IX. FIRST BRIEFINGS

1. Ordinance No. 2022-153 rezoning on a portion of a 4.60-acre tract of land (being Tract 19), J. W. Lane HRS, A-345, located at 6500 Summerhill Road from Office to General Retail. William Davis Trust, owner, Josh Davis, and David Williams, MTG Engineers and Surveyors, agents.

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/9/2023 6:00 PM

2. Ordinance No. 2022-154 amending PD-22-2 for site plan approval on Lot 1, J&J Supreme Subdivision Minor Plat, located at 6500 Summerhill Road. Josh Davis, representing William Davis Trust, owner, and David Williams MTG Engineers and Surveyors, agent.

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/9/2023 6:00 PM

3. Ordinance No. 2022-155 granting a Specific Use Permit to allow a single wide HUD code manufactured home on an approximate 0.36-acre tract of land (being Tract 58), Grandview Addition TR 4, located at 3207 Montgomery Street. Shuemekia and Robert Blackwell, owners.

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/9/2023 6:00 PM

4. Ordinance No. 2022-156 rezoning Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street from Single Family-2 to Single Family-3. William Matlock, owner.

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/9/2023 6:00 PM

5. Ordinance No. 2022-157 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street. William Matlock, owner.

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/9/2023 6:00 PM

6. Ordinance No. 2022-158 rezoning Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street. Larry Rose, owner.

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/9/2023 6:00 PM

7. Ordinance No. 2022-159 granting a Specific Use Permit to allow the location of a pre-fabricated/factory fabricated home (shell) on Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street. Larry Rose, owner.

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/9/2023 6:00 PM

8. Ordinance No. 2022-160 rezoning north 14', west 1/2 of Lot 14, and the south 36', west 1/2 of Lot 15, Harmes Addition, located at 813 Capp Street. John Marshall, owner.

Public Hearing: January 9, 2023
Council Vote: January 9, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/9/2023 6:00 PM

X. PUBLIC HEARINGS

1. Resolution No. 2022-149 authorizing the City Manager to execute addendums requested by Texarkana Renewal Properties, LLC to two existing EPA Revolving Loan Fund cleanup loans and two Economic Development Facade Revolving Loan Fund loans, amending the loan terms with Texarkana Renewal Properties, LLC, in an effort to support downtown redevelopment.

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

Public Hearing: December 12, 2022
Council Vote: December 12, 2022

Daphnea Ryan briefed this agenda item. David Peavy presented himself for questions.
(6:45 p.m.)

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

2. Resolution No. 2022-150 authorizing the City Manager to execute an agreement for economic development services with ARTX REDI in the amount of $500,000 over the next five years.

Public Hearing: December 12, 2022
Council Vote: December 12, 2022

Lisa Thompson briefed this agenda item. There were no public comments made at this hearing.
(6:48 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Bill Harp, Ward 5
SECONDER:	Jay Davis, Ward 6
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

3. Ordinance No. 2022-131 amending Chapter 8, "Animal Care and Control", of the Code of Ordinances, by adding Section 8-21 "Impoundment or adoption; sterilization requirement."

Public Hearing: December 12, 2022
Council Vote: December 12, 2022

There were no public comments made at this hearing.
(6:49 p.m.)

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Christie Page, Ward 4
SECONDER:	Bill Harp, Ward 5
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

4. Ordinance No. 2022-137 providing for the limited-purpose annexation of approximately 8.755 acres in H. S. Janes HRS, A-306, Bowie County, Texas, by owner consent and pursuant to the City's Strategic Partnership Agreement with Macedonia-Eylau Municipal Utility District No. 1 of Bowie County.

   Public Hearing: December 12, 2022
   Council Vote: December 12, 2022

   There were no public comments made at this hearing.
   (6:51 p.m.)

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

5. Ordinance No. 2022-138 ordering "The Legal Sale of Malt Beverages and Wine for Off-Premise Consumption Only" within commercial property annexed for limited purposes pursuant to Ordinance No. 2022-137 and extending the provisions of Chapter 21 of the City's Code of Ordinances to the designated area of limited-purpose annexed commercial property.

   Public Hearing: December 12, 2022
   Council Vote: December 12, 2022

   There were no public comments made at this hearing.
   (6:52 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jay Davis, Ward 6
SECONDER:	Bill Harp, Ward 5
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

6. Resolution No. 2022-140 approving the Community Development Block Grant (CDBG) Comprehensive Assessment Performance Evaluation Report.

   Public Hearing: December 12, 2022
   Council Vote: December 12, 2022

There were no public comments made at this hearing.
(6:53 p.m.)

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

XI. CITY MANAGER'S REPORT

November 2022 Sales Tax Report
Sales tax receipts for the month of November (September sales) totaled $1,976,045.04, an increase of $171,852.15 (9.53%) compared to the same month in the prior year. Fiscal year to date collections totaled $20,937,539.43, an increase of $1,364,197.38 (6.97%) compared to last year.

Cybersecurity GAP Analysis Update Report
Both city managers had the opportunity to hear from an external cybersecurity consultant on the progress taken to better secure the cities' IT system. According to the report, "TWU IT has implemented numerous solutions, processes and complex configuration designs to enhance information security and reduce risk since last year's review." The initial report detailed findings that IT staff has worked to address by implementation of new software, procedures, and processes over the past two years.

New Staff Introductions
There are several new staff members that have joined the team and a recent promotion in the Parks Department was made. Longtime Building Official Keith Lee retired last month, and the new Building Official is Shawn Maxey. The receptionist position in the City Manager's office has been reorganized into a Management Fellowship and the city is excited to announce the first Management Fellow is Chiquita Burks. Finally, long time Parks Maintenance Supervisor Kenny Jordan retired, and Donnie Sparks has been promoted to fill that position.

Council Member Bill Harp was again thanked for his leadership and time he spent on the council.

City Offices will be closed for the Christmas Holidays Thursday, December 22nd through Monday December 26th.

XII. ADMINISTRATIVE COMMENTS

1. City Council

   The Mayor wished everyone a Merry Christmas, safe travel with family, and prosperous new year!

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

2. City Staff

Staff had no administrative comments for council.

XIII. CLOSED SESSION

The City Council convened into Closed Session pursuant to Texas Government Code Section 551.087 (Economic Development Negotiations)

(1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations:

a. Project Strong Foundation

(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1):

a. Project Strong Foundation

XIV. RECONVENED INTO OPEN SESSION

XV. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:22 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Bill Harp, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

Minutes Acceptance: Minutes of Dec 12, 2022 6:00 PM (Consent Items)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/5/2023 8:32 AM

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

Subject: Ordinance No. 2023-001 amending the Building Maintenance Fund budget (Fund 228) for the fiscal year ending September 30, 2023, to add unspent funds of One Hundred Ten Thousand Nine Hundred Seventy-One Dollars ($110,971) from the preceding fiscal year.

Briefing: 1/9/2023 **Public Hearing:** **Council Vote:** 1/9/2023

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

In Fiscal Year 2017 the Building Maintenance Fund was established to account for the general maintenance of City buildings. The fund's source of revenue is an annual transfer from the General Fund. Revenue and expenditures for building maintenance are accounted for separately in this fund, which allows for the fund to maintain a rolling fund balance exclusively for building maintenance needs. Currently, there is $110,971 in unspent funds available for allocation. Staff is requesting to amend budget expenditures for the Fiscal Year Ending September 30, 2023 for the Building Maintenance Fund (Fund 228) in the amount of $110,971 for funds unspent in the preceding fiscal year.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Allocation of funds already available in the Building Maintenance Fund.

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

a. 2023-001 ORD Amending Budget for 228 Building Maintenance Fund (DOC)
b. 2023-001 Goals & Perspectives (DOCX)
c. 2023-001 ORD Amd Budgt Bldg Maint signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	12/14/2022 10:03 AM
Finance Department	Kristin Peeples	Finance Review	Completed	12/14/2022 10:03 AM
City Manager	David Orr	City Manager Review	Completed	12/14/2022 12:10 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

ORDINANCE NO. 2023-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, ADDING THE AMOUNT OF ONE HUNDRED TEN THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS ($110,971) TO THE BUILDING MAINTENANCE FUND (FUND 228) FOR UNSPENT FUNDS FROM THE PRECEDING FISCAL YEAR; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, unspent funds of **ONE HUNDRED TEN THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS ($110,971)** from the preceding fiscal year are available in the Building Maintenance Fund (Fund 228); and

WHEREAS, the unspent funds from the preceding fiscal year may be effectively utilized for additional building maintenance needs; and

WHEREAS, City staff recommends amending the budget estimate of the City's expenditures for the fiscal year beginning October 1, 2022, and ending September 30, 2023, by adding the unspent funds to the Building Maintenance Fund (Fund 228).

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

SECTION 1: 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, 2022, and ending September 30, 2023, be amended to reflect additional expenditures appropriated of **ONE HUNDRED TEN THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS ($110,971)** in the Building Maintenance Fund (Fund 228).

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 **9th day of January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2023-001 ORD Amending Budget for 228 Building Maintenance Fund (3898 : 2023-001 ORD Amending Building Maintenance

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2023-001 Goals & Perspectives (3898 : 2023-001 ORD Amending Building Maintenance Budget)

ORDINANCE NO. 2023-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, ADDING THE AMOUNT OF ONE HUNDRED TEN THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS ($110,971) TO THE BUILDING MAINTENANCE FUND (FUND 228) FOR UNSPENT FUNDS FROM THE PRECEDING FISCAL YEAR; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, unspent funds of **ONE HUNDRED TEN THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS ($110,971)** from the preceding fiscal year are available in the Building Maintenance Fund (Fund 228); and

WHEREAS, the unspent funds from the preceding fiscal year may be effectively utilized for additional building maintenance needs; and

WHEREAS, City staff recommends amending the budget estimate of the City's expenditures for the fiscal year beginning October 1, 2022, and ending September 30, 2023, by adding the unspent funds to the Building Maintenance Fund (Fund 228).

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

SECTION 1: 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, 2022, and ending September 30, 2023, be amended to reflect additional expenditures appropriated of **ONE HUNDRED TEN THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS ($110,971)** in the Building Maintenance Fund (Fund 228).

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 **9th day of January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:09p.m.

Attachment: 2023-001 ORD Amd Budgt Bldg Maint signed (3898 : 2023-001 ORD Amending Building Maintenance Budget)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 12/19/2022 9:44 AM

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

Subject: Ordinance No. 2023-002 amending the budgeted revenues and expenditures for the 2022 Bond Fund (Fund 425) in the amount of TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000) for the fiscal year ending September 30, 2023.

Briefing: 1/9/2023 **Public Hearing:** **Council Vote:** 1/9/2023

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

On September 12, 2022 the City Council authorized the issuance of Combination Tax and Revenue Certificates of Obligation, Series 2022. The issuance generated twenty million four hundred and seventy-five thousand dollars in funding to the City. These funds were not included in the original budget for the fiscal year ending September 30, 2023. 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 Fund 301 Debt Service and will be repaid with current property tax revenue.

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

Attachments

a. 2023-002 ORD Amending Budget for 2022 Bond Fund (Fund 425) (DOC)
b. 2023-002 Goals & Perspectives (DOCX)
c. 2023-002 ORD Amd Bdgt 2022 Bond Fund signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	12/14/2022 1:04 PM
Finance Department	Kristin Peeples	Finance Review	Completed	12/14/2022 1:04 PM
City Manager	David Orr	City Manager Review	Completed	12/15/2022 8:39 AM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

ORDINANCE NO. 2023-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGET REVENUE AND EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, FOR THE 2022 BOND FUND TO APPROPRIATE ADDITIONAL REVENUE AND EXPENDITURES IN THE AMOUNT OF TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana, Texas, approved the issuance of Combination Tax and Revenue Certificates of Obligation, Series 2022 on September 12, 2022; and

WHEREAS, the issuance generated **TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000)** 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, 2023; and

WHEREAS, the budget for the fiscal year ending September 30, 2023 should be amended to include **TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000)** in revenue and expenditures from the issuance of Combination Tax and Revenue Certificates of Obligation, Series 2022.

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, 2022, and ending September 30, 2023, be amended to include **TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000)** in revenue and expenditures for the 2022 Bond Fund (Fund 425).

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 **9th day of January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2023-002 ORD Amending Budget for 2022 Bond Fund (Fund 425) (3899 : 2023-002 ORD Amending Budget for 2022 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:

Attachment: 2023-002 Goals & Perspectives (3899 : 2023-002 ORD Amending Budget for 2022 Bond Fund)

ORDINANCE NO. 2023-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGET REVENUE AND EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, FOR THE 2022 BOND FUND TO APPROPRIATE ADDITIONAL REVENUE AND EXPENDITURES IN THE AMOUNT OF TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana, Texas, approved the issuance of Combination Tax and Revenue Certificates of Obligation, Series 2022 on September 12, 2022; and

WHEREAS, the issuance generated **TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000)** 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, 2023; and

WHEREAS, the budget for the fiscal year ending September 30, 2023 should be amended to include **TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000)** in revenue and expenditures from the issuance of Combination Tax and Revenue Certificates of Obligation, Series 2022.

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, 2022, and ending September 30, 2023, be amended to include **TWENTY MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($20,475,000)** in revenue and expenditures for the 2022 Bond Fund (Fund 425).

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 **9th day of January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:09 p.m.

Attachment: 2023-002 ORD Amd Bdgt 2022 Bond Fund signed (3899 : 2023-002 ORD Amending Budget for 2022 Bond Fund)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/5/2023 8:33 AM

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

Subject: Ordinance No. 2023-003 amending the Major Street Maintenance Fund budget (Fund 120) for the fiscal year ending September 30, 2023, to add unspent funds of Seven Hundred Sixty-Two Thousand Three Hundred Thirty-Nine Dollars ($762,339) from the preceding fiscal year.

Briefing: 1/9/2023 **Public Hearing:** **Council Vote:** 1/9/2023

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

In Fiscal Year 2018 the Major Street Maintenance Fund was established to account for major street maintenance projects within the city. The fund's source of revenue is an annual transfer from the General Fund. Revenue and expenditures for major street maintenance are accounted for separately in this fund, which allows for the fund to maintain a rolling fund balance exclusively for major street maintenance needs. Currently, there is $762,339 in unspent funds available for allocation. Staff is requesting to amend budget expenditures for the Fiscal Year Ending September 30, 2023 for the Major Street Maintenance Fund (Fund 120) in the amount of $762,339 for funds unspent in the preceding fiscal year.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Allocation of funds already available in the Major Street Maintenance Fund.

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

a. 2023-003 ORD Amending Budget for 120 Major Street Maintenance Fund(DOC)
b. 2023-003 Goals & Perspectives (DOCX)
c. 2023-003 ORD Amd Bdgt Major Strt Maint signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	12/14/2022 1:22 PM
Finance Department	Kristin Peeples	Finance Review	Completed	12/14/2022 1:22 PM
City Manager	David Orr	City Manager Review	Completed	12/15/2022 8:39 AM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

ORDINANCE NO. 2023-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, ADDING THE AMOUNT OF SEVEN HUNDRED SIXTY-TWO THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS ($762,339) TO THE MAJOR STREET MAINTENANCE FUND (FUND 120) FOR UNSPENT FUNDS FROM THE PRECEDING FISCAL YEAR; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, unspent funds of **SEVEN HUNDRED SIXTY-TWO THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS ($762,339)** from the preceding fiscal year are available in the Major Street Maintenance Fund (Fund 120); and

WHEREAS, the unspent funds from the preceding fiscal year may be effectively utilized for additional major street maintenance needs; and

WHEREAS, City staff recommends amending the budget estimate of the City's expenditures for the fiscal year beginning October 1, 2022, and ending September 30, 2023, by adding the unspent funds to the Major Street Maintenance Fund (Fund 120).

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

SECTION 1: 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, 2022, and ending September 30, 2023, be amended to reflect additional expenditures appropriated of **SEVEN HUNDRED SIXTY-TWO THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS ($762,339)** in the Major Street Maintenance Fund (Fund 120).

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 **9th day of January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2023-003 ORD Amending Budget for 120 Major Street Maintenance Fund (3900 : 2023-003 ORD Amending Major 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:

NONE

Resource Impact:

Staff time required if item is approved:	Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2023-003 Goals & Perspectives (3900 : 2023-003 ORD Amending Major Street Maintenance Budget)

ORDINANCE NO. 2023-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, ADDING THE AMOUNT OF SEVEN HUNDRED SIXTY-TWO THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS ($762,339) TO THE MAJOR STREET MAINTENANCE FUND (FUND 120) FOR UNSPENT FUNDS FROM THE PRECEDING FISCAL YEAR; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, unspent funds of **SEVEN HUNDRED SIXTY-TWO THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS ($762,339)** from the preceding fiscal year are available in the Major Street Maintenance Fund (Fund 120); and

WHEREAS, the unspent funds from the preceding fiscal year may be effectively utilized for additional major street maintenance needs; and

WHEREAS, City staff recommends amending the budget estimate of the City's expenditures for the fiscal year beginning October 1, 2022, and ending September 30, 2023, by adding the unspent funds to the Major Street Maintenance Fund (Fund 120).

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

SECTION 1: 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, 2022, and ending September 30, 2023, be amended to reflect additional expenditures appropriated of **SEVEN HUNDRED SIXTY-TWO THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS ($762,339)** in the Major Street Maintenance Fund (Fund 120).

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 **9th day of January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:09 p.m.

Attachment: 2023-003 ORD Amd Bdgt Major Strt Maint signed (3900 : 2023-003 ORD Amending Major Street Maintenance Budget)

City of Texarkana, Texas

Version: B

Briefing Sheet

Update Date: 1/5/2023 8:51 AM

Lead Department: Public Works Department **Action Officer:** Amanda Freeland,

Subject: Resolution No. 2023-011 authorizing the City Manager to execute a one-time agreement with EST, Inc. of Wake Village, Texas, in an amount not to exceed $452,130, with funds budgeted from the 2022 Bond Fund, to supply the design, surveying, and drawings for the Moores Lane and Galleria Oaks street reconstruction project.

Briefing: 1/9/2023 **Public Hearing:** **Council Vote:** 1/9/2023

Item Schedule
Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Date of Request for Qualifications (RFQ 23-1901-01) posted on website: October 14th, 2022
Dates published in Texarkana Gazette: October 16th, 2022, and October 23rd, 2022
Opened Bids: November 10th, 2022
Proposals Received: MTG Engineering & Surveying, Halff Associates, Inc., and EST Inc.
Most Responsible Bidder: EST, Inc.; See ATTH 01 for the Contract Proposal
Budget: 2022 Bond Fund
Policy Exceptions: None
Scope of Work: Design, Surveying, and Drawings for Moores Lane and Galleria Oaks Street Reconstruction Project.

Total Contract pricing is $452,130.00.

Potential Options:

- Approve Contract
- Not Approve Contract
-

Fiscal Implications:

Expenses will be paid from the **2022 Bond Fund.**

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2023-011 RES Moores Lane and Galleria Oaks Street Reconstruction Project (DOCX)
b. 2023-011 ATTH 01 EST Proposal (PDF)
c. 2023-011 Goals & Perspectives (DOCX)
d. 2023-011 RES Contract Engr Svcs Moores and Galleria Oaks signed (PDF)

Staff Coordination

Public Works Department	Amanda Freeland	Reviewer	Completed	12/27/2022 11:19 AM
Public Works Department	Dusty Henslee	Department Head Review	Completed	01/03/2023 12:08 PM
Finance Department	Kristin Peeples	Review	Completed	01/03/2023 1:18 PM
City Manager	David Orr	City Manager Review	Completed	01/03/2023 1:50 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

RESOLUTION NO. 2023-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EST, INC., OF WAKE VILLAGE, TEXAS, FOR THE DESIGN, SURVEY, AND DRAWINGS ON THE ENGINEERING PHASE OF THE STREET RECONSTRUCTION FOR MOORES LANE AND GALLERIA OAKS, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED THIRTY DOLLARS ($452,130), TO BE PAID FROM THE 2022 BOND FUND; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council authorized the issuance of certificates of obligation, which included street reconstruction projects; and

WHEREAS, engineering services for street reconstruction on Moores Lane and Galleria Oaks was a project on the City's planned project list for the 2022 Bond Fund; and

WHEREAS, EST Inc., of Wake Village, Texas, will survey and design engineering services for the proposed Moores Lane and Galleria Oaks street reconstruction. The City selected this firm from the highest scoring of proposals submitted for the design, survey, and drawings for this street reconstruction project; and

WHEREAS, these services are considered as "Professional Services" and EST Inc., of Wake Village, Texas, submitted a proposal attached hereto as **ATTH 01**; and

WHEREAS, funds are available through the 2022 Bond Fund.

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

SECTION 1: The highest scored firm for the surveying and design for engineering services for street reconstruction on Moores Lane and Galleria Oaks for the City is hereby declared to be EST Inc., of Wake Village, Texas.

SECTION 2: The City Manager be and is hereby authorized to execute an agreement with EST Inc., of Wake Village, Texas.

SECTION 3: 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 **9th day of January, 2023**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-011 RES Moores Lane and Galleria Oaks Street Reconstruction Project (3904 : 2023-011 RES Engineering Services for

PROFESSIONAL ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the **City of Texarkana, Texas**, hereinafter referred to as "City", and **EST, Inc.**, hereinafter referred to as "Engineer", to be effective from and after the date as provided herein, and as authorized by the Mayor of the City.

WITNESSETH:

WHEREAS, the City desires to engage the services of the Engineer to complete engineering design, surveying, bidding, and construction management services for the ***Street Reconstruction of Moores Lane and Galleria Oaks,*** hereinafter referred to as the "Project";

WHEREAS, the Engineer desires to render such services for the City under the terms and conditions provided herein.

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

That for and in consideration of the covenants contained herein, and for the mutual benefits to be obtained hereby, the parties hereto agree as follows:

I. Employment of the Engineer

The City hereby agrees to retain the Engineer to perform professional engineering services in connection with the Project; Engineer agrees to perform such services in accordance with the terms and condition of this Agreement.

II. Scope of Services

The parties agree that Engineer shall perform such services as expressly set forth and described in Exhibit "A", which is attached hereto and thereby made a part of this Agreement. The parties understand and agree that deviations or modifications, in the form of written changes may be authorized from time to time by the City. Engineer shall have no further obligations or responsibilities for the Project except as agreed to in writing. Engineer's services and work product are intended for the sole use and benefit of City and are not intended to create any third-party rights or benefits, or for any use by any other entity or person for any otherpurpose.

Engineer shall perform the professional engineering services with the professional skill and care ordinarily provided by competent engineers practicing in North Central Texas and under the same or similar circumstances and professional license. Professional services shall be performed as expeditiously as is prudent, considering the ordinary professional skill and care of a competent engineer.

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

III. Schedule of Work

The Engineer agrees to commence services immediately upon execution of this Agreement, and to proceed diligently with said service, except for delays beyond the reasonable control of Engineer, to completion, as described in the Completion Schedule attached hereto as Exhibit "B" and thereby made a part of this Agreement.

IV. Compensation and Method of Payment

The parties agree that Engineer shall be compensated for all services provided pursuant to this Agreement in an amount not to exceed $707,765.00, and in the manner described and set forth in the Payment Schedule attached hereto as Exhibit "C" and thereby made a part of this Agreement. Engineer further agrees that it will prepare and present such monthly progress reports and itemized statements as are described in said Exhibit "C". City agrees to pay invoices upon receipt.

V. Information To Be Provided By The City

The City agrees to furnish, prior to commencement of work, all information requested by Engineer that is available to the City.

VI. Retention of Records

The Engineer shall retain all required records for three years after the City makes its final payment and all pending matters are closed.

VII. Insurance

Engineer agrees to procure and maintain for the duration of the contract Professional Liability Insurance ($2,000,000), Worker's Compensation, General Liability and Automobile Insurance in accordance with Exhibit "F" attached hereto and thereby made a part of this Agreement.

VIII. Assignment and Subletting

The Engineer agrees that neither this Agreement nor the services to be performed hereunder will be assigned or sublet without the prior written consent of the City. The Engineer further agrees that the assignment or subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve the Engineer from its full obligations to the City as provided by this Agreement.

IX. Contract Termination

The parties agree that City or the Engineer shall have the right to terminate this Agreement without cause

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

upon thirty (30) days written notice to the other. In the event of such termination without cause, Engineer shall deliver to City all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items prepared by Engineer in connection with this Agreement. Engineer shall be entitled to compensation for any and all services completed to the satisfaction of City in accordance with the provisions of this Agreement prior to termination.

X. Engineer's Opinion of Cost

The parties recognize and agree that any and all opinions of cost prepared by Engineer in connection with the Project represent the best judgment of Engineer as a design professional familiar with the construction industry, but that the Engineer does not guarantee that bids solicited or received in connection with the Project will not vary from the opinion by the Engineer.

XI. Construction

On projects that include construction, the City recognizes that the contractor and subcontractors will be solely in control of the Project site and exclusively responsible for construction means, methods, scheduling, sequencing, jobsite safety, safety programs, and compliance with all construction documents and directions from City or building officials. Construction contracts are between the City and the construction contractor. Engineer shall not be responsible for construction related damages, losses, costs, or claims; except only to the extent caused by Engineer's sole negligence.

XII. Ownership of Documents

Original drawings, specifications and reports are the property of the Engineer; however, the Project is the property of the City. All information, documents, records and reports developed as a result of the services provided under this Agreement shall become the property of the City (hereinafter "Documents"). During the term and all renewals of this Agreement, all such Documents generated, compiled, collected or collated shall be maintained in the format required by City. Further, all such Documents shall be returned to City upon termination of this Agreement, and upon such termination shall be returned in the format required by City. City shall be furnished with such reproductions of drawings, specifications and reports.

All deliverables shall be furnished at any other time requested by the City when such deliverables are available in the Engineer's record keeping system.

XIII. Complete Contract

This Agreement, including the exhibits hereto numbered "A" through "E" constitutes the entire

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

agreement by and between the parties regarding the subject matter hereof, and supersedes all prior or contemporaneous written or oral understanding. This agreement may only be amended, supplemented, modified or canceled by a duly executed written agreement signed by authorized representative of both City and the Engineer.

XIV. Statutorily Required Provisions.

a. Verification Regarding Energy Company Boycotts. To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002, Texas Government Code, (as added by Senate Bill 13, 87th Texas Legislature, Regular Session) as amended, Engineer hereby verifies that it and its parent company, wholly- or majority- owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to the term "boycott energy company" in Section 809.001, Texas Government Code. Engineer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Underwriter and exists to make a profit.

b. Verification Regarding Discrimination Against Firearm Entity or Trade Association. To the extent this Agreement constitutes a contract for the purchase of goods or services having a value of at least $100,000 that is paid wholly or partly from public funds for which a written verification is required under Section 2274.002, Texas Government Code (as added by Senate Bill 19, 87th Texas Legislature, Regular Session), as amended, Engineer hereby verifies that it and its parent company, wholly- or majority- owned subsidiaries, and other affiliates, if any,

   1. do not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and

   2. will not discriminate during the term of this Agreement against a firearm entity or firearm trade association.

   The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" shall have the meaning assigned to such term in Section 2274.001(3), Texas Government Code (as added by SB 19). Engineer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Underwriter and exists to make a profit

c. Certifications Regarding Terrorist Organizations and Boycott of Israel. To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Sections 2252.151-.154 Texas Government Code, Engineer hereby certifies that it and its parent company, wholly- or majority- owned subsidiaries and other affiliates, if any, is not a company identified on the Texas Comptroller's list of companies known to have

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contracts with, or provide supplies or services to, a foreign organization designated as a Foreign Terrorist Organization by the U.S. Secretary of State under federal law.

To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Sections 2271.001-002 Texas Government Code, Engineer and its parent company, wholly- or majority- owned subsidiaries, and other affiliates, if any, further certifies and verifies that it does not boycott Israel, and agrees that it will not boycott Israel during the term of this Agreement. For purposes of this Agreement, the term "boycott" shall mean and include terminating business activities or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory. (Tex. Gov't Code §§ 2270.001-.002, 808.001-.006, .051-.057, .101-.102)

The foregoing verification is made solely to comply with Chapter 2271, Texas Government Code, as amended, to the extent the appliable provision in Chapter 2271.001, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott Israel" shall have the meaning assigned to such term in Section 808.001(1), Texas Government Code. Engineer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Underwriter and exists to make a profit.

XV. INDEMNIFICATION

THE ENGINEER SHALL COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES AND REGULATIONS, AND SHALL INDEMNIFY, AND HOLD HARMLESS THE CITY AND ITS AGENCY MEMBERS FROM AND AGAINST ANY AND ALL CLAIMS, COSTS, SUITS, AND DAMAGES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF THE ENGINEER'S PERFORMANCE OR NONPERFORMANCE OF THE ACTIVITIES, SERVICES OR SUBJECT MATTER CALLED FOR IN THIS AGREEMENT, AND SHALL ASSUME FULL RESPONSIBILITY FOR PAYMENTS OF FEDERAL, STATE AND LOCAL TAXES ON CONTRIBUTIONS IMPOSED OR REQUIRED UNDER THE SOCIAL SECURITY, WORKER'S COMPENSATION AND INCOME TAX LAWS.

XVI. Mailing of Notices

Unless instructed otherwise in writing, Engineer agrees that all notices or communications to City permitted or required under this Agreement shall be addressed to City at the following address:

Dustin Henslee, PE, Director of PW
City of Texarkana
220 Texas Boulevard
Texarkana, TX 75501
903-798-3953

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

City agrees that all notices or communications to Engineer permitted or required under this Agreement shall be addressed to Engineer at the following address:

Jere A. Williams, PE EST, Inc.
811 N Kings Hwy
Wake Village, TX 75501
Phone: (903) 826-2226

All notices or communications required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date such notice or communication is posted by the sending party.

XVII. Effective Date

This Agreement shall be effective from and after execution by both parties hereto, with originals in the hand of both parties.

WITNESS OUR HANDS AND SEALS on the date indicated below.

CITY OF TEXARKANA, TEXAS
A Texas Home-Rule Municipality

EST, INC.
A Limited Liability Corporation
Texas Board of Professional Engineers Firm No. 10777

By: _____
City Manager

Date: _____

By: _____
Brad Martin, P.E.
Director of Texas Operations

Date: _____

ATTEST:

_____

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

EXHIBIT "A"

Scope of Engineering Services

Street Reconstruction on Moores Lane and Galleria Oaks

GENERAL DESCRIPTION

The CITY desires to reconstruct Moores Lane from Summerhill Road to Hamptom Road, and Galleria Oaks Drive from Summerhill Road to Moores Lane, including a trail along Galleria Oaks. Preliminary planning for the trail extension east of Galleria Oaks to the Tourist Bureau will be performed as part of the project planning, however that section is not included for final design and construction drawings. The project includes engineering design, surveying, and construction administration. Services by the ENGINEER will include all aspects of the work set forth in the following scope of services.

PART A – General Project Management & Coordination

ENGINEER will provide the following services for the duration of the project at hourly rates.

1. Manage the project team and keep the CITY apprised of the status of coordination efforts and any issues which could delay anticipated schedule.
2. Respond to requests for information from the CITY as needed for items commonly anticipated to be associated with this project scope.
3. Coordinate with agencies, stakeholders, and/or consulting firm representatives to obtain data related to the project, including: County Engineer, City engineer, developer's engineers, TxDOT District and Area Offices, USACE, FEMA, franchise utilities, Pathway Trail organization, or others.
4. Provide progress updates and attend meetings with CITY and/or stakeholders.

PART B – Design and Plan Preparation Phase

ENGINEER will provide the following tasks related to engineering design and plan preparation.

1. Attend a preliminary design conference with the CITY and other interested parties. The purpose of the preliminary design conference will be to review design criteria and the available project budget.
2. Perform topographic design survey and geotechnical engineering for street reconstruction as further described in Part E of this scope.
3. Develop conceptual layout ~~and typical sections~~ for trail alignment, in exhibit form for City review and direction.
4. Evaluate drainage at Moores / Summerhill intersection.
5. Perform storm water routing and pipe sizing for improvements at Moores / Summerhill intersection, with consideration of improvements to system at Cowhorn Creek. All other storm sewers are considered adequate and will not need to hydrologic or hydraulic design performed.
6. Develop CAD base files and sheet sets for 60%, 100% and Final plan submittals to City and TxDOT.
7. Prepare cover sheet, location map, and sheet index.
8. Prepare general notes.
9. Prepare survey control plan.

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

10. Prepare typical sections, plan and profiles, grading, drainage, removal, erosion control, signing and striping plans.
11. Compile construction bid item quantities to formulate Opinion of Probable Construction Cost at 60% design.
12. Submit two sets of 60% construction plans (11"x17" sheet size) for City review.
13. Provide preliminary plans to utility companies for clearance verification.
14. Revise and finalize 60% plan sheets and technical specifications by incorporating City comments.
15. Prepare special details.
16. Prepare construction details.
17. Prepare construction plans and technical specifications. Contract documents, general conditions and special conditions will be provided by the City.
18. Submit detailed drawings and plans/specifications to appropriate regulatory agencies.
19. Conduct a quality assurance and quality control review of the construction plans and specifications for all submittals.
20. Prepare final construction plans and specifications, including incorporation of City review comments and directives from the review of 60% design plans and specifications.
21. Complete quantity take-off and update Engineer's Opinion of Probable Construction Cost.
22. Provide two sets of the 100% Plans, Specifications, and Engineer's Opinion of Probable Construction Cost to the City for final review.
23. Submit final signed and sealed construction plans in PDF format to City during Bidding process.

Terms and Conditions For Electronic File Transfers

Electronic files are transmitted on the terms and conditions below. By opening, accessing, copying or otherwise using the transmitted electronic files, these terms and conditions are accepted by the user.

a. The electronic files are compatible with the following software packages operating on a PC using Windows operating systems:
   - AutoCAD 2019
   - Microsoft Office 365 Products, including Word and Excel
   - Adobe Acrobat (PDF)

b. EST, Inc. does not make any warranty as to the compatibility of these files beyond the specified release of the above stated software.

c. Because data stored on electronic media can deteriorate undetected or be modified, EST, Inc. will not be held liable for completeness or correctness of electronic media.

d. The electronic files are instruments of our service. Where there is a conflict between the hard copy drawings and the electronic files, EST, Inc.'s hard copy file will govern in all cases.

e. Electronic files may only be modified in accordance with the Texas Engineering Practice Act for modifying another Engineer's design.

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

PART C – Bidding Phase

ENGINEER will provide the following services related to bidding upon authorization of this phase by the CITY.

1. Assist during opening of bids and provide bidding summary sheets.
2. Complete a tabulation of bids received and provide to City and contractors who submitted bids.

PART D – Construction Administration Phase

ENGINEER will proceed with the following tasks related to construction administration upon authorization of this phase by the CITY.

1. Attend pre-construction conference.
2. Provide a PDF Plan Set "Approved for Construction"
3. Attend onsite observation meetings (up to 4) during construction with contractor, quality control personnel, and City representatives to discuss strategy, problem areas, progress, and required coordination.
4. Review and take appropriate action in respect of Shop Drawings and Samples and other data which the Contractor is required to submit. This review is for the benefit of the Owner and covers only general conformance with information given by the Contract Documents. Review by the Engineer does not relieve the Contractor of any responsibilities, safety measures or the necessity to construct a complete and workable facility in accordance with the Contract Documents. Shop drawings to be distributed electronically. ENGINEER is not responsible for Contractor means and methods, phasing including but not limited to the Project Safety Program or adherence to Safety Practices per any and all local or State jurisdictions and/or OSHA regulations.
5. Issue clarifications and interpretations of the Contract documents to City as appropriate.

PART E – Special Services / Additional Services

The following special services are included with this services agreement as described below.

1. Topographic Design Survey: EST will provide design surveys of existing rights-of-way, topography, utilities, or other field data within the project limits. EST will establish the project control points one time prior to construction. We will contact Dig Tess (Texas811) to establish ticket and request location of franchise utilities to be marked.

   The survey will include the following:

   - Primary control (3) tied to City of Texarkana control network.
   - Benchmarks (8 total) approximately every 500 feet along both roadways
   - Level loop
   - Utility locations as marked by DIGTESS 811 call ticket
   - Topo DTM
   - Topo Planimetric
   - Cross sections at locations as required by the engineer
   - Survey of drainage channel/bridge locations as required by the engineer

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

- Deed research necessary to establish and show existing right of way

2. Geotechnical Engineering: EST will provide geotechnical engineering services for pavement design on Moores Lane and Galleria Oaks, including the following scope:

   - Perform a total of five (5) pavement borings along existing roadways; three (3) borings within Moores Ln from Summerhill Rd to Hampton Rd, and two (2) borings with Galleria Oaks from Summerhill to Moores Ln. The pavement borings will be advanced to a depth of 5 feet. Standard Penetration Test (SPT) and/or Shelby tube samples will be obtained in the upper 10 feet.

   - Perform and collect five (5) pavement cores at the same locations as the pavement borings. The cores will be used to identify the existing pavement material and thickness.

   - For the borings, recovered soil samples will be evaluated for in-situ moisture content. Selected samples will be evaluated for liquid limit, plastic limit, gradation, sulfates, and swell potential. Our report will include boring logs showing subsurface stratigraphy, soil classification, rock material description, and groundwater elevation. The report will include geotechnical recommendations for earthwork and site preparation, fill compaction, estimated PVR, pavement design and thicknesses, and pavement subgrade preparation recommendations.

3. Traffic Signal Modifications at Summerhill/Galleria Oaks Pedestrian Crossing: EST will provide traffic engineering services for design of signal modifications to provide a pedestrian crossing, to include to following:

   a) A proposed traffic signal sheet will be designed to incorporate a new bicycle/pedestrian crossing on the east side of Galleria Oaks Dr for the existing traffic signal. This intersection currently operates as a mast arm installation without pedestrian phasing. Pedestrian traffic signal heads and ADA-compliant pedestrian push buttons are included in the new crossing. No other traffic signal design is anticipated.
   b) Additional design detailing each of the two quadrants, (Northeast and Southeast), will depict enlarged views for conduit routing between pull boxes and the traffic signal mast arm poles.
   c) A General Notes Sheet listing all requirements for the pedestrian crossing work will be included.
   d) A tabulation sheet will be provided showing individual tabulations of material requirements for construction.
   e) Electrical wiring plan will be designed for the new pedestrian signal connections to the traffic signal controller cabinet.
   f) A summary of quantities plan sheet will be provided listing combined traffic items required for the construction of the pedestrian crossing.
   g) This scope does not include traffic signal timing or modification
   h) This scope does not include any traffic analysis

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

The following services are not included in the scope under this agreement, however EST can provide these services by supplemental agreement or perform these tasks at hourly rates when authorized by the CITY.

4. Easement or Right of Way Survey Preparation ($750 / parcel)
5. Construction Inspection
6. Construction Materials Testing
7. FEMA Map Revisions, modeling, or coordination thereof
8. Environmental survey for wetlands delineation
9. USACE jurisdictional permitting, Pre-Construction Notification (PCN), or mitigation efforts
10. Franchise Utility Relocation Coordination and Oversight
11. Detailed design of trail extension to the Tourist Bureau (east of Hampton)
12. Right-of-Entry permission for construction

Exclusions

The intent of this scope of services is to include only the services specifically listed herein and none others. Services specifically excluded from this scope include, but are not necessarily limited to the following:

a. Processing and preparation of monthly pay requests for construction.
b. Subsurface Utility Exploration (SUE).
c. Certification that work is in accordance with plans and specifications.
d. Consulting services by others not party to this contract.
e. Contractor's means and methods.
f. Environmental cleanup.
g. Environmental impact statements and assessments.
h. Fees for permits.
i. Fees for publicly advertising the construction project.
j. On-site construction safety precautions, programs and responsibility (Contractor's responsibility).
k. Quality control and testing services during construction. EST is available for materials testing services at the hourly rates and fees provided in Exhibit C.
l. Revisions and/or change orders as a result of revisions after completion of original design (unless to correct error on plans).
m. Title searches.
n. Trench safety designs.

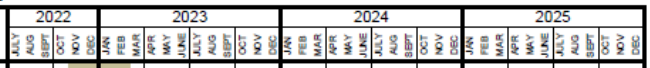
Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

EXHIBIT "B"

PROJECT SCHEDULE

Moores Lane and Galleria Oaks
PRELIMINARY PROJECT SCHEDULE

Task	Description	Phase	Start	Finish
1	Consultant Selection, Scoping, Contracts	Pre-Design	Nov-22	Feb-23
2	Survey & Geotechnical Investigation	Design	Mar-23	Apr-23
3	Preliminary Engineering Design	Design	May-23	Aug-23
4	Jurisditional Coordination & Approvals	Coordination	Aug-23	Sep-23
5	Public Engagement	Coordination	Sep-23	Sep-23
6	Final Engineering Design	Design	Oct-23	Dec-23
7	ROW Acquisition & Franchise Utility Coordination	Pre-Con	Jan-24	May-24
8	Bidding/Construction Contract Award	Bidding	May-24	Jun-24
9	Construction Management (Phased)	Construction	Jul-24	Dec-25
10	Final Walkthrough	Construction	Dec-25	Dec-25



Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

2023-011 ATTH 01 EST Inc.

EXHIBIT "C"

PAYMENT SCHEDULE

For and in consideration of Planning, Design, and Special Services by ENGINEER on the project, CITY agrees to pay the amounts indicated below for services rendered in each phase of the project. Partial payments to ENGINEER will be made based on monthly invoices submitted to the CITY. Payment for services shall be due and payable within one month of submission of the invoice.

A.	PROJECT MANAGEMENT AND COORDINATION *(Lump Sum)*	= $ 42,440.00
B.	DESIGN AND PLAN PREPARATION *(Lump Sum)*	= $324,190.00
C.	BIDDING *(Lump Sum)*	= $ 4,560.00
D.	CONSTRUCTION ADMINISTRATION *(Lump Sum)*	= $ 14,120.00
E.	SPECIAL SERVICES *(Lump Sum)*	
	i. Topographic Survey	= $ 32,000.00
	ii. Geotechnical Engineering	= $ 9,100.00
	iii. Traffic Signal Plans	= $ 25,720.00
	TOTAL SERVICES FEE	= $452,130.00

Printing and other direct expenses will be billed at ENGINEER's cost plus 15%.

Additional/Special Services, if required, will be provided on an hourly basis as follows:

Principal/ Director	$250.00/hour
Project Manager	$200.00/hour
Professional Engineer	$185.00/hour
EIT	$105.00/hour
CAD Drafter	$85.00/hour
Clerical	$75.00/hour
Survey Field Crew	$225.00/hour plus trip charge
Registered Professional Land Surveyor	$150.00/hour
Survey Technician	$80.00/hour

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

The following services can be provided by separate services agreement upon request by the CITY.

- Easement & ROW Survey ($750 per parcel)
- Construction Inspection
- Construction Materials Testing
- FEMA LOMR Services
- Environmental Surveys
- USACE permitting and mitigation assistance
- Franchise Utility Relocation Coordination & Oversight

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

EXHIBIT "D"

LIST OF SUBCONSULTANTS

1. No Subconsultants at this time.

Attachment: 2023-011 ATTH 01 EST Proposal (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks 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:

NONE

Resource Impact:

Staff time required if item is approved:	Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2023-011 Goals & Perspectives (3904 : 2023-011 RES Engineering Services for Moores Lane and Galleria Oaks Street

Attachment: 2023-011 RES Contract Engr Svcs Moores and Galleria Oaks signed (3904 : 2023-011 RES Engineering Services for Moores Lane

RESOLUTION NO. 2023-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EST, INC., OF WAKE VILLAGE, TEXAS, FOR THE DESIGN, SURVEY, AND DRAWINGS ON THE ENGINEERING PHASE OF THE STREET RECONSTRUCTION FOR MOORES LANE AND GALLERIA OAKS, IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY-TWO THOUSAND ONE HUNDRED THIRTY DOLLARS ($452,130), TO BE PAID FROM THE 2022 BOND FUND; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council authorized the issuance of certificates of obligation, which included street reconstruction projects; and

WHEREAS, engineering services for street reconstruction on Moores Lane and Galleria Oaks was a project on the City's planned project list for the 2022 Bond Fund; and

WHEREAS, EST Inc., of Wake Village, Texas, will survey and design engineering services for the proposed Moores Lane and Galleria Oaks street reconstruction. The City selected this firm from the highest scoring of proposals submitted for the design, survey, and drawings for this street reconstruction project; and

WHEREAS, these services are considered as "Professional Services" and EST Inc., of Wake Village, Texas, submitted a proposal attached hereto as **ATTH 01**; and

WHEREAS, funds are available through the 2022 Bond Fund.

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

SECTION 1: The highest scored firm for the surveying and design for engineering services for street reconstruction on Moores Lane and Galleria Oaks for the City is hereby declared to be EST Inc., of Wake Village, Texas.

SECTION 2: The City Manager be and is hereby authorized to execute an agreement with EST Inc., of Wake Village, Texas.

SECTION 3: 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 **9th day of January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:09 p.m.

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/5/2023 9:31 AM

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

Subject: Ordinance No. 2023-013 authorizing the City Manager to make a budget amendment to purchase one (1) 941 500HP Water Pump PF6000T Variable Frequency Drive from Stuart C Irby Co., of Texarkana, Texas, with budgeted funds, in the amount of One Hundred Sixty-Five Thousand Two Hundred Eighty Dollars ($165,280).

Briefing: 1/9/2023 **Public Hearing:** **Council Vote:** 1/9/2023

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Due to an emergency a budget amendment is required to purchase a 941 500HP Water Pump PF6000T Variable Frequency Drive from Stuart C. Irby Co. at $165,280.00. Due to the loss of a transformer that expired it was determined that the most cost-effective purchase would be to replace a VFD, which does not need to run off of a transformer; this model of VFD will also be more cost-efficient. SWEPCO might offer a rebate because of the energy efficiency of the VFD. This is a sole source piece of equipment. Due to the lead time (17 weeks) and emergency this VFD has been ordered; the purchase meets all bidding requirements.

Potential Options:

- None
-

Fiscal Implications:

Funds are available in the Lake Texarkana Water Supply Corporation Capital Fund.

Staff Recommendation:

Texarkana Water Utilities staff recommends approval of the purchase.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2023-013 ORD Budget Amendment Purchase VFD (jcl rev) (DOCX)
b. 2023-013 ATTH 01 Budget Amendment to purchase VFD (PDF)
c. 2023-013 Goals & Perspectives (DOCX)
d. 2023-013 ORD Amd Budgt VFD signed (PDF)

Staff Coordination

Water Utilities	Gary Smith 01/04/2023 8:58 AM	Department Head Review	Completed	
TWU Administration	Kenny Icenhower	Review	Completed	01/04/2023 9:02 AM
TWU Finance	Tricia Briggs	Review	Completed	01/04/2023 9:20 AM
City Manager	David Orr	City Manager Review	Completed	01/04/2023 2:56 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

ORDINANCE NO. 2023-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, ADDING THE AMOUNT OF ONE HUNDRED SIXTY-FIVE THOUSAND TWO HUNDRED EIGHTY DOLLARS ($165,280) TO THE TEXARKANA WATER UTILITIES – TEXAS FUNDS, LAKE TEXARKANA CAPITAL IMPROVEMENT FUND (MEMBER CITIES), FOR THE PURCHASE OF A VARIABLE FREQUENCY DRIVE WATER PUMP FOR WRIGHT PATMAN WATER TREATMENT PLANT; RATIFYING THE PURCHASE ORDER OF ONE (1) 941 500HP WATER PUMP PF6000T VARIABLE FREQUENCY DRIVE THROUGH STUART C IRBY CO., OF TEXARKANA, TEXAS, AT THE PURCHASE PRICE OF $165,280 AND AUTHORIZING PAYMENT; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Wright Patman Water Treatment Plant utilizes a variable frequency drive water pump (VFD) to reduce energy consumption by adjusting flow or pressure to the actual demand; the operation of this VFD relies upon a transformer; the operation experienced a mechanical failure in April 2022, which was initially thought to be a failure of the VFD; continuing delays in obtaining critical parts for repair led to a reevaluation of the failure and the determination that the transformer upon which the VFD was reliant had blown; then, in evaluating options for repair, replacing the blown transformer carried a higher cost than replacing the transformer-reliant VFD with a model that does not require a transformer; such a VFD is available from a sole source vendor, Stuart C Irby Co., of Texarkana, Texas, at a purchase price of $165,280 **(ATTH 01)**; and upon replacement, the transformer-reliant VFD can be retained and repurposed in a different area; and

WHEREAS, given a lead time of 17 weeks between order and delivery of the new VFD, it was determined that the risk of possibly compromising treated water production for the public outweighed delaying the VFD order until such time the proposed purchase could be presented to the City Council at the next-calendared regular meeting, and therefore the City Manager authorized the TWU Executive Director to proceed with the purchase order for the VFD; and

WHEREAS, while sufficient funds are available in the Lake Texarkana Capital Improvement Fund (Member Cities) [Fund L122323] to cover the purchase of the new VFD, the expenditure was neither anticipated nor budgeted for the current fiscal year, thus requiring a budget amendment; and

WHEREAS, while the sole source vendor circumstances meet the requirements of Texas purchasing law, the City's purchasing policy requires City Council ratification of this purchase.

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

SECTION 1: 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, 2022, and ending September 30, 2023, shall be and is amended to reflect

Attachment: 2023-013 ORD Budget Amendment Purchase VFD (jcl rev) (3914 : 2023-013 ORD Budget Amendment Purchase VFD)

additional expenditures appropriated of **ONE HUNDRED SIXTY-FIVE THOUSAND TWO HUNDRED EIGHTY DOLLARS ($165,280)** in the Texarkana Water Utilities – Texas Funds, Lake Texarkana Capital Improvement Fund (Member Cities) [Fund L122323] for the purchase of a variable frequency drive water pump for treated water production at the Wright Patman Water Treatment Plant.

SECTION 2: The City Council approves and ratifies the purchase of one (1) 941 500HP Water Pump PF6000T from Stuart C Irby Co., of Texarkana, Texas, at a purchase price of $165,280, for treated water production at the Wright Patman Water Treatment Plant, utilizing funds available in the Lake Texarkana Capital Improvement Fund (Member Cities) [Fund L122323], as reflected in the purchase order attached to this ordinance as **ATTH 01** and incorporated herein by reference for all purposes; and the City Manager or designee is authorized to expend City funds to pay the referenced purchase price to the vendor at such time that payment is required or otherwise due and owing.

SECTION 3: 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 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 **9th day of January, 2023**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-013 ORD Budget Amendment Purchase VFD (jcl rev) (3914 : 2023-013 ORD Budget Amendment Purchase VFD)

Corey A-410
63-000-135111-L122323
Req# 120416

LS VFD

Rockwell Automation

2. Stuart C Irby Co Terms and Conditions of Sale

Itemized Pricing Summary for 941_500HP Water Pump PF6000T

Quotation No:002548709 Revision: A

Item	Qty	Part Number	Description	Del Prog	Net Each (Local)	Ext Net (Local)
1	1		500HP	ENG	131,320	131,320
2	1	1500-SLAB	Start Up Quote - Labor	SC	16,049	16,049
3	1	1500-SEXP	Start Up Quote - Expense	SC	5,527	5,527
4	3	ELECTMANUALS	Service manuals on CD. No Charge	SC		
5	1		Critical Spare Parts for PowerFlex 6000T	SC	12,384	12,384
			TOTAL			165,280

Rockwell Automation may make partial shipments hereunder and may invoice for each such partial shipment separately if the customer purchase order breaks out the line item pricing by quantity. If the customer purchase order does not break out the line item pricing by quantity and is instead for a lump sum total value, then Rockwell Automation may invoice for each such partial shipment separately based on the pro-rata amount of the partial shipments.

Payment Terms: Net thirty (30) days

Commercial Pricing Considerations.
Inspector visits and standard witness tests are available on a per diem basis. Purchaser to stipulate at time of order, the number of days required.

Rockwell Automation Medium Voltage Products are manufactured in multiple locations and reserves the right to determine sourcing location that best meets the customer's needs.

2.1. Shipment

Order Cancellation Schedule
This section outlines the cancellation charges for the scope quoted in this proposal, according to the stage at which the cancellation is requested. Rockwell Automation expects to receive a notice / intent to cancel or terminate, from the customer, per applicable clause agreed in the terms and conditions.

This schedule applies to all order items being considered for cancellation unless otherwise stated or confirmed by Rockwell Automation.

L122323

Information contained in this proposal consists of technical, commercial and/or financial information, which is confidential and proprietary to Rockwell Automation Canada Control Systems ("Rockwell Automation"). This information is furnished to recipient in confidence on the condition that it may not be disclosed to third parties or reproduced or used, in whole or in part, for any purpose other than the evaluation of this proposal. The recipient agrees to return the proposal to Rockwell Automation promptly upon request.

Allen-Bradley by ROCKWELL AUTOMATION

~4 HS upgrade

Attachment: 2023-013 ATTH 01 Budget Amendment to purchase VFD (3914 : 2023-013 ORD Budget Amendment Purchase VFD)

City of Texarkana, Texas

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

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

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

Attachment: 2023-013 Goals & Perspectives (3914 : 2023-013 ORD Budget Amendment Purchase VFD)

ORDINANCE NO. 2023-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGETED EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, ADDING THE AMOUNT OF ONE HUNDRED SIXTY-FIVE THOUSAND TWO HUNDRED EIGHTY DOLLARS ($165,280) TO THE TEXARKANA WATER UTILITIES – TEXAS FUNDS, LAKE TEXARKANA CAPITAL IMPROVEMENT FUND (MEMBER CITIES), FOR THE PURCHASE OF A VARIABLE FREQUENCY DRIVE WATER PUMP FOR WRIGHT PATMAN WATER TREATMENT PLANT; RATIFYING THE PURCHASE ORDER OF ONE (1) 941 500HP WATER PUMP PF6000T VARIABLE FREQUENCY DRIVE THROUGH STUART C IRBY CO., OF TEXARKANA, TEXAS, AT THE PURCHASE PRICE OF $165,280 AND AUTHORIZING PAYMENT; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Wright Patman Water Treatment Plant utilizes a variable frequency drive water pump (VFD) to reduce energy consumption by adjusting flow or pressure to the actual demand; the operation of this VFD relies upon a transformer; the operation experienced a mechanical failure in April 2022, which was initially thought to be a failure of the VFD; continuing delays in obtaining critical parts for repair led to a reevaluation of the failure and the determination that the transformer upon which the VFD was reliant had blown; then, in evaluating options for repair, replacing the blown transformer carried a higher cost than replacing the transformer-reliant VFD with a model that does not require a transformer; such a VFD is available from a sole source vendor, Stuart C Irby Co., of Texarkana, Texas, at a purchase price of $165,280 **(ATTH 01)**; and upon replacement, the transformer-reliant VFD can be retained and repurposed in a different area; and

WHEREAS, given a lead time of 17 weeks between order and delivery of the new VFD, it was determined that the risk of possibly compromising treated water production for the public outweighed delaying the VFD order until such time the proposed purchase could be presented to the City Council at the next-calendared regular meeting, and therefore the City Manager authorized the TWU Executive Director to proceed with the purchase order for the VFD; and

WHEREAS, while sufficient funds are available in the Lake Texarkana Capital Improvement Fund (Member Cities) [Fund L122323] to cover the purchase of the new VFD, the expenditure was neither anticipated nor budgeted for the current fiscal year, thus requiring a budget amendment; and

WHEREAS, while the sole source vendor circumstances meet the requirements of Texas purchasing law, the City's purchasing policy requires City Council ratification of this purchase.

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

SECTION 1: 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, 2022, and ending September 30, 2023, shall be and is amended to reflect

Attachment: 2023-013 ORD Amd Budgt VFD signed (3914 : 2023-013 ORD Budget Amendment Purchase VFD)

additional expenditures appropriated of **ONE HUNDRED SIXTY-FIVE THOUSAND TWO HUNDRED EIGHTY DOLLARS ($165,280)** in the Texarkana Water Utilities – Texas Funds, Lake Texarkana Capital Improvement Fund (Member Cities) [Fund L122323] for the purchase of a variable frequency drive water pump for treated water production at the Wright Patman Water Treatment Plant.

SECTION 2: The City Council approves and ratifies the purchase of one (1) 941 500HP Water Pump PF6000T from Stuart C Irby Co., of Texarkana, Texas, at a purchase price of $165,280, for treated water production at the Wright Patman Water Treatment Plant, utilizing funds available in the Lake Texarkana Capital Improvement Fund (Member Cities) [Fund L122323], as reflected in the purchase order attached to this ordinance as **ATTH 01** and incorporated herein by reference for all purposes; and the City Manager or designee is authorized to expend City funds to pay the referenced purchase price to the vendor at such time that payment is required or otherwise due and owing.

SECTION 3: 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 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 **9th day of January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:09p.m.

Attachment: 2023-013 ORD Amd Budgt VFD signed (3914 : 2023-013 ORD Budget Amendment Purchase VFD)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 1/19/2023 2:50 PM

Lead Department: Building Code Administration **Action Officer:** Mashell Daniel,

Subject: Ordinance No. 2023-004 amending Sections of Chapter 8, "Animal Care and Control" of the Code of Ordinances [technical amendments to section 8-1 thru 8-3, 8-5 thru 8-8, 8-11 thru 8-15, and 8-18 -- definitions, rabies vaccination and city registration requirements, confinement and restraint of animals, impoundment and quarantine, livestock and fowl, sanitary requirements, animal care, animal nuisances, and dangerous dogs].

Briefing: 1/23/2023 **Public Hearing:** 1/23/2023 **Council Vote:** 1/23/2023

Item Schedule

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

Updates/History of Briefing:

Section 8-2 - "Enforcement" (g) is amended to refer to traps placed by the City or the release of a person's common household pet inadvertently trapped.
Section 8-2 - (h) "It is unlawful for any person to set a live trap without registering the trap with the City" is removed in its entirety.
Section 8-6 - "Restraint" is amended to address Texas State Law with subchapter E as provided in this agenda packet by removing the words 'chaining' and 'chain'.
Section 8-6 (f) is amended to replace the word 'transferred' with 'transported.'

Executive Summary and Background Information:

Staff has reviewed Ch 8, "Animal Care and Control" of the code of ordinances and has determined it is necessary and in the best interest of the City to revise and update Ch 8 definitions, rabies vaccination and city registration requirements, regulations governing confinement and restraint of animals, impoundment and quarantine, livestock and fowl, sanitary requirements, animal care, animal nuisances, and dangerous dogs.

Attached is a red-line version of the changes made to Ch 8 for your viewing.

Updating this ordinance will align with current laws and procedures, and assist with providing a safe and healthier community for citizens and pets.

Potential Options:

- Approve
- Not approve

Fiscal Implications:

None

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

Texarkana Animal Coalition Team (TACT)

Board/Committee Recommendation:

TACT recommends for approval.

Advisory Board/Committee Meeting Date and Minutes:

10/20/2022

Attachments

a. 2023-004 ORD Amending Ch 8 Animal Care and Control (DOCX)
b. 2023-004 ATTH 01 Redline Version Ch 8 Animal Care and Control (DOCX)
c. 2023-004 ATTH 02 CH 821 subch E (DOCX)
d. 2023-004 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Department Head Review	Completed	12/21/2022 10:39 AM
City Manager	David Orr	City Manager Review	Completed	12/21/2022 11:37 AM
City Attorney	Jeffery C. Lewis	Review	Completed	12/21/2022 4:00 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

Publish

ORDINANCE NO. 2023-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING SECTIONS 8-1, 8-2, 8-3, 8-5, 8-6, 8-7, 8-8, 8-11, 8-12, 8-13, 8-14, 8-15, AND 8-18 OF CHAPTER 8, "ANIMAL CARE AND CONTROL", OF THE CODE OF ORDINANCES; CONTAINING REPEALER, SEVERABILITY, AND SUPERSEDING CLAUSES; CONTAINING LEGISLATIVE FINDINGS; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

Recitals

WHEREAS, Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas provides for the care and control of animals within the city; and

WHEREAS, it is necessary and in the best interest of the City to revise and update Chapter 8 definitions, rabies vaccination and city registration requirements, and regulations governing confinement and restraint of animals, impoundment and quarantine, livestock and fowl, sanitary requirements, animal care, animal nuisances, and dangerous dogs.

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

SECTION 1: Section 8-1, "Definitions", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add subsection (4) to the definition of "Dangerous dog", as follows:

> (4) A peace officer or ACO has reason to believe the dog has a dangerous disposition and is likely to be harmful to humans or other domestic animals.

SECTION 2: Section 8-1, "Definitions", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the word "by" and insert the words "under the guidance of" to the definition of "Vaccinated" as follows [deletion strikethrough, insertion underscored]:

> *Vaccinated* means properly injected with an approved rabies vaccine licensed for use in that species by the United States Department of Agriculture (USDA) and administered ~~by~~ under the guidance of by a licensed veterinarian.

SECTION 3: Section 8-1, "Definitions", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the definition of "Health officer" in its entirety.

SECTION 4: Section 8-2, "Enforcement", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add subsection (e)(5) and amend subsection (g) as follows {insertion underscored]:

> (e)(5) Declare a dog as a dangerous dog when one or more of the conditions of a dangerous dog are met.

Attachment: 2023-004 ORD Amending Ch 8 Animal Care and Control [Revision 3] (3901 : 2023-004 ORD Ammending Ch 8 "Animal Care and

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* * * * * *

(g) It is unlawful for any person to tamper with a live trap placed by the City or release an animal confined in a live trap placed by the City; this section shall not apply to the release of the person's common household pet inadvertently trapped.

SECTION 5: Section 8-3, "Rabies vaccination and city registration required", subsection (a), last sentence, of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the word "by" and insert the words "under the guidance of" as follows [deletion strikethrough, insertion underscored]:

(a) The owner of a dog, cat or ferret shall have the animal vaccinated against rabies by the time the animal is four months of age. The animal must receive a booster within the 12-month interval following the initial vaccination. Every animal must be revaccinated against rabies at a minimum of once every three years with a triennial vaccine or a minimum once each year with an annual vaccine. All rabies vaccinations shall be administered ~~by~~ under the guidance of a licensed veterinarian.

SECTION 6: Section 8-3, "Rabies vaccination and city registration required", subsection (b), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to replace the subsection with the following:

(b) The owner of a dog, cat or ferret four months of age or older shall register the animal with the city. Fees for city registration are established on the city's fee schedule. City registration shall be in conjunction with an animal's rabies vaccination schedule, either one year or three years, unless the owner of the animal has a breeding permit in which the registration of the animal must be renewed on an annual basis. A current rabies vaccination certificate must be submitted upon registration. The rabies vaccination certificate shall include the name and address of the applicant, a description of the animal, and proof of a current rabies vaccination. Upon receipt of a rabies vaccination certificate that meets the criteria of this section and state law, the rabies vaccination number will be the city registration number and city tag or number. The rabies tag shall be securely attached to the collar or harness of the animal and worn at all times.

SECTION 7: Section 8-3, "Rabies vaccination and city registration required", subsection (e), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the words "cat of ferret" and "and a current city registration tag" as follows [deletion strikethrough]:

(e) A person commits an offense, if the person owns, keeps, or harbors a dog~~, cat or ferret~~ required to be vaccinated and registered by this section and fails to display on the animal at all times a current rabies vaccination tag. a~~nd a current city registration tag.~~

SECTION 8: Section 8-3, "Rabies vaccination and city registration required", subsection (f), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the words "or a current city registration tag" as follows [deletion strikethrough]:

Attachment: 2023-004 ORD Amending Ch 8 Animal Care and Control [Revision 3] (3901 : 2023-004 ORD Ammending Ch 8 "Animal Care and

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(e) A person commits an offense, if the person owns, keeps, or harbors a dog, cat or ferret and displays on the animal a rabies vaccination tag ~~or a city registration tag~~ issued to another animal.

SECTION 9: Section 8-5, "Confinement of dogs and running at large", subsection (d), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to insert the words "within the cab of" as follows [insertion underscored]:

(d) A dog confined within the cab of an automobile or other vehicle shall not be deemed running at large.

SECTION 10: Section 8-6, "Restraint; tethering or chaining of dogs", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to retitle and replace the entirety of the section as follows:

Sec. 8-6. Restraint of dogs; transporting animals.

(a) The provisions of Health and Safety Code, Chapter 821, Subchapter E, are incorporated herein by reference. The following provisions, as authorized by Health and Safety Code Sec. 821.104, establish more stringent requirements than a requirement of Subchapter E or relate to an issue not specifically addressed by Subchapter E.
(b) The prohibitions on restraint of a dog shall not apply to a temporary restraint that is required to protect the safety or welfare of a person or the dog, provided the dog's owner or handler remains with the dog throughout the period of restraint.
(c) It shall be unlawful for a person to wrap a chain, rope, tether, leash, or cable directly around a dog's neck. This prohibition shall not apply to a "properly fitted" collar or harness as defined by state law.
(d) It shall be unlawful for a person to use a restraint which, by design or placement, is likely to become entangled with the dog.
(e) It shall be unlawful for a person to use a restraint which weighs more than one-eighth of the dog's body weight.
(f) It shall be unlawful for a person to restrain a dog outside and unattended by use of a restraint which allows the dog to move onto another person's real property.
(g) For any trolley system permitted under state law, it shall be unlawful if the system does not allow a dog to move about freely within a minimum distance of 20 feet apart between two fixed points.
(h) Unless authorized by state law, it shall be unlawful for a person to transport an animal in an open vehicle without the animal being confined in a crate or kennel secured to the vehicle and of sufficient size relative to the animal.

SECTION 11: Section 8-6, "Restraint; tethering ~~or chaining~~ of dogs", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add subsection (f) as follows:

(f) An animal shall not be transported in an open vehicle without being confined in a crate or kennel that is secured to the vehicle. The crate or kennel must be of sufficient size relative to the animal.

Attachment: 2023-004 ORD Amending Ch 8 Animal Care and Control [Revision 3] (3901 : 2023-004 ORD Ammending Ch 8 "Animal Care and

SECTION 12: Section 8-7, "Guard dogs", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the words "city license" and insert the word "rabies" in the second sentence, as follows [deletion strikethrough, insertion underscored]:

> The ~~city license~~ rabies tag for a guard dog shall be securely attached to the collar or harness on the animal and worn at all times.

SECTION 13: Section 8-8, "Impoundment and seizures", subsection (a)(3), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the second sentence [deletion strikethrough]:

> (3) Any animal other than a cat running at large. ~~Any cat running at large not displaying current rabies tags and city registration or impoundment pursuant to section 8-16(6).~~

SECTION 14: Section 8-8, "Impoundment and seizures", subsection (c), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the words "a current city license tag" and insert the words "is microchipped" as follows [insertion underscored]:

> (c) Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current rabies vaccination tag or ~~a current city license tag~~ is microchipped.

SECTION 15: Section 8-11, "Animal quarantine", subsection (a), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the word "veterinarian", insert the word "Texas", insert the phrase "or local rabies control authority", and replace the generic reference to the "state department of state health services" with the specific department title, "Texas Department of State Health Services", as follows [deletion strikethrough, insertion underscored]:

> (a) Any animal that has rabies or symptoms which could reasonably indicate rabies or that bites, scratches or otherwise creates a condition which may expose or transmit the rabies virus to a human being shall be quarantined immediately. Upon notification, the owner shall submit the animal to a Texas state-approved ~~veterinarian~~ quarantine facility for quarantine at the owner's expense. Quarantine shall be for a minimum of ten days beginning on the date the incident occurred or longer as the ACO or local rabies control authority may deem necessary. Animal quarantine shall be in accordance with any applicable rules and regulations adopted by the ~~state department of state health services~~ Texas Department of State Health Services.

SECTION 16: Section 8-11, "Animal quarantine", subsection (b)(2), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the phrase "animal control officer" and insert the phrase "ACO or local rabies control authority" as follows [deletion strikethrough, insertion underscored]:

> (2) The animal placed in quarantine shall not be released without prior notification to and written approval from the ~~animal control officer~~ ACO or local rabies control authority.

Attachment: 2023-004 ORD Amending Ch 8 Animal Care and Control [Revision 3] (3901 : 2023-004 ORD Ammending Ch 8 "Animal Care and

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SECTION 17: Section 8-11, "Animal quarantine", subsection (b)(3), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the phrase "animal control officer and", insert the phrase "ACO and local rabies control authority", and add new subsection (b)(3)g — "The animal cannot be a stray." — as follows [deletion strikethrough, insertion underscored]:

> (3) Home quarantine at the residence of the owner, if approved by the ~~animal control officer and~~ ACO and local rabies control authority, must satisfy the following conditions:
>
> a. Secure facilities are available and approved by the animal control officer.
>
> b. The animal is currently vaccinated against rabies.
>
> c. A licensed veterinarian or local rabies control authority must observe the animal on the first and last days of the quarantine period.
>
> d. The owner of the animal shall notify the animal control officer if the animal escapes, becomes or appears to become sick, or dies; and, in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the animal control officer for diagnostic purposes.
>
> e. The animal was not running at large at the time of the incident.
>
> f. The animal is isolated from all other animals and human beings, other than a designated responsible adult who owns the animal.
>
> g. The animal cannot be a stray.

SECTION 18: Section 8-11, "Animal quarantine", subsection (c), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the phrase "that the person could reasonably foresee as capable of transmitting rabies," as follows [deletion strikethrough]:

> (c) A person who knows of an animal bite or scratch to an individual ~~that the person could reasonably foresee as capable of transmitting rabies,~~ or who knows of an animal that the person suspects is rabid shall report the incident or animal to the animal control officer. The report shall include the name and address of the victim and owner of the animal, and any other information relating to the incident or animal.

SECTION 19: Section 8-11, "Animal quarantine", subsection (f), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the word "reasonable" as follows [deletion strikethrough]:

> (f) The owner of a quarantined animal shall pay all ~~reasonable~~ costs of the quarantine and disposition of the animal, including charges for shipment of animal tissues, if required, to the state department of health services laboratory for testing.

SECTION 20: Section 8-11, "Animal quarantine", subsection (i), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to insert the words "and local rabies control authority" as follows [insertion underscored]:

> (i) It shall be unlawful for any person to destroy or remove from the city any animal that has bitten a person or other animal or that has been placed under quarantine, except when necessary to protect the life of any person or other animal or otherwise approved by the ACO and local rabies control authority.

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SECTION 21: Section 8-11, "Animal quarantine", subsection (l), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the words "animal control officer" and insert the words "ACO, the local rabies control authority, or a judge" as follows [deletion strikethrough, insertion underscored]:

> (l) No person shall fail or refuse to surrender an animal for quarantine or for destruction when ordered by the ~~animal control officer~~ ACO, the local rabies control authority, or a judge.

SECTION 22: Section 8-12, "Livestock and fowl", subsection (a), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to insert the words "or Agricultural District" as follows [insertion underscored]:

> (i) It shall be unlawful for any person to own, keep or harbor any livestock or fowl within the city limits except on property defined as a farm or ranch or Agricultural District pursuant to the city's zoning ordinance and in numbers and under the conditions as set out in this section.

SECTION 23: Section 8-12, "Livestock and fowl", subsection (a), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to insert the words "or Twenty" as follows [deletion strikethrough, insertion underscored]:

> (3) ~~Ten~~ Twenty adult rabbits, chickens, turkeys, pheasants, quail, geese or ducks per acre.

SECTION 24: Section 8-12, "Livestock and fowl", subsection (c)(3), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the word "Ten" and insert the word "Twenty" as follows [deletion strikethrough, insertion underscored]:

> (3) ~~Ten~~ Twenty adult rabbits, chickens, turkeys, pheasants, quail, geese or ducks per acre.

SECTION 25: Section 8-12, "Livestock and fowl", subsection (d), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to insert the words "unless approved by order of the Zoning Board of Adjustment" as follows [insertion underscored]:

> (d) It shall be unlawful for any person to keep more livestock or fowl on any premises than as set out in subsection (c) of this section unless approved by order of the Zoning Board of Adjustment.

SECTION 26: Section 8-13, "Sanitary requirements", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to replace subsection (a)(1) with the following:

> (l) At least once per day, all manure and other animal waste shall be removed from pens, corrals, cages, yards, or other enclosures that are 100 square feet or less in size per animal to an approved disposal site; animal waste from an enclosure larger than 100 square feet in size per animal shall be removed as determined by the ACO;

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SECTION 27: Section 8-14, "Animal care", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add subsection (a)(5) and corresponding edits to subsections (a)(3) and (a)(4) as follows [deletion strikethrough, insertion and addition underscored]:

(3) Adequate shelter and protection from the weather at all times; ~~and~~

(4) Veterinarian care as needed to prevent suffering; and

(5) Basic grooming for an animal so as not to cause the animal injury or discomfort due to the failure to groom. Examples of failure include but are not limited to overgrown toenails, matting, excessive filth, or insect or parasite infestation.

SECTION 28: Section 8-14, "Animal care", subsection (d), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to insert the words "dock an animal's tail, remove the dew claws of an animal, or perform any other surgery on the animal. Upon request by an ACO, the owner of the animal shall be required to provide proof that a licensed veterinarian performed procedures or surgeries as described by this subsection" as follows [insertion underscored]:

(d) No person other than a licensed veterinarian shall crop a dog's ears, dock an animal's tail, remove the dew claws of an animal, or perform any other surgery on the animal. Upon request by an ACO, the owner of the animal shall be required to provide proof that a licensed veterinarian performed procedures or surgeries as described by this subsection.

SECTION 29: Section 8-14, "Animal care", subsection (e), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to replace the subsection with the following:

(e) The operator of any motor vehicle which strikes or injures an animal shall immediately report such incident to an ACO or the police.

SECTION 30: Section 8-14, "Animal care", subsection (g), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the number "25" and amend/replace with the number "35", and insert the sentence "When the ambient outside air temperature is above 35 degrees Fahrenheit but not at or above 80 degrees Fahrenheit, a person may confine an animal in a parked or standing vehicle or enclosed trailer only when adequate ventilation exists; a person may comply with this ventilation requirement by maintaining during such confinement a minimum two-inch gap in all windows or other ventilation openings of the parked or standing vehicle or enclosed trailer." as follows [deletion strikethrough, insertion underscored]:

(g) It shall be unlawful for a person to confine an animal in a parked or standing vehicle or enclosed trailer in such a way as to endanger the animal's health, safety, or welfare. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle or enclosed trailer for a period of five or more minutes when the ambient outside air temperature measures at or above 80 degrees Fahrenheit or below ~~25~~ 35 degrees Fahrenheit. When the ambient outside air temperature is above 35 degrees Fahrenheit but not at or above 80 degrees Fahrenheit, a person may confine an animal in a parked or standing vehicle or enclosed trailer only when adequate ventilation exists; a person may comply with this ventilation

requirement by maintaining during such confinement a minimum two-inch gap in all windows or other ventilation openings of the parked or standing vehicle or enclosed trailer.

SECTION 31: Section 8-15, "Animal nuisance", subsection (1), of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to delete the clause "which causes foul and offensive odors considered to be a hazard to other animals or human beings" as follows [deletion strikethrough]:

(1) The keeping of an animal, including livestock, in such a manner as to endanger the public health by the accumulation of animal waste ~~which causes foul and offensive odors considered to be a hazard to other animals or human beings~~.

SECTION 32: Section 8-15, "Animal nuisance", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to replace subsections (5) and (6) with the following

(5) To permit or allow an animal to have or be subjected to an infestation of ticks, fleas, or other internal or external parasites without having the animal treated by a licensed veterinarian or without following an appropriate and commercially available treatment regimen for the animal and area.

(6) To permit or allow an enclosure used to confine an animal to be infested with parasites at any time.

SECTION 33: Section 8-15, "Animal nuisance", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add subsections (8) and (9) as follows:

(8) The keeping of a dangerous dog or a dog which disturbs the peace by barking, yelping, howling, or making other loud noises to the annoyance or discomfort of any person. Continuous barking, yelping, howling, or making other loud noises for fifteen (15) consecutive minutes by such dog, whether confined inside a residence or building or confined to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint of a public nuisance described by this subsection, (i) no person or persons were trespassing or threatening to trespass upon the private property of the owner of the dog, or (ii) the dog was not being teased or provoked in any manner.

(9) To permit or allow an animal to cause damage to property (other than property of the owner or custodian of the animal).

SECTION 34: Section 8-18, "Dangerous dogs", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to replace subsection (a) with the following:

(a) The provisions of Texas Health and Safety Code, Chapter 82, Subchapter D, as amended, are adopted by and incorporated into this section; and further, additional requirements set out below in this section, non-specific to one breed or several breeds of dogs and more stringent restrictions than the restrictions provided by Chapter 82, Subchapter D, shall be placed on dangerous dogs.

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SECTION 35: Section 8-18, "Dangerous dogs", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to restyle the captions of subsections (b) and (c) as follows:

(b) *Additional requirements for owner of dangerous dog.*

(c) *Additional registration requirements.*

SECTION 36: Section 8-18, "Dangerous dogs", of Chapter 8 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to replace subsection (g) with the following:

(g) *Reporting of incidents; hearing; appeal*. The City Council elects that the City of Texarkana, Texas, shall be governed by Section 822.0422 of the Texas Health and Safety Code, together with the corresponding hearing and appeal provisions of Sections 822.0423 and 822.0424 of the Texas Health and Safety Code.

SECTION 37: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 38: 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 39: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

SECTION 40: 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 41: 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 42: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **23rd day of January, 2023**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

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Chapter 8 - ANIMAL CARE AND CONTROL

Sec. 8-1. - Definitions.

In this chapter, the following words and terms shall have the following meaning, unless the context indicates otherwise, except where the context clearly indicates a different meaning:

Abandon means the dumping, deserting, or leaving of any animal on public or private property with the intent of terminating any further responsibility for the animal; or failing to properly redeem any animal impounded or quarantined by the city.

Adoption means the ~~purchase &/or~~ acquisition of a dog or cat from the city for pet purposes.
Amended by Ord. No. 2022-131, adopted Dec. 12, 2021

Animal means any living creature, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowls and livestock but specifically excluding human beings.

Animal control officer (ACO) means the person designated by the city to represent and act for the city to enforce the provisions of this chapter; also known as an animal services officer.
Amended by Ord. No. 2022-131, adopted Dec. 12, 2021

Cat means a domesticated animal that is a member of the felidae (feline) family but does not include a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other wild animal of this family or hybrids.

Common household pets means animals, such as, but not limited to, dogs, cats, domestic birds, ferrets, hamsters, guinea pigs, gerbils and rabbits.

Dangerous dog means a dog that:

(1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;

(2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or

(3) Makes an unprovoked attack on a domestic animal which occurs when the attacking dog is running at large.

(4) A peace officer or ACO has reason to believe the dog has a dangerous disposition and is likely to be harmful to humans or other domestic animals.

Dog means a domesticated animal that is a member of the canidae (canine) family but does not include a wolf, jackal, fox or other wild animal of this family or hybrids.

Domestic birds means birds such as, but not limited to, budgies, canaries, cockatiels, doves, finches, lovebirds, macaws, parakeets and parrots.

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Ferret means a domestic member of the family mustilidae, specifically mustela putorius furo.

Fowl means chickens, turkeys, pheasants, quail, geese, ducks, ostriches, emus or similar feathered animals regardless of age, sex or breed.

Guard dog means a dog which has been trained for the purpose of protecting property by a guard dog company which is required to be licensed pursuant to Texas Occupations Code ch. 1702, as amended.

~~*Health officer* means a licensed physician appointed by the city to have charge, control and protection of public health.~~

Hybrid means a product of the mating of two different species of animals regardless of the number of generations born since the original mating.

Licensed veterinarian means a person licensed to practice veterinary medicine.

Livestock means farm animals such as horses, ponies, mules, donkeys, cattle, sheep, goats and swine, regardless of age, sex or breed, and including miniature breeds.

Local rabies control authority means the person designated by the city in accordance with Texas Health and Safety Code § 826.017.

Owner means any person owning, possessing, harboring, feeding, keeping or sheltering any animal.

Person means any individual, firm, partnership, association, corporation or other legal entity.

Prohibited animal. The term "prohibited animal" means *:*

(1) Any animal not normally born and raised in captivity, including, but not limited to, the following:

a. *Class reptilia.* Family helodermatidae (venomous lizards) and family hydrophiidae (venomous marine snakes); family viperidae (rattlesnakes, copperheads, cottonmouths, pit vipers and true vipers); family elapidae (coral snakes, cobras and mambas); the following listed species of family colubridae-dispholidus typus (boomslang), hyrodynastes gigas (water cobra), boiga (mangrove snake), and thelotornis (African twig snake) only; order phidia, family boidae (racers, boas, water snakes and pythons); order crocodilia (such as crocodiles, alligators, caimans and gavials);

b. *Class aves.* Order falconiforms (such as hawks, eagles, falcons and vultures);

c. *Class mammalia.* Order carnivores:

1. Family felidea (such as lions, tigers, bobcats, jaguars, ocelots, leopards and cougars), except commonly domesticated cats;

2. Family canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, foxes and jackals), and any hybrid of an animal listed in this section except commonly domesticated dogs;

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3. Family mustelida (such as weasels, skunks, martens, minks, badgers and otters) except ferrets;
4. Family procyonidae (such as raccoons and coati);
5. Family ursidae (such as bears);
6. Marsupialia (such as kangaroos, opossums, koala bears, wallabys, bandicoots and wombats);
7. Chiroperta (bats);
8. Edentata (such as sloths, anteaters and armadillo);
9. Probosidea (elephants);
10. Primata (such as monkeys, chimpanzees, orangutans and gorillas);
11. Rodentia (such as beavers and porcupines); and
12. Ungulata (such as antelope, deer, bison and camels).

d. *Class amphibi.* Poisonous frogs.

e. *Class insecta.* Poisonous insects.

(2) Does not include livestock, fowl or common household pets.

(3) Animals not listed. An ACO may declare any species of animal not listed in this subsection as "prohibited" if the confinement of the animal within the city can be shown to constitute a threat to public health and safety.

Properly fitted with respect to a collar or other neck restraint means one that measures the circumference of a dog's neck plus at least one inch. With respect to a harness, the term "properly fitted with respect to a collar or other neck restraint" means one that is of an adequate size, design and construction as appropriate for the dog's size and weight.

Running at large means any animal not confined or restrained as required by this chapter.

Secure enclosure means a fenced area or structure that is:

(1) Locked;

(2) Capable of preventing the entry of the general public, including children;

(3) Capable of preventing the escape or release of a dog;

(4) Clearly marked as containing a dangerous dog; and

(5) In conformance with the requirements for enclosures established by the animal control officer.

Serious bodily injury means any physical injury that involves a substantial risk of death, disfigurement or impairment of any part of the body, including, but not limited to, a broken bone or a laceration requiring either ~~multiple~~ stitches or cosmetic surgery.

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Unprovoked means any action by an animal that is not:

(1) In response to being tormented, abused or assaulted by any person;

(2) In response to pain or injury; or

(3) In protection of itself or its food, kennel, immediate territory or nursing offspring.

Vaccinated means properly injected with an approved rabies vaccine licensed for use in that species by the United States Department of Agriculture (USDA) and administered under the guidance of ~~by~~ a licensed veterinarian.

Vicious animals means any animal that has on three occasions without provocation attacked or bitten any person or other animal.

Wild animals mean any mammal, reptile, or fowl that is wild by nature, which because of habit, mode of life, or natural instincts is incapable of being completely domesticated regardless of the state or duration of captivity.

Sec. 8-2. - Enforcement.

(a) The city shall designate employees as ACO's.

(b) Enforcement of this chapter and any state laws regulating animals shall be the primary responsibility of the ACOs. Police officers employed by the city may also enforce the provisions in this chapter and any state laws regulating animals.

(c) No person shall interfere with any ACO or any authorized representative in the performance of their duties.

(d) The provisions of subchapter D, Dangerous Dogs, ch. 822 of the Texas Health and Safety Code, as amended, are incorporated into this chapter and the ACOs are hereby the animal control authority for purposes of administering and enforcing that subchapter.

(e) The ACOs and police officers are authorized to:

(1) Impound any animal in violation of this chapter;

(2) Issue citations for any violation of this chapter or applicable state law;

(3) Enter the premises upon which any animal is kept or harbored to demand the exhibition of such animal by the owner or license required for such animal;

(4) Enter the premises where any animal is kept or harbored in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal when, in the opinion of the officer, it requires humane treatment; and

(5) Declare a dog as a dangerous dog when one or more of the conditions of a dangerous dog are met.

(f) Except when required otherwise by state law, all fees and charges required under this chapter shall be established by the city manager or designee.

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(g) It is unlawful for any person to tamper with a live trap placed by the City or release an animal confined in a live trap placed by the City; this section shall not apply to the release of the person's common household pet inadvertently trapped.

Sec. 8-3. - Rabies vaccination and city registration required.

(a) The owner of a dog, cat or ferret shall have the animal vaccinated against rabies by the time the animal is four months of age. The animal must receive a booster within the 12-month interval following the initial vaccination. Every animal must be revaccinated against rabies at a minimum of once every three years with a triennial vaccine or a minimum once each year with an annual vaccine. All rabies vaccinations shall be administered under the guidance of a licensed veterinarian.

(b) The owner of a dog, cat or ferret four months of age or older shall, register the animal with the city. ~~to ensure rapid return to the owner if circumstances warrant.~~ Fees for city registration are established on the city's fee schedule. City registration shall be in conjunction with an animal's rabies vaccination schedule, either one year or three years, unless the owner of the animal has a breeding permit in which the registration of the animal must be renewed on an annual basis. A ~~a~~ current rabies vaccination certificate must be submitted upon registration. The rabies vaccination certificate shall include the name and address of the applicant, a description of the animal, and proof of a current rabies vaccination. Upon receipt of a rabies vaccination certificate that meets the criteria of this section and state law, ~~a city registration tag shall be issued, which shall bear an identifying number for the animal and the year of issuance~~ the rabies vaccination number will be the city registration number and city tag or number. The ~~license~~ rabies tag shall be securely attached to the collar or harness of the animal and worn at all times.

(c) A person commits an offense, if the person owns, keeps, or harbors a dog, cat or ferret over four months of age without having such animal currently vaccinated against rabies.

(d) A person commits an offense, if the person owns, keeps, or harbors a dog, cat or ferret over four months of age without having such animal currently registered with the city.

(e) A person commits an offense, if the person owns, keeps, or harbors a dog~~, cat or ferret~~ required to be vaccinated and registered by this section and fails to display on the animal at all times a current rabies vaccination tag. a~~nd a current city registration tag.~~

(f) A person commits an offense, if the person owns, keeps, or harbors a dog, cat or ferret and displays on the animal a rabies vaccination tag ~~or a city registration tag~~ issued to another animal.

Sec. 8-4. - Number of common household pets allowed.

It shall be unlawful for any person to own, keep or harbor at one residential dwelling unit more than five (5) common household pets over four months of age in any combination of species.

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Sec. 8-5. - Confinement of dogs and running at large.

(a) A dog shall at all times be confined within a building or a fenced area that is at least 100 square feet in size per dog over four months of age and of sufficient strength and construction to confine the dog or keep the dog from running at large.

(b) It shall be unlawful for an owner of a dog, to fail to keep the dog from running at large within the city limits.

(c) When a dog is on a leash held by a person capable of controlling the dog or being physically held by a person capable of controlling the dog, a dog shall not be deemed running at large.

(d) A dog confined within the cab of an automobile or other vehicle shall not be deemed running at large.

(e) An electronic fence shall not be considered a fence in compliance with this chapter.

Sec. 8-6. - Restraint~~; tethering or chaining~~ of dogs; transporting animals.

~~(a) Except as provided in subsection (b) of this section, it shall be unlawful for a person to restrain a dog with a chain or tether unless the person is holding the chain or tether.~~

~~(b) The prohibition of subsection (a) of this section does not apply to a temporary restraint:~~

~~(1) During a lawful animal event, such as walking on a leash, cleaning a dog pen, veterinary treatment, grooming, training or law enforcement activity; or~~

~~(2) That is required to protect the safety or welfare of a person or the dog, if the dog's owner or handler remains with the dog throughout the period of restraint.~~

~~(c) A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than one-eighth of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.~~

~~(d) A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water.~~

~~(e) A person may not restrain a dog in a manner that allows the dog to move outside the person's property.~~

(a) The provisions of Health and Safety Code, Chapter 821, Subchapter E, are incorporated herein by reference. The following provisions, as authorized by Health and Safety Code Sec. 821.104, establish more stringent requirements than a requirement of Subchapter E or relate to an issue not specifically addressed by Subchapter E.

(b) The prohibitions on restraint of a dog shall not apply to a temporary restraint that is required to protect the safety or welfare of a person or the dog, provided the dog's owner

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or handler remains with the dog throughout the period of restraint.

(c) It shall be unlawful for a person to wrap a chain, rope, tether, leash, or cable directly around a dog's neck. This prohibition shall not apply to a "properly fitted" collar or harness as defined by state law.

(d) It shall be unlawful for a person to use a restraint which, by design or placement, is likely to become entangled with the dog.

(e) It shall be unlawful for a person to use a restraint which weighs more than one-eighth of the dog's body weight.

(f) It shall be unlawful for a person to restrain a dog outside and unattended by use of a restraint which allows the dog to move onto another person's real property.

(g) For any trolley system permitted under state law, it shall be unlawful if the system does not allow a dog to move about freely within a minimum distance of 20 feet apart between two fixed points.

(h) Unless authorized by state law, it shall be unlawful for a person to transport an animal in an open vehicle without the animal being confined in a crate or kennel secured to the vehicle and of sufficient size relative to the animal.

Sec. 8-7. - Guard dogs.

All guard dogs shall be registered annually with the animal control officer prior to use as guard dogs. The ~~city license~~ rabies tag for a guard dog shall be securely attached to the collar or harness on the animal and worn at all times. Guard dogs shall be restrained by a chain or leash not exceeding six feet in length and humanely muzzled when off the premises where used.

Sec. 8-8. - Impoundment and seizures.

(a) The following animals may be impounded or seized through legal process:

(1) Any animal kept under conditions which can endanger the public or animal's health.

(2) Any animal that has rabies or symptoms thereof or that a person could reasonably suspect of having rabies or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal, or that requires observation for rabies as determined by the animal control officer.

(3) Any animal other than a cat running at large. ~~Any cat running at large not displaying current rabies tags and city registration or impoundment pursuant to section 8-16(6).~~

(4) Any animal treated in a manner determined to be in violation of cruelty to animals, Texas Penal Code §§ 42.09, 42.091, 42.092, as amended or dog fighting, Texas Penal Code § 42.10.

(5) Any animal reasonably suspected of having inflicted bodily harm on any human being or animal that poses a threat to public safety or constitutes a public nuisance.

(6) Any prohibited animal.

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(b) The city shall select and establish facilities for the impoundment, quarantine, maintenance and destruction of animals.

(c) Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current rabies vaccination tag or ~~a current city license tag~~ is microchipped.

Sec. 8-9. - Redemption of animal.

(a) The owner may redeem an impounded animal upon payment of all applicable impoundment fees, handling fees, and any veterinarian bills or other cost incurred by the city for the impoundment, care and welfare of the animal and upon proof of compliance with the vaccination/registration requirements of this chapter. Any animal being held under quarantine or observation for rabies shall not be redeemed until released from quarantine.

(b) Impounded animals shall be held for three days after date of impoundment except any animal wearing a current rabies vaccination tag or a current city license tag shall be impounded for seven days. If the owner of an impounded animal does not redeem it within the period of impoundment, disposition will be in accordance with this chapter.

Sec. 8-10. - Disposition of animals.

(a) Except as provided herein, any animal not redeemed within section 8-9 time periods, after impoundment or release from quarantine, shall become the property of the impoundment facility and shall be placed for adoption, transferred to a bona fide animal rescue organization or humanely destroyed.

(b) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by a court of competent jurisdiction.

(c) Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide care for the baby may be immediately destroyed to prevent further suffering.

(d) Any impounded animal that appears to be suffering from extreme injury or illness may be immediately destroyed to prevent further suffering.

(e) Any owner who no longer wishes responsibility for an animal may sign a written waiver surrendering all rights to the animal to the city and allowing for the disposition of said animal to be at the discretion of the city. The owner of such animal shall be charged a fee for this service.

Sec. 8-11. - Animal quarantine.

(a) Any animal that has rabies or symptoms which could reasonably indicate rabies or that bites, scratches or otherwise creates a condition which may expose or transmit the rabies virus to a human being shall be quarantined immediately. Upon notification, the owner shall

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submit the animal to a Texas state-approved ~~veterinarian~~ quarantine facility for quarantine at the owner's expense. Quarantine shall be for a minimum of ten days beginning on the date the incident occurred or longer as the ACO or local rabies control authority may deem necessary. Animal quarantine shall be in accordance with any applicable rules and regulations adopted by the ~~state department of state health services~~ Texas Department of State Health Services.

(b) Quarantine shall be subject to the following conditions:

(1) The quarantined animal showing clinical signs of rabies shall be immediately destroyed and the head or brain submitted to the nearest state department of health services laboratory for testing.

(2) The animal placed in quarantine shall not be released without prior notification to and written approval from the ~~animal control officer~~ ACO or local rabies control authority.

(3) Home quarantine at the residence of the owner, if approved by the animal control officer and local rabies control authority, must satisfy the following conditions:

a. Secure facilities are available and approved by the animal control officer.

b. The animal is currently vaccinated against rabies.

c. A licensed veterinarian or local rabies control authority must observe the animal on the first and last days of the quarantine period.

d. The owner of the animal shall notify the animal control officer if the animal escapes, becomes or appears to become sick, or dies; and, in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the animal control officer for diagnostic purposes.

e. The animal was not running at large at the time of the incident.

f. The animal is isolated from all other animals and human beings, other than a designated responsible adult who owns the animal.

g. The animal cannot be a stray.

(c) A person who knows of an animal bite or scratch to an individual ~~that the person could reasonably foresee as capable of transmitting rabies,~~ or who knows of an animal that the person suspects is rabid shall report the incident or animal to the animal control officer. The report shall include the name and address of the victim and owner of the animal, and any other information relating to the incident or animal.

(d) The owner shall submit for quarantine an animal that:

(1) Is reported rabid or to have exposed an individual to rabies;

(2) The owner knows, or suspects is rabid or has exposed an individual to rabies; or

(3) Has bitten, scratched or otherwise created a condition which may have exposed or transmitted the rabies virus to any human being.

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(e) When submitted for quarantine, the owner shall provide the name, address and any other relevant information about the animal.

(f) The owner of a quarantined animal shall pay all ~~reasonable~~ costs of the quarantine and disposition of the animal, including charges for shipment of animal tissues, if required, to the state department of health services laboratory for testing.

(g) An animal that has been quarantined may be released by the ACO after a licensed veterinarian or local rabies control authority determines that the quarantined animal does not show clinical signs of rabies and under the following conditions:

(1) At the end of the observation period upon proof of vaccination prior to release from quarantine.

(2) When all applicable fees have been paid.

(3) If the animal is not being held for legal proceedings.

(4) If appropriate city license registration has been obtained.

(h) It shall be unlawful for any person to interrupt the observation period or otherwise interfere with quarantine.

(i) It shall be unlawful for any person to destroy or remove from the city any animal that has bitten a person or other animal or that has been placed under quarantine, except when necessary to protect the life of any person or other animal or otherwise approved by the ACO and local rabies control authority.

(j) The carcass of a dead animal exposed to rabies or suspected of having been rabid, shall, upon demand, be surrendered to the ACO.

(k) Wild animals shall not be placed in quarantine. Wild animals shall be humanely destroyed in such a manner that the brain is not mutilated. The brain will then be submitted to state department of health laboratory for testing.

(l) No person shall fail or refuse to surrender an animal for quarantine or for destruction when ordered by the ~~animal control officer~~ ACO, the local rabies control authority, or a judge.

Sec. 8-12. - Livestock and fowl.

(a) It shall be unlawful for any person to own, keep or harbor any livestock or fowl within the city limits except on property defined as a farm or ranch or Agricultural District pursuant to the city's zoning ordinance and in numbers and under the conditions as set out in this section.

(b) It shall be unlawful for any person to keep any swine within the city limits.

(c) The following per acre limits apply to the keeping of livestock or fowl in any combination of species:

(1) One adult horse, mule, donkey or other animal of like kind or cow per acre;

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(2) Three adult goats, sheep, llamas, alpacas, ostriches or emus per acre; and

(3) ~~Ten~~ Twenty adult rabbits, chickens, turkeys, pheasants, quail, geese or ducks per acre.

(d) It shall be unlawful for any person to keep more livestock or fowl on any premises than as set out in subsection (c) of this section unless approved by order of the Zoning Board of Adjustment.

(e) Any barn, stable, shed or similar enclosure used to house livestock or fowl shall be located at a distance of not less than 100 feet from a main dwelling on any adjoining tract of land.

(f) Livestock pens, stables, corrals or enclosures and fences shall be capable of preventing the entry of the general public and capable of preventing the escape of the livestock or fowl or allowing the livestock or fowl to run at large.

(g) It shall be unlawful for an owner of livestock or fowl, to fail to keep the livestock or fowl from running at large within the city limits.

Sec. 8-13. - Sanitary requirements.

(a) The owner or person who has custody or control of any animal shall comply with the following standards:

(1) At least once per day, all manure and other animal waste shall be removed from pens, corrals, cages, yards or other enclosures that are 100 square feet or less in size per animal ~~at least twice a week~~ to an approved disposal site; animal waste from an enclosure larger than 100 square feet in size per animal shall be removed as determined by the ACO;

(2) Food shall be placed in impervious containers on impervious surfaces;

(3) Refuse on the premises shall be removed and disposed of by means approved by the animal control officer;

(4) Watering troughs or tanks shall be equipped with adequate facility for draining the overflow so as to prevent breeding of flies, mosquitoes or other insects;

(5) No putrescible material shall be allowed to accumulate on the premises, and all such materials used to feed which is unconsumed shall be removed and disposed of by sanitary means.

(b) It shall be unlawful for any person to fail to comply with the sanitary requirements as set out in subsection (a) of this section.

Sec. 8-14. - Animal care.

(a) The owner or person who has custody or control of any animal, including livestock, shall provide:

(1) Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health;

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(2) Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times;

(3) Adequate shelter and protection from the weather at all times; ~~and~~

(4) Veterinarian care as needed to prevent suffering; and

(5) Basic grooming for an animal so as not to cause the animal injury or discomfort due to the failure to groom. Examples of failure include but are not limited to overgrown toenails, matting, excessive filth, or insect or parasite infestation.

(b) It shall be unlawful for any person to fail to comply with the animal care requirements as set out in subsection (a) of this section.

(c) It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal.

(d) No person other than a licensed veterinarian shall crop a dog's ears, dock an animal's tail, remove the dew claws of an animal, or perform any other surgery on the animal. Upon request by an ACO, the owner of the animal shall be required to provide proof that a licensed veterinarian performed procedures or surgeries as described by this subsection.

(e) The operator of any motor vehicle which strikes or injures an ~~domesticated~~ animal shall immediately report such incident to ~~the animal control officer~~ an ACO ~~and~~ or the police.

(f) It shall be unlawful for any person to beat, starve, or overwork or to otherwise abuse any animal.

(g) It shall be unlawful for a person to confine an animal in a parked or standing vehicle or enclosed trailer in such a way as to endanger the animal's health, safety, or welfare. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle or enclosed trailer for a period of five or more minutes when the ambient outside air temperature measures at or above 80 degrees Fahrenheit or below ~~25~~ 35 degrees Fahrenheit. When the ambient outside air temperature is above 35 degrees Fahrenheit but not at or above 80 degrees Fahrenheit, a person may confine an animal in a parked or standing vehicle or enclosed trailer only when adequate ventilation exists; a person may comply with this ventilation requirement by maintaining during such confinement a minimum two-inch gap in all windows or other ventilation openings of the parked or standing vehicle or enclosed trailer.

(h) The ACO, city police officer or city firefighter may take reasonable measures under the circumstances to remove an animal from a vehicle or trailer if said city official reasonably believes that an emergency exists to preserve the animal's health, safety or welfare.

Sec. 8-15. - Animal nuisances.

The following shall be considered a public nuisance and shall be unlawful:

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(1) The keeping of an animal, including livestock, in such a manner as to endanger the public health by the accumulation of animal waste. ~~which causes foul and offensive odors considered to be a hazard to other animals or human beings.~~

(2) To permit or allow an animal to defecate upon private or public property other than the property of the owner of said animal; and to fail to remove and dispose of in a sanitary manner any feces left by such animal.

(3) Property not kept free from carrion or other putrescible material.

(4) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.

(5) ~~The keeping of any animal which causes loud and frequent or long-continued barking, howling or other noise that disturbs the peace and quiet of any person of ordinary sensibilities.~~ To permit or allow an animal to have or be subjected to an infestation of ticks, fleas, or other internal or external parasites without having the animal treated by a licensed veterinarian or following a proper commercially available treatment regimen for the animal and area.

(6) ~~Persistent laxness in cat supervision so that their running at large results in an unreasonable disturbance to a person or damages to property.~~To permit or allow an enclosure used to confine an animal to be infested with parasites at any time.

(7) The feeding of a feral or stray cat on any public property.

(8) The keeping of a dangerous dog, dog, or other animal which disturbs the peace by barking, yelping, howling, or making other loud noises to the annoyance and/or discomfort of any person. Continuous barking, yelping, howling and/or making other loud noises for fifteen (15) consecutive minutes by such dog, whether confined inside a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner, or provided that the dog was not being teased or provoked in any manner.

(9) To permit or allow an animal to cause damage to property (other than property of the owner or custodian of the animal).

Sec. 8-16. - Sale of animals.

It shall be unlawful for any person to sell, trade, barter, lease, rent, give away or otherwise convey ownership, or display for any purpose, any live animal, on any parking lot, right-of-way, roadside, garage sale, flea market, festival or other area generally accessed by the public within the city limits; except that any nonprofit animal welfare group, animal rescue group, humane society, or the city may conduct adoptions of animals as approved by the city.

Sec. 8-17. - Wild, wild-hybrid, vicious and prohibited animals.

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It shall be unlawful to own, possess, keep or harbor any wild, wild-hybrid, vicious or prohibited animal within the city.

Sec. 8-18. - Dangerous dogs.

~~(a) *Nuisance declared.* It is hereby declared to be a public nuisance that an owner harbors, keeps or maintains a dangerous dog in the city unless the owner complies with the requirements of this section and state statutes regulating dangerous dogs.~~ The provisions of Texas Health and Safety Code, Chapter 82, Subchapter D, as amended, are adopted by and incorporated into this section; and further, additional requirements set out below in this section, non-specific to one breed or several breeds of dogs and more stringent restrictions than the restrictions provided by Chapter 82, Subchapter D, shall be placed on dangerous dogs.

(b) Additional *Requirements for owner of dangerous dog.*

(1) Not later than the 13th day after a person learns that the person is the owner of a dangerous dog, the person shall:

a. Register the dangerous dog with the ACO;

b. Provide animal control with two colored pictures of the dog;

c. Have the animal spayed or neutered;

d. Have the dog micro-chipped;

e. Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

f. In accordance with the Texas Health and Safety Code title 10, Health and Safety of Animals ch. 822, Regulation of Animals, section 822.042, if the dangerous dog has attacked a person and caused bodily injury, the owner is required to obtain liability insurance coverage or show financial responsibility in an amount of at least $100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person;

g. Place a muzzle on the dog at all times while the animal is outside of its secure enclosure.

(2) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

a. The owner knows of an attack described in the definition of "dangerous dog;"

b. The owner is informed by the ACO that the dog is a dangerous dog; or

c. The owner receives notice that the municipal court has found that the dog is dangerous.

(3) If a person reports an incident described in the definition of "dangerous dog," the ACO may investigate the incident. After receiving sworn statements of any witnesses, the

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animal control supervisor shall determine whether the dog is a dangerous dog and shall notify the owner of that determination.

(4) The owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the ACO to the municipal court. The owner shall confine the dog during the pendency of an appeal in a manner satisfactory to the ACO; including surrendering the dog to be held by the city. The determination of the ACO is final if the owner does not timely appeal.

(5) The ACO shall provide written notice of the date, time and location of the hearing to the owner of the dangerous dog and to any complainant, either in person or by certified mail, return receipt requested. At the hearing, all interested persons shall be given the opportunity to be heard.

(c) Additional ~~R~~*registration requirements*.

(1) The ACO shall annually register a dangerous dog if the owner:

a. Presents:

1. Proof of liability insurance or financial responsibility in an amount of at least $100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person;

2. Proof of current rabies vaccination of the dangerous dog.

3. Proof of a secure enclosure in which the dangerous dog will be kept.

b. Pays an annual registration fee established by resolution of the city council from time to time and on file in the city secretary's office or city website.

c. Provides two color identification photographs of at least three inches by three inches of each dangerous dog with one photograph showing the frontal view and the other photograph showing the side view of each dog.

d. Provides the name, general description, including sex, weight, color, predominate breed, height and length and any other discernible features of the dangerous dog.

(2) The ACO shall provide to the owner registering a dangerous dog a registration tag which shall be placed and maintained on the dog's collar at all times.

(3) If the owner of a dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of sale or move, shall notify the animal control authority for the area in which the new address is located. If the dangerous dog has been sold or given away, the former owner shall provide the ACO with the name, address and telephone number of the new owner. If the new owner resides in the city or if the animal is kept in the city, the animal control officer shall notify the new owner in person or by certified mail, return receipt requested, that a determination has been made that the dog is dangerous and provide the new owner with a copy of the requirements for the owner of a dangerous dog. It shall be unlawful for the new owner to fail to comply with such requirements.

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(4) The owner of a registered dangerous dog shall immediately notify the ACO if the dangerous dog is running at large, has bitten or attacked a human being or another animal, has died, or has been sold or given away.

(d) *Attack by dangerous dog.*

(1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on a person or another animal outside the dog's enclosure and causes bodily injury to a person or another animal.

(2) An offense under this subsection is a Class C misdemeanor.

(3) If a person is found guilty of an offense under this section, the court which hears the case may order the dangerous animal destroyed by a licensed veterinarian or a person authorized by state law.

(e) *Violations.* A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any requirements for ownership of a dangerous dog. An offense under this subsection is a Class C misdemeanor. If the owner of any dog determined to be dangerous under this section fails or refuses to comply with the requirements of this section, the dog shall be seized by the animal control officer and humanely destroyed.

(f) *Defense.*

(1) It is a defense to prosecution under subsection (d) or (e) of this section that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or a person employed by the state or political subdivision of the state to deal with stray animals, and has temporary ownership, custody and control of the dangerous dog in connection with that position.

(2) It is a defense to prosecution under subsection (d) or (e) of this section that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or correction purposes.

(3) It is a defense to prosecution under subsection (d) or (e) of this section that the person is a dog trainer or an employee of a guard dog company under the Private Security Act, Texas Occupations Code ch. 1702, as amended.

~~(g) *Rehabilitation of dangerous dogs.* If a dog is deemed dangerous as defined herein and the dog is seized or voluntarily surrendered to the custody of the animal services unit, a bona fide rescue or animal welfare organization may apply to rescue the animal for training/rehabilitation. The city may release the dog for training/rehabilitation and subsequent adoption by a new owner under the following conditions:~~

~~(1) Upon receiving two written opinions from two independent professional dog trainers/handlers who have evaluated the dogs and declared that they are a viable candidate for rehabilitation.~~

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~~(2) A written agreement with the rescue or animal welfare organization stating that the dogs will be placed with a new owner outside of Miller County, Arkansas or Bowie County, Texas.~~

~~(3) If the dog is rehabilitated and placed in a new home, the new owner must sign an adoption agreement to maintain the dog indefinitely outside of Bowie County, Texas or Miller County, Arkansas or return the dog to the rescue or animal welfare organization. The rescue or animal welfare organization shall furnish the city a copy of the adoption agreement.~~ *Reporting of incidents; hearing; appeal*. The City Council elects that the City of Texarkana, Texas, shall be governed by Section 822.0422 of the Texas Health and Safety Code, together with the corresponding hearing and appeal provisions of Sections 822.0423 and 822.0424 of the Texas Health and Safety Code.

Sec. 8-19. - Exemptions.

This chapter does not apply to a peace officer, or person employed by the state or a political subdivision of the state, or other governmental agency that trains or uses dogs for law enforcement or correction purposes.

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Sec. 8-20. - Penalties.

Any person violating any provision of this chapter shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished by a fine set in accordance with state law.

[Sec. 8-21 added by Ord. No. 2022-131, adopted Dec. 12, 2021]

Sec. 8-21. – Impoundment or adoption; sterilization requirement.

(a) Impoundment. Within thirty (30) days of the return of an impounded animal to its owner, the owner shall cause the animal to be sterilized by a licensed veterinarian unless (i) the animal is less than six (6) months of age, (ii) documentation from a licensed veterinarian is provided to the City that sterilizing the animal is detrimental to the health of said animal, or (iii) the owner has obtained a City-issued unaltered permit specific to the animal and has paid all applicable fees.
(b) Adoption. Within thirty (30) days of adoption of an animal from the City, the owner shall cause the animal to be sterilized by a licensed veterinarian unless (i) the director of animal control deems sterilization of the animal unwarranted or (ii) documentation from a licensed veterinarian is provided to the City that sterilizing the animal is detrimental to the health of said animal.
(c) The owner of an animal shall be responsible for providing to the City proof of sterilization as required by this section.
(d) Any person who does not provide to the City proof of sterilization as required by this section shall be deemed guilty of a Class C misdemeanor.

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TEXAS HEALTH & SAFETY CODE

TITLE 10. HEALTH AND SAFETY OF ANIMALS

CHAPTER 821. TREATMENT AND DISPOSITION OF ANIMALS

SUBCHAPTER E. UNLAWFUL RESTRAINT OF DOG

Sec. 821.101. DEFINITIONS. In this subchapter:

(1) "Adequate shelter" means a sturdy structure:

(A) that provides the dog protection from inclement weather; and

(B) with dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.

(2) "Collar" means a band of material specifically designed to be placed around the neck of a dog.

(3) "Harness" means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

(4) "Inclement weather" includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.

(5) "Owner" means a person who owns or has custody or control of a dog.

(6) "Properly fitted" means, with respect to a collar or harness, a collar or harness that:

(A) is appropriately sized for the dog based on the dog's measurements and body weight;

(B) does not choke the dog or impede the dog's normal breathing or swallowing; and

(C) does not cause pain or injury to the dog.

(7) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. 5), Sec. 1, eff. January 18, 2022.

Sec. 821.102. UNLAWFUL RESTRAINT OF DOG; OFFENSE. (a) An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:

(1) adequate shelter;

(2) an area that allows the dog to avoid standing water and exposure to excessive animal waste;

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(3) shade from direct sunlight; and

(4) potable water.

(b) An owner may not restrain a dog outside and unattended by use of a restraint that:

(1) is a chain;

(2) has weights attached;

(3) is shorter in length than the greater of:

(A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or

(B) 10 feet; or

(4) is attached to a collar or harness not properly fitted.

(c) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.

(d) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this section.

(e) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. 5), Sec. 1, eff. January 18, 2022.

Sec. 821.103. EXCEPTIONS. (a) Section 821.102 does not apply to:

(1) the use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

(2) the use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is associated with the use or presence of a dog;

(3) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;

(4) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;

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(5) a dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;

(6) a dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or

(7) a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.

(b) Section 821.102(b)(3) does not apply to a restraint attached to a trolley system that allows a dog to move along a running line for a distance equal to or greater than the lengths specified under that subdivision.

(c) This subchapter does not prohibit a person from walking a dog with a handheld leash.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. 5), Sec. 1, eff. January 18, 2022.

Sec. 821.104. EFFECT OF SUBCHAPTER ON OTHER LAW. This subchapter does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement:

(1) is compatible with and equal to or more stringent than a requirement prescribed by this subchapter; or

(2) relates to an issue not specifically addressed by this subchapter.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. 5), Sec. 1, eff. January 18, 2022.

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City of Texarkana, Texas

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

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

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

Attachment: 2023-004 Goals & Perspectives (3901 : 2023-004 ORD Ammending Ch 8 "Animal Care and Control")

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 1/19/2023 4:07 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2023-005 rezoning a 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane from Agriculture to Commercial. Emanuel Sanchez, owner and Aaron Gaylor, agent. (A 3/4 vote is required by the City Council to approve this request).		

Briefing: 1/23/2023 **Public Hearing:** 1/23/2023 **Council Vote:** 1/23/2023

Item Schedule

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

Updates/History of Briefing:

Pursuant to the unanimous denial by the Planning and Zoning Commission, a 3/4 vote by City Council is required to approve this request. Also, pursuant to the signatures on the attached letter of opposition, the signatures represented more than 20% of the property owners within 200 feet of the proposed project. Therefore, a 3/4 vote will be required by City Council to approve this request.

Executive Summary and Background Information:

This is a request by Emanuel Sanchez, owner and Aaron Gaylor, RKM Properties, agent, to rezone an approximate 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane from Agriculture to Commercial. The proposed new site will be a business park.

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

The adjacent zoning is Planned Development-Office to the north, Agriculture to the east, Interstate-30 to the south, and Multiple Family-1 to the west. The adjacent land use is an office to the north, horse arena to the east, I-30 to the south and assisted living facility to the west.

Staff recommends for approval of this request with a Planned Development designation and the following restricted uses:
The following uses are restricted: Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, outdoor storage, mini-warehouses, pawn shop, pet shop, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), dance hall or night club, golf course, pistol and fire range, zoo (private or public), union hall, bus station, hauling or storage company, parking lot (truck or commercial), auto painting or repair, motorcycle or ATV sales and repair, tire retreading or capping, food truck court, mini ware houses, real estate model homes, boat sale and repair, building material sales, contractor equipment yard, heavy machinery sales or rental,

trailer or mobile homes sales or rental, welding or machine shop, green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to new drainage ordinance, stormwater design manual, building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with a Planned Development designation.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously denied this request.

Advisory Board/Committee Meeting Date and Minutes:

December 5, 2022

Attachments

a. 2023-005 ORD Rezoning 1521 Moores Lane (DOCX)
b. 2023-005 EXH 'A' (Legal Description) (PDF)
c. 2023-005 EXH 'B' (Site Plan) (PDF)
d. 2023-005 ATTH 01 (Maps) (PDF)
e. 2023-005 ATTH 02 (Renderings) (PDF)
f. 2023-005 ATTH 03 (Opposition inside 200' area) (PDF)
g. 2023-005 ATTH 04 (Opposition outside 200' area) (PDF)
h. 2023-005 ATTH 05 Moores Ln_TxDOT Drive Access (PDF)
i. 2023-005 ATTH 06 FW_ Moores Ln Development Email (PDF)
j. 2023-005 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	01/04/2023 1:00 PM	Mashell Daniel	Reviewer	Completed
City Manager	David Orr	Review	Completed	01/04/2023 2:53 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

Z-22-23

ORDINANCE NO. 2023-005

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 3.5-ACRE PORTION OF A TOTAL 7.21-ACRE TRACT OF LAND (BEING TRACT 28), WILLIS OLDHAM HRS, A-458, LOCATED AT 1521 MOORES LANE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE 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 3.5-acre portion of a total 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 1521 Moores Lane,** in the City of Texarkana, Bowie County, Texas, from **Agriculture 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, **voted five (5) to zero (0) to recommend for denial of the application for rezoning from Agriculture to Commercial on an approximate 3.5-acre portion of a total 7.21-acre tract of land (being Tract 28), Willis Oldham HRS A-458 (Exhibit 'A'), located at 1521 Moores Lane** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Agriculture to 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 **Agriculture 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

Attachment: 2023-005 ORD Rezoning 1521 Moores Lane (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

approximate 3.5-acre portion of a total 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 1521 Moores Lane in the City of Texarkana, Bowie County, Texas, from **Agriculture 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: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **23rd day of January, 2023.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2023-005 ORD Rezoning 1521 Moores Lane (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

Property Description
8.027 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the Willis Oldham Headright Survey, Abstract 458, Bowie County, Texas, being all of that certain tract of land described as 8.053 acres in the deed from Susan Karen Simmons, et al, to Emanuel Sanchez, et ux, dated August 23, 2022, recorded in Document No. 2022-00010237 of the Real Property Records, Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), found for a corner, lying in the South right-of-way line Moores Lane, the Northwest corner of the said 8.053 acre tract, and the Northeast corner of that certain tract of land described as 4.013 acres in the deed from Stonegate SNF Properties, LP to Sanctuary LTC, LLC, dated September 23, 2021, recorded in Document No. 2021-00011803 of the Real Property Records, Bowie County, Texas;

THENCE North 87 degrees 52 minutes 31 seconds East a distance of 379.99 feet along the North line of the said 8.053 acre tract and the South right-of-way line of Moores Lane to a 1/2 inch steel rod (control monument), found for a corner, the Northeast corner of the said 8.053 acre tract and the Northwest corner of that certain tract of land described as 5.00 acres in the deed from P. S. Cork, et ux to Jack N. Boyd, et al, dated October 9, 1963, recorded in Volume 429, Page 100 of the Deed Records of Bowie County, Texas;

THENCE South 01 degrees 44 minutes 53 seconds East a distance of 848.22 feet along the East line of the said 8.053 acre tract and the West line of the said 5.00 acre tract to a 1/2 inch steel rod, found for a corner, the Southeast corner of the said 8.053 acre tract, the Southwest corner of the said 5.00 acre tract, and lying in the North right-of-way line of St. Michael Drive (Interstate Highway 30 frontage road), at the beginning of a circular curve to the left;

THENCE in a Southwesterly direction along the arc of said circular curve a distance of 403.91 feet, with a delta angle of 02 degrees 22 minutes 25 seconds, a radius of 9749.25 feet, a chord bearing of South 66 degrees 42 minutes 54 seconds West, and a chord distance of 403.88 feet to a 1/2 inch steel rod, capped DENNEY RPLS 6516, found for a corner, the Southwest corner of the said 8.053 acre tract and the Southeast corner of that certain tract of land described as 3.284 acres in the deed from Crossroads, Inc. to State of Texas, dated February 27, 1974, recorded in Volume 570, Page 648 of the Deed Records of Bowie County, Texas;

THENCE North 02 degrees 23 minutes 55 seconds West a distance of 472.35 feet along the West line of the said 8.053 acre tract, the East line of the said 3.284 acre tract, and the East line of that certain tract of land being the remainder of a called 4.983 acre tract from Purvis S. Cork, Jr. to John V. Rich, et ux, dated June 18, 1992, recorded in Volume 1787, Page 279 of the Real Property Records, Bowie County, Texas to a 1/2 inch steel rod, found for the Southeast corner of the said 4.013 acre tract;

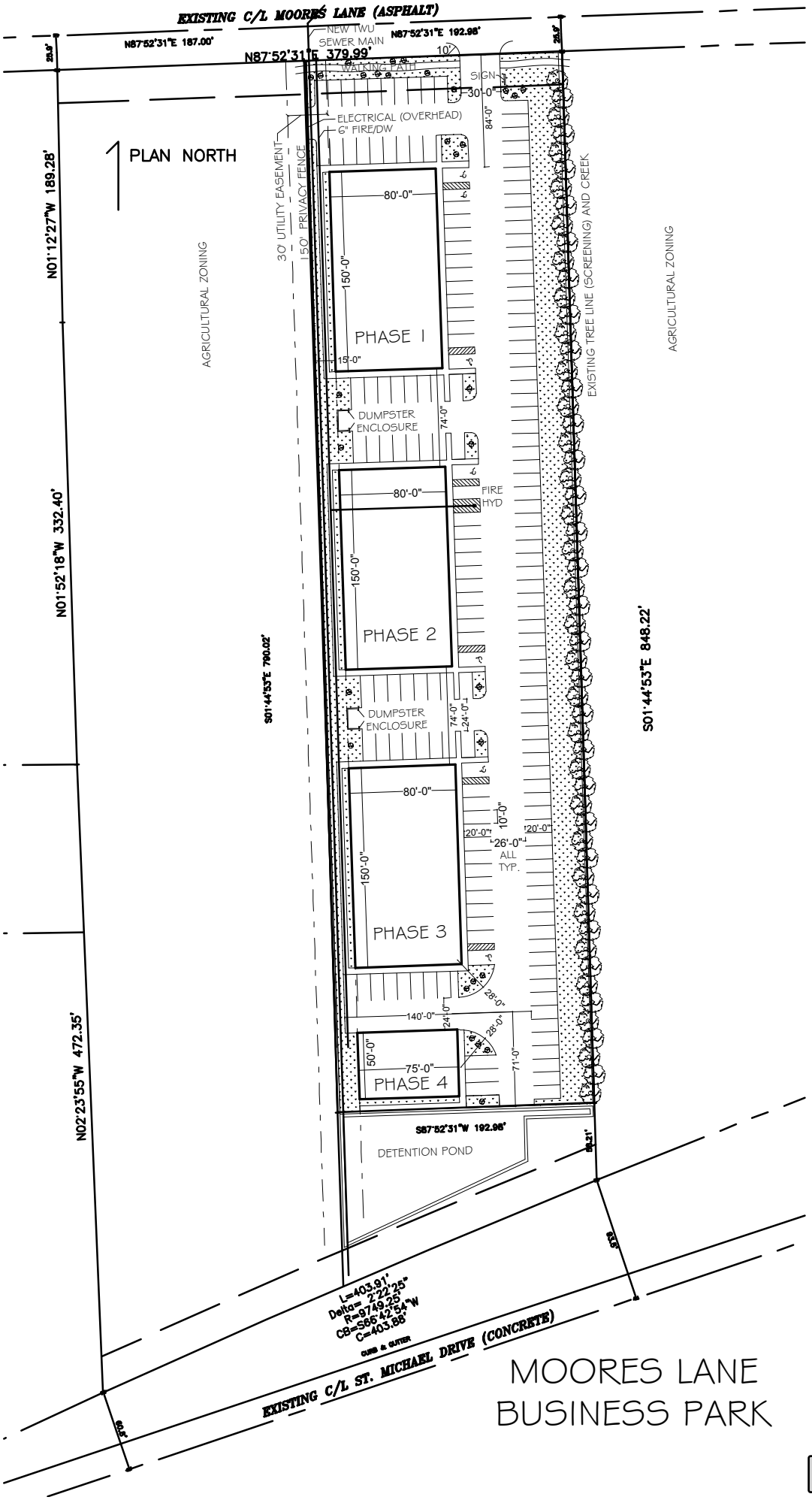
THENCE North 01 degrees 52 minutes 18 seconds West a distance of 332.40 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to a 1/2 inch steel rod, found for a corner, at an angle point;

THENCE North 01 degrees 12 minutes 27 seconds West a distance of 189.28 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to the Point of Beginning and containing 8.027 acres of land, at the time of this survey.

FLOOD STATEMENT:

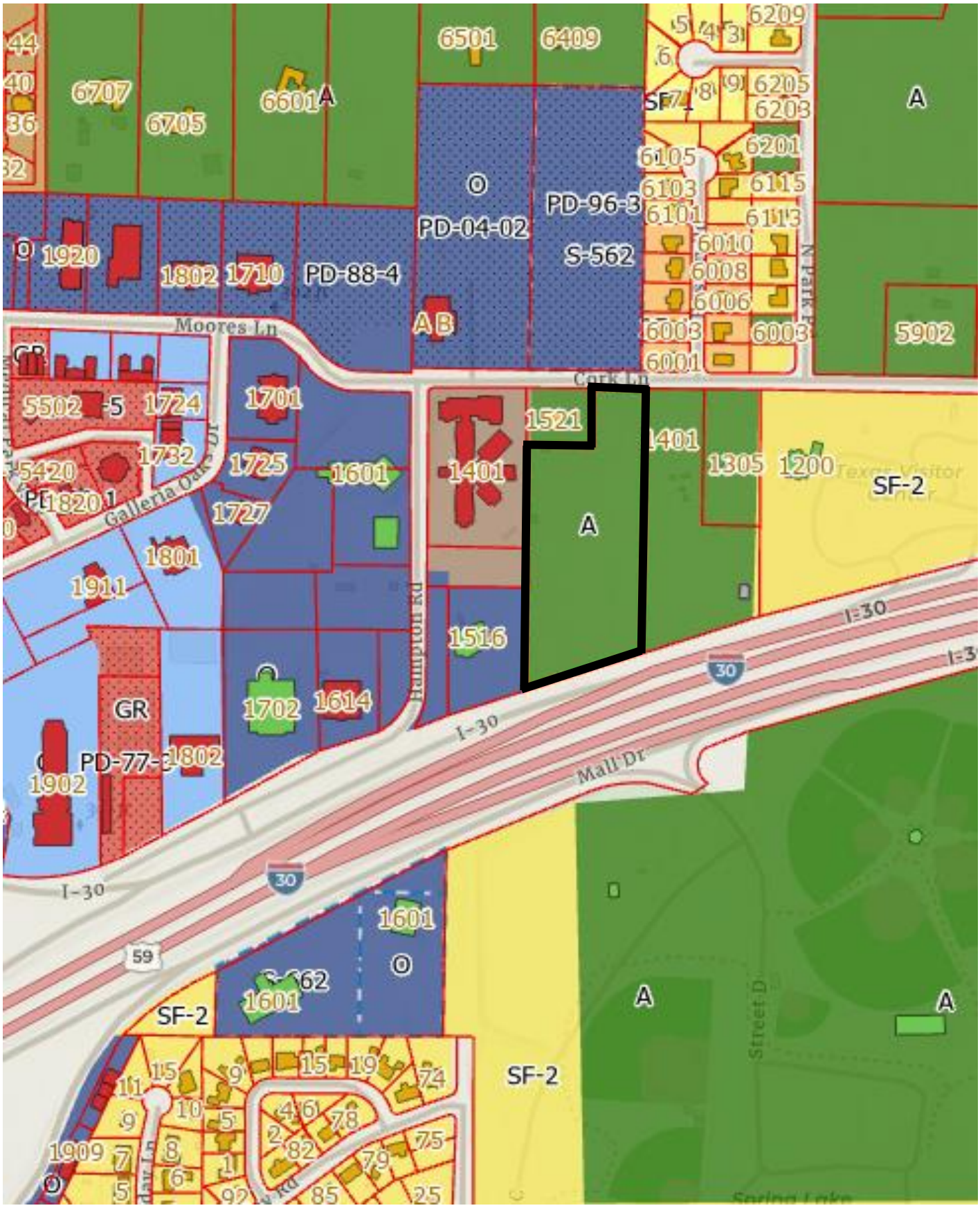
By graphic plotting only, a portion of this property is in Zone "X" areas determined to be outside the 1% Annual Chance Flood. In Community of the City of Texarkana, Number 480060, Panel 0360, Suffix E, Map Number 48037C0360E, Dated December 21, 2017. No field surveying was performed to determine this zone and an elevation certification may be needed to verify this determination or apply for variance from the Federal Emergency Management Agency.

Attachment: 2023-005 EXH 'A' (Legal Description) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)



Attachment: 2023-005 EXH 'B' (Site Plan) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

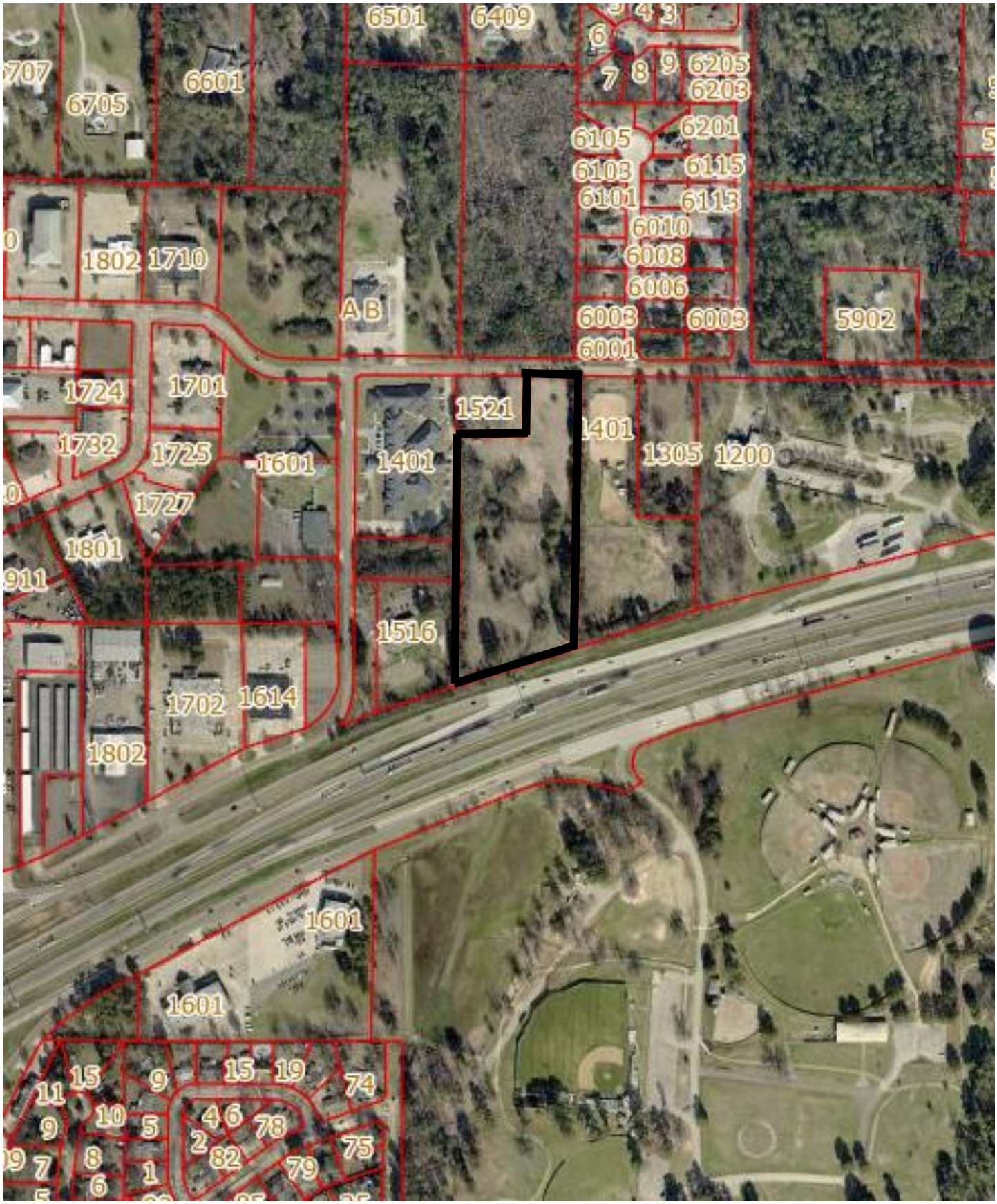
1521 Moores Lane



Attachment: 2023-005 ATTH 01 (Maps) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

Z-22-23

1521 Moores Lane



Attachment: 2023-005 ATTH 01 (Maps) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

Z-22-23



Attachment: 2023-005 ATTH 02 (Renderings) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)



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Attachment: 2023-005 ATTH 02 (Renderings) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within 200 feet of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Number of Pages: 1

Printed Name	Home Address	Signature
Gayle Jordan	6001 Rustin Rd Texarkana, TX 75503	Gayle Jordan
Malinda Crews President TBSC	1401 Moores Lane	Malinda Crews
Dorothy Murphy	1301 Moore Lane Texarkana, Tx 75503	Dorothy Murphy

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

Attachment: 2023-005 ATTH 03 (Opposition inside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

To: The City Council of the City of Texarkana, Texas

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Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Marsha R. Burris	6007 Ruston Rd	Marsha R Burris
LINDA OSWALD	6005 RUSTON RD	Linda Oswald
Michael Bradford	6009 Ruston Rd	Michael Bradford
Larry Faulkner	6103 Ruston Rd	Larry D. Faulkner
Janice Moore	6104 Ruston Rd	Janice Moore
JOHN R. REVELS	6010 RUSTON RD.	John R Revels
Pamela Revels	6010 Ruston Rd	Pamela Revels

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PAGE 1 **of** 11

Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

2023-005 ATTH 04

To: The City Council of the City of Texarkana, Texas

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Megan Revels	6010 Ruston Rd.	
John Upchurch	6006 Ruston Rd	
Tonja Upchurch	6006 Ruston Rd	
Jacob Upchurch	6006 Ruston Rd	
Aaron Jennings	6004 Ruston RD	
Deina Jennings	6004 Ruston Rd	
Tim Murray	6005 RUSTON RD	

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PAGE 2 **of** 11

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Total Number of Pages: 11

Printed Name	Home Address	Signature
RAY MCFALL	6002 Rustwood	
Kelly McFall	6002 Rustin Rd	
Randy O'Briant	2314 Pine St	
Kaleigh Dodson	1317 Rio Grande Ave	
Nicky Dickert	6007 N Park	
Joseph Compeau	613 N Park	
Kimberly Scott	6115 N Park Rd	

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PAGE 3 **of** 11

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Total Number of Pages: 11

Printed Name	Home Address	Signature
John David Barrett II	620 N Park	
Sue Gibbs	3 Gregory Lane	
Steve Gibbs	3 Gregory Lane	
Sharon Tant	4 Gregory Ln	
Sandra Hoover	6 Gregory Ln.	
Glenda Forte	5811 Winchester Dr	
Donald Forte	5811 Winchester Dr	

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Vicky Benton	6003 N. Park Rd. Tx. Tx. 75503	Vicky Benton
Willie Benton	6003 N. Park Rd. Tx. Tx. 75503	Willie Benton
Tyler Neal	8 Space Dr Txk, TX 75503	Tyler Neal
JoSarah M. Harrell	6009N. Park Rd. Texarkana, TX 75503	JoSarah M Harrell
JEFF HARRELL	6009 N. Park Rd. TEXARKANA TX 75503	JEFF Harrell
Wanda Boyette	5627 Century Lane Texarkana, TX 75503	Wanda Boyette
Mike O. Boyette	5621 Century Lane Texarkana Tx 75503	Mike O Boyette

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PAGE 5 **of** 11

Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Vicki Orr	1 Devon Lane.	Vicki Orr
BEVERLY SIMPSON	20 ENCLAVE	Beverly Simpson
LARRY BUNN	13 Enclave Cir	Larry D Bunn
Sally Patton	15 Enclave Circle	Sally Patton
DIANA DAVIS	26 Enclave	Diana Davis
Jill Lucas	6103 Brentwood Forest	Jill Lucas
Ashley Gushing	2901 Stonegate	Ashley Gushing

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PAGE 6 **of** 11

Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Barbara Yowell	19 Enclave	
Jane Thomas	21 Enclave	Jane Thomas
Leroy Thomas	21 Enclave	
Michael Gueldt	42 Enclave	
	44 Enclave	Jimmy Hodrick
Glenda Williams	48 Enclave	
	50 Enclave	

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PAGE 7 **of** 11

Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

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Total Number of Pages: 11

Printed Name	Home Address	Signature
E. N. LAMB	6306 NORTH PARK RD	
Dr Charles Bruce	#6 Ladera	Charles Bruce
Robin Rogers	#8 Cindywood Texarkana, Tx 75503	
Dan Boyles	19 Northridge circle	
ZACK AMES	6409 N. PARK RD	
Marcie Oa	1 DEKOA DR.	
William Tompkins	7 LADERA DR	

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PAGE 8 **of** 11

Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Gayla Stevens	50 Enggrove	Gayla Stevens
Paula Tompkins	7 Ladera Dr.	
Josephine Kahla	6306 N Park Rd	Josephine Kahla
Paula J Tompkins	7 Ladera Dr.	Paula J Tompkins
Janis Robbins	27 Northridge Cir	Janis Robbins
Patricia E Rogers	3640 Shilling Rd	Patricia E Rogers
Emily Orr	8 Cindywood	Emily Orr

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PAGE 9 **of** 11

Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Ellen Orr	8 Cindywood	Ellen Orr
Beth Pesek	13 Cindywood	Beth Pesek
Lorinda McElhannon Lorinda McElhannon	6005 N. Park Rd	Lorinda McElhannon

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Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

To: The City Council of the City of Texarkana, Texas

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Rick Doggett	5627 Century	
Nicole Wilson	5624 Century	
Elaine Mitchell	5623 Century	
Ronnie Mitchell	5623 Century	
Dorothy Hayes	25 Northridge Cir.	
Kevin Hayes	"	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 8 A **of** 11

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Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)



Attachment: 2023-005 ATTH 05 Moores Ln_TxDOT Drive Access (3906 : 2023-005 ORD rezoning

From: TEX-Daniel, Mashell
To: TEX-Evans, Jennifer
Subject: FW: Moores Ln Development
Date: Thursday, January 19, 2023 3:58:22 PM
Attachments: image001.png
image002.png
image003.png
image004.png
Moores Ln Development_TXDOT Drive Access.jpg

From: TEX-Henslee, Dustin <dustin.henslee@txkusa.org>
Sent: Thursday, January 19, 2023 2:07 PM
To: TEX-Orr, David <david.orr@txkusa.org>; Tommy.Bruce@txdot.gov
Cc: TEX-Daniel, Mashell <mhodges@txkusa.org>; TEX-Puckett, Laura <lpuckett@txkusa.org>
Subject: RE: Moores Ln Development

David,

I just spoke with Tommy about this. He did say the State would be willing to work with the developer for an access point out to Hampton Road.

Thanks,

Dusty Henslee, P.E., CFM, CPM
Assistant City Manager/Director of Public Works
City of Texarkana, Texas
Office: (903)-798-3953
Cell: (903)-908-1808

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

From: TEX-Orr, David <david.orr@txkusa.org>
Sent: Monday, January 9, 2023 12:53 PM
To: Tommy.Bruce@txdot.gov
Cc: TEX-Henslee, Dustin <dustin.henslee@txkusa.org>
Subject: Moores Ln Development

Tommy,

As follow-up to our conversation, here's the information on the proposed Moores Ln development that will have a first briefing tonight and City Council consideration on January 23rd. The agenda item starts on pg 98 through pg 157. To make it easier, I have included the driveway access scenario along Hmaption Rd attached and a few screenshots of the development proposal below. Access to this development has been the main issue voiced by our Planning & Zoning Commission and by area residents along Moores Ln. We would appreciate your thoughts and any alternatives for access through TXDOT controlled ROW. Thanks

Agenda - Monday, January 9, 2023 (iqm2.com)

Attachment: 2023-005 ATTH 06 FW_ Moores Ln Development Email (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores

2023-006 ATTH 01
Amendment to PD-22-3

1521 Moores Lane



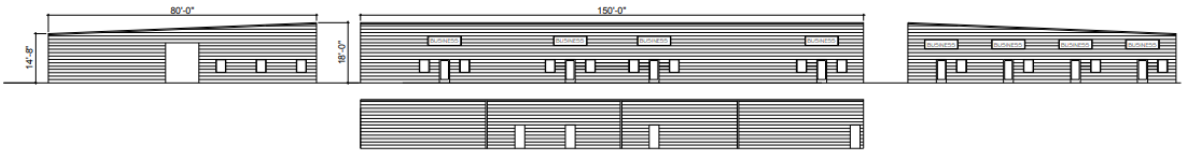
2023-006 ATTH 01 (Maps) (3908 : 2023-006 ORD Amendment to PD-22-3 (C) site plan approval 1521 Moores)



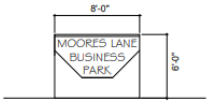
)2 (Renderings) (3908 : 2023-006 ORD Amendment to PD-22-3 (C) site

Attachment: 2023-005 ATTH 06 FW_ Moores Ln Development Email (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores

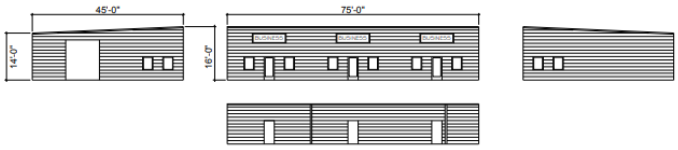
2023-006 ATTH 06



PHASE 1,2,3



MONUMENT
SIGN

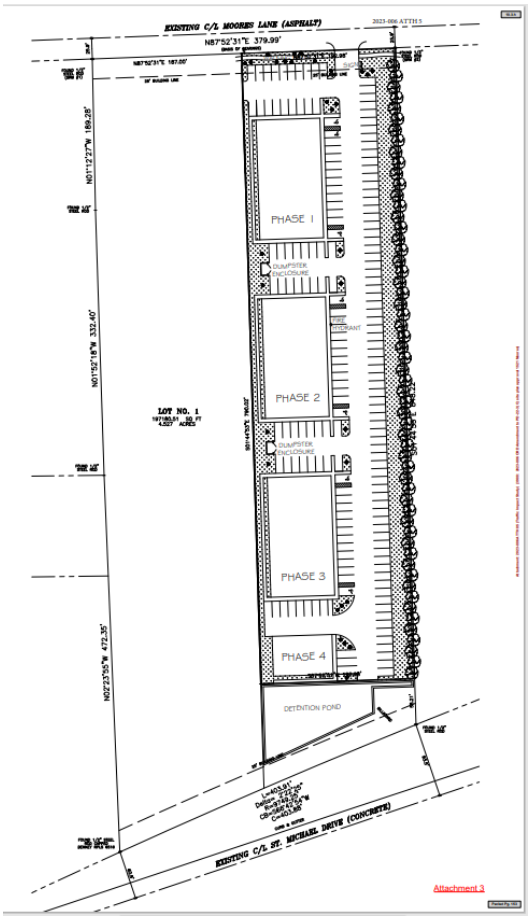


PHASE 4

MOORES LANE BUSINESS PARK

Attachment: 2023-006 ATTH 06 (Elevations) (3908 : 2023-006 ORD Amendment to PD-22-3 (C) site plan

Attachment: 2023-005 ATTH 06 FW_ Moores Ln Development Email (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores



David Orr
City Manager

City of Texarkana, Texas
Office: (903) 798-3902
Cell: (903) 278-7735
Fax: (903) 798-3913
Email: david.orr@txkusa.org

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

Attachment: 2023-005 ATTH 06 FW_ Moores Ln Development Email (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores

City of Texarkana, Texas

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

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

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

Attachment: 2023-005 Goals & Perspectives (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/19/2023 4:08 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2023-006 amending PD-22-3 (C) for site plan approval on a 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane. Emanuel Sanchez, owner and Aaron Gaylor, agent. (A 3/4 vote is required by the City Council to approve this request).		

Briefing: 1/23/2023 **Public Hearing:** 1/23/2023 **Council Vote:** 1/23/2023

Item Schedule

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

Updates/History of Briefing:

Pursuant to the unanimous denial for the rezoning of this property by the Planning and Zoning Commission, a 3/4 vote by City Council is required to approve this request.

Staff is requesting that City Council place a Planned Development on this property with restricted uses and stipulations.

The signatures attached on the letter of opposition represent more than 20% of the property owners within 200 feet of the proposed project requiring a 3/4 vote by City Council to approve this request.

Executive Summary and Background Information:

This is a request by Emanuel Sanchez, owner and Aaron Gaylor, RKM Properties, agent, to rezone an approximate 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane from Agriculture to Commercial. The proposed new site will be a business park.

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

The adjacent zoning is Planned Development-Office to the north, Agriculture to the east, Interstate-30 to the south, and Multiple Family-1 to the west. The adjacent land use is an office to the north, horse arena to the east, I-30 to the south and assisted living facility to the west.

Staff recommends for approval of this request with a Planned Development designation and the following restricted uses:

1. Three new buildings 12,000 sq. ft. each and one building 3,750 sq. ft.
2. The façade will metal panels.
3. One hundred and seventy eight (178) parking places including seven (7) handicapped space. Each parking space must be a minimum of 180 sq. ft. (9'x20' or 10'x18'). A 2

foot overhang is allowed on perimeter parking spaces as long as overhang is contained on property.

4. One 32 sq. ft. sign on the front of the building. No electronic messaging will be allowed.
5. Two screened dumpster sites.
6. Site design must meet new drainage ordinance and stormwater design manual (additional easements may be needed after design is complete.
7. Traffic Impact Study required as part of design phase.
8. Detention pond.
9. Provide dedicated trail easement for both lots.
10. Fire hydrant must be located where it is accessible and not blocked by parking spots. It must be located to reach the most remote part of any building on the lot within 400 fee hose lay.

The following uses are restricted: Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, outdoor storage, mini-warehouses, pawn shop, pet shop, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), dance hall or night club, golf course, pistol and fire range, zoo (private or public), union hall, bus station, hauling or storage company, parking lot (truck or commercial), auto painting or repair, motorcycle or ATV sales and repair, tire retreading or capping, food truck court, mini ware houses, real estate model homes, boat sale and repair, building material sales, contractor equipment yard, heavy machinery sales or rental, trailer or mobile homes sales or rental, welding or machine shop, green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to new drainage ordinance, stormwater design manual, building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with a Planned Development placed and with stipulations and restricted uses.

Advisory Board/Committee Review:

City Council

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

January 23, 2023

Attachments

a. 2023-006 ORD site plan approval 1521 Moores Ln (DOCX)
b. 2023-006 EXH 'A' (Legal Description) (PDF)
c. 2023-006 EXH 'B' (Site Plan)(PDF)
d. 2023-006 ATTH 01 (Maps) (PDF)
e. 2023-006 ATTH 02 (Renderings) (PDF)
f. 2023-006 ATTH 03 (Opposition inside 200' area) (PDF)
g. 2023-006 ATTH 04 (Opposition outside 200' area) (PDF)
h. 2023-006 ATTH 05 (Traffic Impact Study) (PDF)
i. 2023-006 ATTH 06 (Elevations) (PDF)
j. 2023-006 ATTH 07 (photo facade) (PDF)
k. 2023-006 ATTH 08 Moores Ln_TxDOT Drive Access (PDF)
l. 2023-006 ATTH 09 FW_ Moores Ln Development Email (PDF)
m. 2023-006 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	01/04/2023 1:00 PM
City Manager	David Orr	Review	Completed	01/04/2023 2:54 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

ORDINANCE NO. 2023-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-22-3 (GR) FOR SITE PLAN APPROVAL ON AN APPROXIMATE 3.5-ACRE TRACT OF LAND (BEING TRACT 28), WILLIS OLDHAM HRS, A-458, LOCATED AT 1521 MOORES LANE, 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 3.5-acre Tract of Land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit 'B'), located at 1521 Moores Lane** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-22-3 (C)], and approval of the site plan **(Exhibit 'A')** would constitute an amendment to PD-22-3 (C); 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 denial 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 3.5-acre Tract of Land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit 'B'), located at 1521 Moores Lane** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-22-3 (C).

Attachment: 2023-006 ORD site plan approval 1521 Moores Ln (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

Attachment: 2023-006 ORD site plan approval 1521 Moores Ln (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

SECTION 2: PD-22-3 (C) is hereby amended by approval of the site plan (**Exhibit 'A'**), incorporated herein by reference for all purposes and includes the following:

1. Three new buildings 12,000 sq. ft. each and one building 3,750 sq. ft.
2. The façade will be metal panels.
3. One hundred and seventy eight (178) parking places including seven (7) handicapped spaces. Each parking space must be a minimum of 180 sq. ft. (9'x20' or 10'x18'). A two-foot overhang is allowed on perimeter parking spaces as long as overhang is contained on property.
4. One 6'X8' monument style sign on the front of the building. No electronic messaging will be allowed.
5. Two screened dumpster sites.
6. Site design must meet new drainage ordinance and stormwater design manual (additional easements may be needed after design is complete).
7. Traffic Impact Study required as part of design phase.
8. Detention pond.
9. Provide dedicated trail easement for both lots.
10. Fire hydrant must be located where it is accessible and not blocked by parking spots. It must be located to reach the most remote part of any building on the lot within 400 fee hose lay.

The following uses are restricted: Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, outdoor storage, mini-warehouses, pawn shop, pet shop, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), dance hall or night club, golf course, pistol and fire range, zoo (private or public), union hall, bus station, hauling or storage company, parking lot (truck or commercial), auto painting or repair, motorcycle or ATV sales and repair, tire retreading or capping, food truck court, mini ware houses, real estate model homes, boat sale and repair, building material sales, contractor equipment yard, heavy machinery sales or rental, trailer or mobile homes sales or rental, welding or machine shop, green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

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 **23rd day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Property Description
8.027 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the Willis Oldham Headright Survey, Abstract 458, Bowie County, Texas, being all of that certain tract of land described as 8.053 acres in the deed from Susan Karen Simmons, et al, to Emanuel Sanchez, et ux, dated August 23, 2022, recorded in Document No. 2022-00010237 of the Real Property Records, Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), found for a corner, lying in the South right-of-way line Moores Lane, the Northwest corner of the said 8.053 acre tract, and the Northeast corner of that certain tract of land described as 4.013 acres in the deed from Stonegate SNF Properties, LP to Sanctuary LTC, LLC, dated September 23, 2021, recorded in Document No. 2021-00011803 of the Real Property Records, Bowie County, Texas;

THENCE North 87 degrees 52 minutes 31 seconds East a distance of 379.99 feet along the North line of the said 8.053 acre tract and the South right-of-way line of Moores Lane to a 1/2 inch steel rod (control monument), found for a corner, the Northeast corner of the said 8.053 acre tract and the Northwest corner of that certain tract of land described as 5.00 acres in the deed from P. S. Cork, et ux to Jack N. Boyd, et al, dated October 9, 1963, recorded in Volume 429, Page 100 of the Deed Records of Bowie County, Texas;

THENCE South 01 degrees 44 minutes 53 seconds East a distance of 848.22 feet along the East line of the said 8.053 acre tract and the West line of the said 5.00 acre tract to a 1/2 inch steel rod, found for a corner, the Southeast corner of the said 8.053 acre tract, the Southwest corner of the said 5.00 acre tract, and lying in the North right-of-way line of St. Michael Drive (Interstate Highway 30 frontage road), at the beginning of a circular curve to the left;

THENCE in a Southwesterly direction along the arc of said circular curve a distance of 403.91 feet, with a delta angle of 02 degrees 22 minutes 25 seconds, a radius of 9749.25 feet, a chord bearing of South 66 degrees 42 minutes 54 seconds West, and a chord distance of 403.88 feet to a 1/2 inch steel rod, capped DENNEY RPLS 6516, found for a corner, the Southwest corner of the said 8.053 acre tract and the Southeast corner of that certain tract of land described as 3.284 acres in the deed from Crossroads, Inc. to State of Texas, dated February 27, 1974, recorded in Volume 570, Page 648 of the Deed Records of Bowie County, Texas;

THENCE North 02 degrees 23 minutes 55 seconds West a distance of 472.35 feet along the West line of the said 8.053 acre tract, the East line of the said 3.284 acre tract, and the East line of that certain tract of land being the remainder of a called 4.983 acre tract from Purvis S. Cork, Jr. to John V. Rich, et ux, dated June 18, 1992, recorded in Volume 1787, Page 279 of the Real Property Records, Bowie County, Texas to a 1/2 inch steel rod, found for the Southeast corner of the said 4.013 acre tract;

THENCE North 01 degrees 52 minutes 18 seconds West a distance of 332.40 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to a 1/2 inch steel rod, found for a corner, at an angle point;

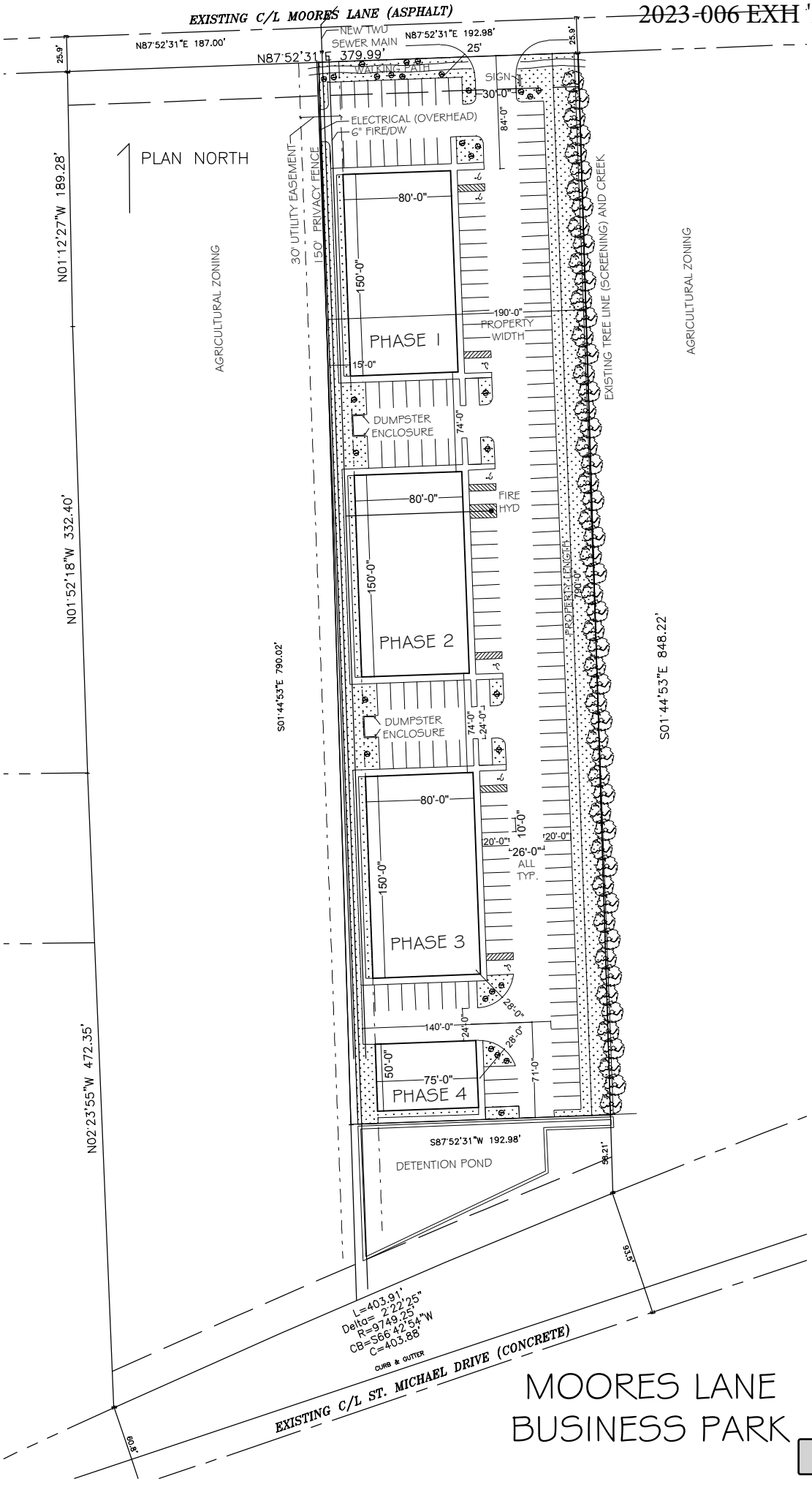
THENCE North 01 degrees 12 minutes 27 seconds West a distance of 189.28 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to the Point of Beginning and containing 8.027 acres of land, at the time of this survey.

FLOOD STATEMENT:

By graphic plotting only, a portion of this property is in Zone "X" areas determined to be outside the 1% Annual Chance Flood. In Community of the City of Texarkana, Number 480060, Panel 0360, Suffix E, Map Number 48037C0360E, Dated December 21, 2017. No field surveying was performed to determine this zone and an elevation certification may be needed to verify this determination or apply for variance from the Federal Emergency Management Agency.

Attachment: 2023-006 EXH 'A' (Legal Description) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

~~2023-006 EXH 'B'~~

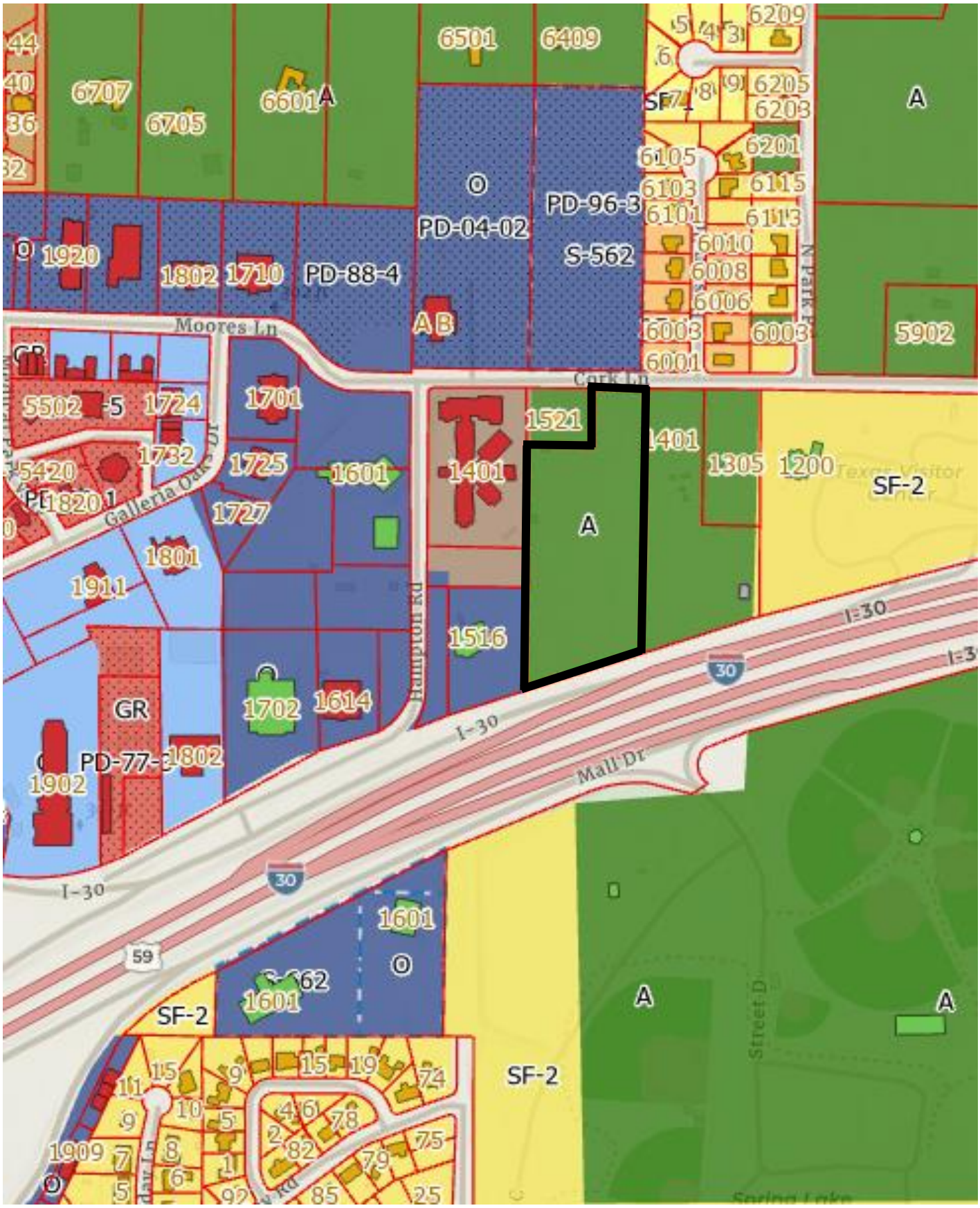


MOORES LANE BUSINESS PARK

Attachment: 2023-006 EXH 'B' (Site Plan) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

2023-006 ATTH 01
Amendment to PD-22-3

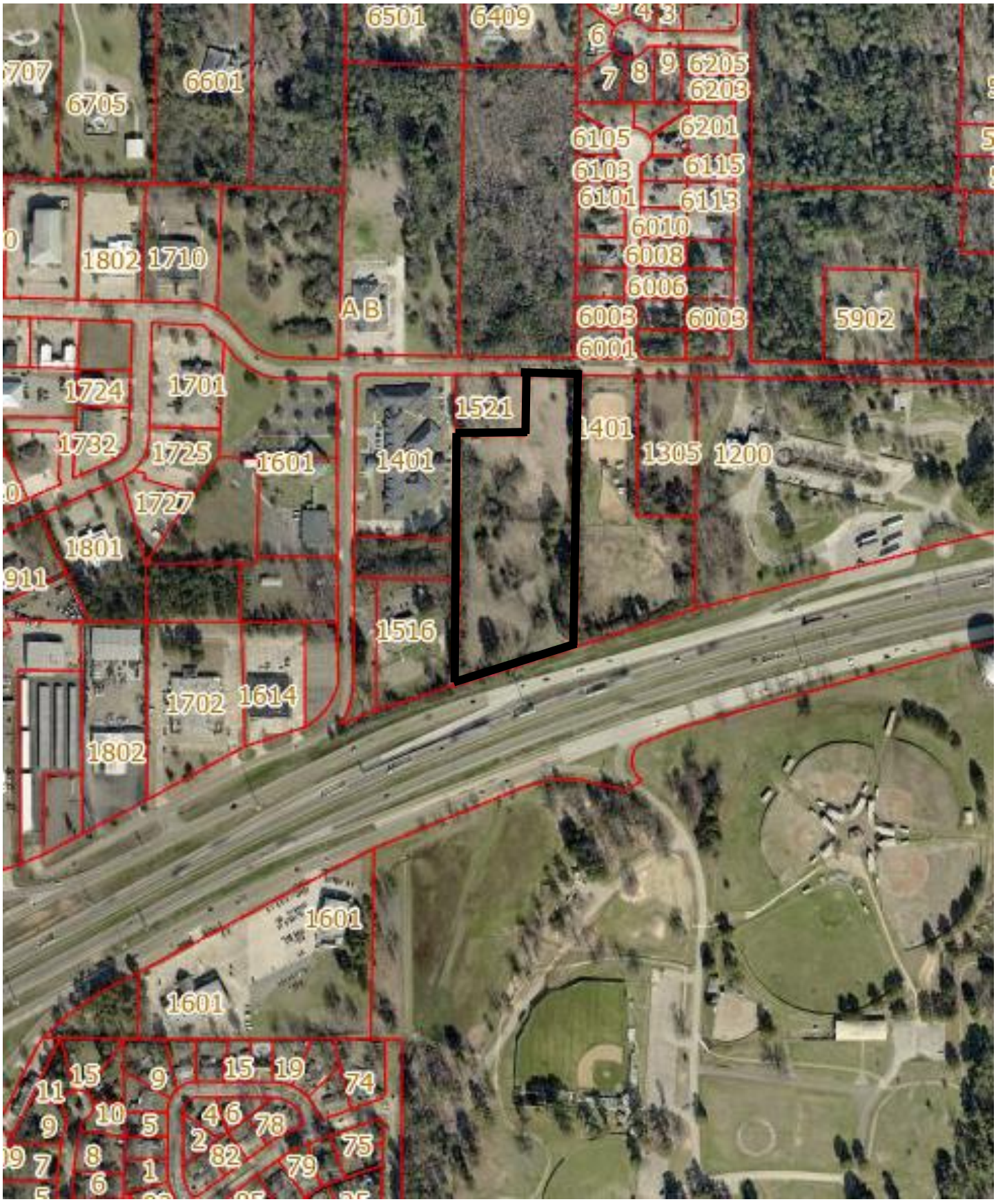
1521 Moores Lane



Attachment: 2023-006 ATTH 01 (Maps) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

2023-006 ATTH 01
Amendment to PD-22-3

1521 Moores Lane



Attachment: 2023-006 ATTH 01 (Maps) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

2023-006 ATTH 02

Z-22-23



Attachment: 2023-006 ATTH 02 (Renderings) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)



Attachment: 2023-006 ATTH 02 (Renderings) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)



Attachment: 2023-006 ATTH 02 (Renderings) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)



Attachment: 2023-006 ATTH 02 (Renderings) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within 200 feet of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Number of Pages: 1

Printed Name	Home Address	Signature
Gayle Jordan	6001 Rustin Rd Texarkana, TX 75503	Gayle Jordan
Malinda Crews President TBSC	1401 Moores Lane	Malinda Crews
Dorothy Murphy	1301 Moore Lane Texarkana, Tx 75503	Dorothy Murphy

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

Attachment: 2023-006 ATTH 03 (Opposition inside 200' area) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Marsha R. Burris	6007 Ruston Rd	Marsha R Burris
LINDA OSWALD	6005 RUSTON RD	Linda Oswald
Michael Bradford	6009 Ruston Rd	Michael Bradford
Larry Faulkner	6103 Ruston Rd	Larry D. Faulkner
Janice Moore	6104 Ruston Rd	Janice Moore
JOHN R. REVELS	6010 RUSTON RD.	John R Revels
Pamela Revels	6010 Ruston Rd	Pamela Revels

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 1 **of** 11

Attachment: 2023-006 ATTH 04 (Opposition outside 200' area) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Megan Revels	6010 Ruston Rd.	
John Upchurch	6006 Ruston Rd	
Tonja Upchurch	6006 Ruston Rd	
Jacob Upchurch	6006 Ruston Rd	
Aaron Jennings	6004 Ruston RD	
Deina Jennings	6004 Ruston Rd	
Tim Murray	6005 RUSTON RD	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 2 **of** 11

Attachment: 2023-006 ATTH 04 (Opposition outside 200' area) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
RAY MCFALL	6002 RUSTON RD	
Kelly McFall	6002 Ruston Rd	
Randy O'Briant	2314 Pine St	
Kaleigh Dodson	1317 Rio Grande Ave	
Nicky Dickert	6007 N Park	
Joseph Compeau	613 N Park	
Kimberly Scott	6115 N Park Rd	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 3 **of** 11

Attachment: 2023-006 ATTH 04 (Opposition outside 200' area) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
John David Barrett II	620 N Park	
Sue Gibbs	3 Gregory Lane	
Steve Gibbs	3 Gregory Lane	
Sharon Tant	4 Gregory Ln	
Sandra Hoover	6 Gregory Ln.	
Glenda Forte	5811 Winchester Dr	
Donald Forte	5811 Winchester Dr	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

Attachment: 2023-006 ATTH 04 (Opposition outside 200' area) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Vicky Benton	6003 N. Park Rd. Tx. Tx. 75503	Vicky Benton
Willie Benton	6003 N. Park Rd. Tx. Tx. 75503	Willie Benton
Tyler Neal	8 Space Dr Txk, TX 75503	Tyler Neal
JoSarah M. Harrell	6009N. Park Rd. Texarkana, TX75503	JoSarah M Harrell
JEFF HARRELL	6009 N. Park Rd. TEXARKANA TX 75503	JEFF Harrell
Wanda Boyette	5627 Century Lane Texarkana, TX 75503	Wanda Boyette
Mike O. Boyette	5621 Century Lane Texarkana Tx 75503	Mike O Boyette

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PAGE 5 **of** 11

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Printed Name	Home Address	Signature
Vicki Orr	1 Devon Lane	Vicki Orr
BEVERLY SIMPSON	20 ENCLAVE	Beverly Simpson
LARRY BUNN	13 Enclave Cir	Larry D Bunn
Sally Patton	15 Cedar Creek	Sally Patton
DIANA DAVIS	26 Enclave	Diana Davis
Jill Lucas	6103 Brentwood Forest	Jill Lucas
Ashley Gushing	2901 Stonegate	Ashley Gushing

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Printed Name	Home Address	Signature
Barbara Yowell	19 Enclave	
Jane Thomas	21 Enclave	Jane Thomas
Leroy Thomas	21 Enclave	
Michael Gueldt	42 Enclave	
	#44 Enclave	Jimmy Hodrick
Glenda Williams	48 Enclave	
	50 Enclave	

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Total Number of Pages: 11

Printed Name	Home Address	Signature
E. N. LAMB	6306 NORTH PARK RD	
Dr Charles Bruce	#6 Ladera	Charles Bruce
Robin Rogers	#8 Cindywood Texarkana, Tx 75503	
Dan Boyles	19 Northridge circle	
ZACK AMES	6409 N. PARK RD	
Marcie Oa	1 DEKOA DR.	
William Tompkins	7 LADERA DR	

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Gayla Stevens	50 Engle Ave	Gayla Stevens
Paula Tompkins	7 Ladera Dr.	
Josephine Kahla	6306 N Park Rd	Josephine Kahla
Paula J Tompkins	7 Ladera Dr.	Paula J Tompkins
Janis Robbins	27 Northridge Cir	Janis Robbins
Patricia E Rogers	3640 Shilling Rd	Patricia E Rogers
Emily Orr	8 Cindywood	Emily Orr

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PAGE 9 **of** 11

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Total Number of Pages: 11

Printed Name	Home Address	Signature
Ellen Orr	8 Cindywood	Ellen Orr
Beth Pesek	13 Cindywood	Beth Pesek
Lorinda McElhannon Lorinda McElhannon	6005 N. Park Rd	Lorinda McElhannon

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Printed Name	Home Address	Signature
Rick Doggett	5627 Century	
Nicole Wilson	5624 Century	
Elaine Mitchell	5623 Century	
Ronnie Mitchell	5623 Century	
Dorothy Hayes	25 Northridge Cir.	
Kevin Hayes	"	

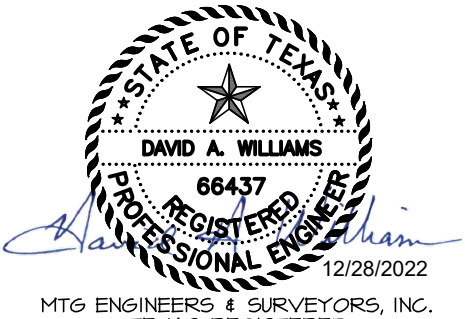
By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 8 **of** 11

11

Attachment: 2023-006 ATTH 04 (Opposition outside 200' area) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

Traffic Impact Analysis



MTG ENGINEERS & SURVEYORS, INC.
TEXAS REGISTERED
ENGINEERING FIRM F-354

Date: 12/20/2022

City: Texarkana

County: Bowie

Impacted Roadways: Moores Lane

1. Purpose of Analysis: *Explain the impact of the proposed development.*

A proposed business park, Moores Lane Business Park is proposed on the South side of Moores Lane. The analysis will demonstrate that the existing Moores Lane is not adversely impacted by the ultimate development of the proposed project.

2. Proposed use of the property: *Operations, facilities, frequency of access use, types and sizes of vehicles for each individual year of the next three year period.*

The proposed development will be a proposed 39,750 square foot business park.

Based on ITE trip generations, the full buildout of the development is anticipated to generate the following trips:

- 494 total average daily trips (247 entering/247 exiting).
- 56 total AM Peak Hour trips (48 entering/8 exiting).
- 50 total PM Peak Hour trips (13 entering/37 exiting).

Additionally, the developments should not generate a minimal number of large delivery trucks, however it will generate the normal parcel deliveries such as UPS & Fed-Ex.

3. Participant(s) in the request process: *Including as applicable city, county, developers, consultants, legal counsel, etc.*

Developer – RKM Properties, LLC
City of Texarkana
Traffic Impact Consultant – MTG Engineers & Surveyors, Inc

4. Highway layout showing the requested access site and upstream/downstream roadway system and other associated access: *Attach vicinity map (surrounding area), project location map (adjacent highway/ramps and local streets), location of access breaks (in relationship to property boundaries).*

Attached to this form are the following exhibits:

- Area Map with ADT Count (Attachment 1),
- ADT Count Station Data Sheet (Attachment 2),
- Proposed Site Plan (Attachment 3),
- Trip Generation Summary (Attachment 4).
- Moores Lane Existing Conditions Level of Service Analysis (Attachment5), and

Attachment: 2023-006 ATTH 05 (Traffic Impact Study) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

- Moores Lane Proposed Conditions Level of Service Analysis (Attachment 6).

5. Existing roadway characteristics: *ADT, number/width of lanes/shoulders, posted speed, bridge structures, utility overhead and underground (location/relocation), pavement (structure, width, and material).*

The 2018 AADT for Moores Lane east of the proposed site is 1,314.

Moores Lane Drive is an approximate 24' wide asphalt street with sod shoulders and open ditches.

6. Proposed driveway:
Proposed radii, throat width and length, entry/exit width

The proposed driveways for the Moores Lane Business Park will be a 30' wide concrete driveway with 10' radii.

7. Summary:

Utilizing the Highway Capacity Manual for a transitioning urban area type and a two-lane roadway, a Level of Service analysis was performed on the existing conditions and on the ultimate buildout of the proposed conditions. A traffic distribution factor or 75% was used based on the primary direction of traffic flow in a Westerly direction. Additionally, a K factor of 12% was utilized based on the information provided in the TxDOT ADT Count Station Data Sheet.

With the existing ADT on Moores Lane, The level of service (LOS) analysis of the existing roadway was determined to be a LOS of C as detailed in Attachment 4. LOS C is defined as "Driver speeds are near the unimpeded free flow speed (FFS), and maneuvering requires driver focus and care. Negative conditions regarding service quality will impact drivers, and any significant blockages or incidents are likely to cause queues.

The proposed traffic from the ultimate development of the Moores Lane Business Park was added to the existing traffic to perform the proposed LOS analysis on Moores Lane. The proposed conditions indicate that after ultimate buildout, the proposed LOS of C should be experienced as detailed in Attachment 5.

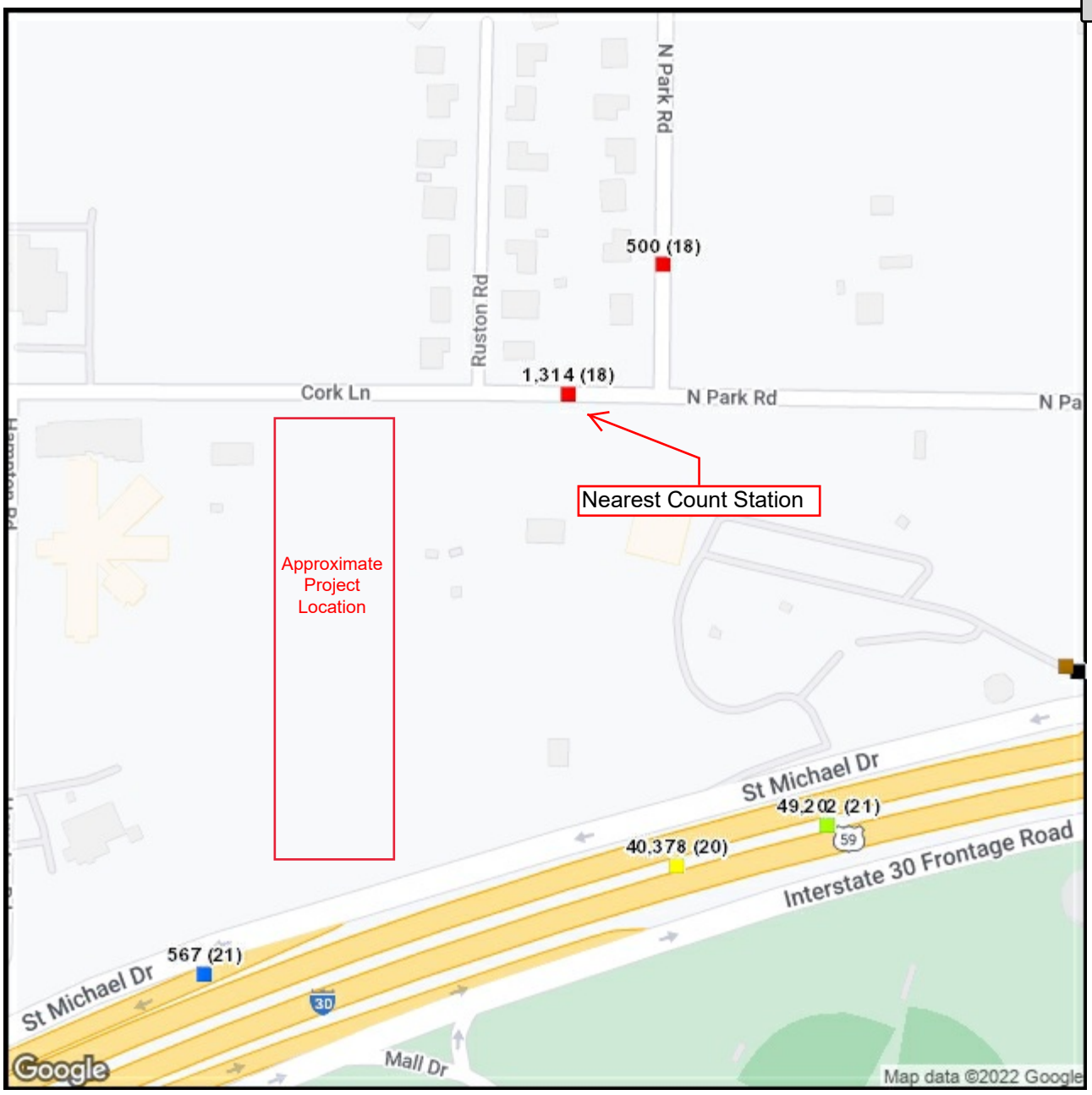
A two-lane roadway is generally considered adequate to accommodate 5,900 vehicles per day for a LOS C on level terrain with a K factor of 12%. With the existing traffic and proposed traffic generated by the business park, the projected ADT should remain approximately 1/3 of the 5,900 AADT threshold.

Additionally, the projected hourly turning movements generated by the development in the ultimate buildout are less than the thresholds provided in Table 2-3: Auxiliary Lane Thresholds from the TxDOT Access Management Manual, thus turn lanes are not proposed as part of the project.

Based on this analysis, the Level of Service C on Moores Lane should not be altered as a result of the proposed development of the Moores Lane Business Park.

Attachment: 2023-006 ATTH 05 (Traffic Impact Study) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

All Stations



0 400 800

Feet

N

TCDS Locations

- Annual ACR
- HOV
- Inactive
- MVC
- Perm
- Ramp
- TIC
- Toll
- Urban ACR
- WIM/LTPP

12/20/2022

Attachment: 2023-006 ATTH 05 (Traffic Impact Study) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

Texas Department of Transportation

TCDS Help MS2

Traffic Count Database System (TCDS)

Home | Login | Locate | Locate All | Email This

Auto-Locate ON

List View | All DIRs | Report Center

Record 1 of 1 Goto Record go

Location ID	19HP5020	MPO ID	211
Type	SPOT	HPMS ID	ASSIGNED
SF Group	ATLANTA FC 3	Route Type	FC
AF Group	REGION 2 FC 5	Route	0000
GF Group	ATLANTA FC 5	Active	Yes
Class Dist Grp		Category	URBAN ACR
Seas Clss Grp	ATLANTA		
WIM Group			
QC Group	Volume Group 2		
Fnct'l Class	(5)Major Collector		
Located On	Cork Ln		
Loc On Alias	264225		

More Detail

STATION DATA

Directions: 2-WAY

AADT

	Year	AADT	DHV-30	K %	D %	PA	BC	Src
	2018	1,314	153	12				
	2013	1,487						
	2007	3,330						
	2002	2,020						

Travel Demand Model

	Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV

VOLUME COUNT

	Date	Int	Total
	Mon 4/30/2018	15	1,483
	Mon 4/22/2013	15	1,549

VOLUME TREND

Year	Annual Growth
2018	-2%
2013	-13%
2007	11%

SPEED

	Date	Int	Pace	85th	Total
No Data					

CLASSIFICATION

	Date	Int	Total
No Data			

WEIGH-IN-MOTION

	Date	Axles	Avg GVW	Total
No Data				

PER VEHICLE

	Date	Axles	85th	Total
No Data				

GAP

	Date	Int	Total
No Data			

Attachment: 2023-006 ATTH 05 (Traffic Impact Study) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

EXISTING C/L MOORES LANE (ASPHALT)

N87°52'31"E 379.99'
(BASIS OF BEARINGS)

25.9'

FOUND 1/2" STEEL ROD (SRM #1)

N87°52'31"E 187.00'

25' BUILDING LINE

N01°12'27"W 189.28'

FOUND 1/2" STEEL ROD

N01°52'18"W 332.40'

FOUND 1/2" STEEL ROD

N02°23'55"W 472.35'

LOT NO. 1
197180.51 SQ FT
4.527 ACRES

WALKING PATH

N87°52'31"E 192.98'

SIGN

25' BUILDING LINE

25.9'

FOUND 1/2" STEEL ROD (SRM #2)

PHASE 1

DUMPSTER ENCLOSURE

FIRE HYDRANT

PHASE 2

S01°44'53"E 790.02'

DUMPSTER ENCLOSURE

PHASE 3

PHASE 4

S87°52'31"W 192.98'

DETENTION POND

S01°44'53"E 848.22'

58.21'

BILLBOARD

FOUND 1/2" STEEL ROD

93.5'

25' BUILDING LINE

L=403.91'
Delta= 2°22'25"
R=9749.25'
CB=S66°42'54"W
C=403.88'

CURB & GUTTER

FOUND 1/2" STEEL ROD CAPPED DENNEY RPLS 6516

60.8'

EXISTING C/L ST. MICHAEL DRIVE (CONCRETE)

Attachment 3

Attachment: 2023-006 ATTH 05 (Traffic Impact Study) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

Trip Generation Summary

Alternative: Alternative 1
Phase:
Project: MOORES LANE BUSINESS PARK

Open Date: 12/20/2022
Analysis Date: 12/20/2022

ITE	Land Use		Weekday Average Daily Trips Enter	Exit	Total		Weekday AM Peak Hour of Generator Enter	Exit	Total		Weekday PM Peak Hour of Generator Enter	Exit	Total
770	PARKBUSINESS 1		247	247	494		48	8	56		13	37	50
	39.75 1000 Sq. Ft. GFA												
Unadjusted Volume			247	247	494		48	8	56		13	37	50
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			247	247	494		48	8	56		13	37	50

Total Weekday Average Daily Trips Internal Capture = 0 Percent
Total Weekday AM Peak Hour of Generator Internal Capture = 0 Percent
Total Weekday PM Peak Hour of Generator Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 10th Edition
TRIP GENERATION 10, TRAFFICWARE, LLC

Attachment: 2023-006 ATTH 05 (Traffic Impact Study) (3908 : 2023-006 ORD amendment to PD-22-3 (C)

ARTPLAN 2012 Conceptual Planning Analysis

Project Information

Analyst	DAW	**Arterial Name**	MOORES LANE	**Study Period**	Kother
Date Prepared	12/20/2022 9:57:06 AM	**From**		**Modal Analysis**	Auto Only
Agency		**To**		**Program**	ARTPLAN 2012
Area Type	Transitioning/Urban	**Peak Direction**	Westbound	**Version Date**	12/12/2012
Arterial Class	1				
File Name	X:\2023 Projects\2023 New Projects\Gaylor Moores Lane TIA\EXISTING LOS.xap				
User Notes					

Arterial Data

K	0.12	**PHF**	1	**Control Type**	FullyActuated
D	0.75	**% Heavy Vehicles**	3	**Base Sat. Flow Rate**	1950

Automobile Intersection Data

Cross Street	Cycle Length	Thru g/C	Arr. Type	INT # Dir.Lanes	% Left Turns	% Right Turns	Left Turn Lanes	Left Turn Phasing	# Left Turn Lanes	LT Storage Length	Left g/C	Right Turn Lanes
	120	0.44	3	2	12	12	No	None	N/A	N/A	N/A	No

Automobile Segment Data

Segment #	Length	AADT	Hourly Vol.	SEG # Dir.Lanes	Posted Speed	Free Flow Speed	Median Type	On-Street Parking	Parking Activity
1 (to)	2235	1314	118	2	30	40	None	No	N/A

Automobile LOS

Segment #	Thru Mvmt Flow Rate	Adj. Sat. Flow Rate	v/c	Control Delay	Int. Approach LOS	Queue Ratio	Speed (mph)	Segment LOS
1 (to)	118	2185	0.123	19.91	B	0.00	26.04	C

Arterial Length	0.4301	Weighted g/C	0.44	FFS Delay	21.37	Threshold Delay	0.00	Auto Speed	26.04	Auto LOS	C

Attachment: 2023-006 ATTH 05 (Traffic Impact Study) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

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Project Information

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Area Type	Transitioning/Urban	**Peak Direction**	Westbound	**Version Date**	12/12/2012
Arterial Class	1				
File Name	X:\2023 Projects\2023 New Projects\Gaylor Moores Lane TIA\PROPOSED LOS.xap				
User Notes					

Arterial Data

K	0.12	**PHF**	1	**Control Type**	FullyActuated
D	0.75	**% Heavy Vehicles**	5	**Base Sat. Flow Rate**	1950

Automobile Intersection Data

Cross Street	Cycle Length	Thru g/C	Arr. Type	INT # Dir.Lanes	% Left Turns	% Right Turns	Left Turn Lanes	Left Turn Phasing	# Left Turn Lanes	LT Storage Length	Left g/C	Right Turn Lanes
	120	0.44	3	2	12	12	No	None	N/A	N/A	N/A	No

Automobile Segment Data

Segment #	Length	AADT	Hourly Vol.	SEG # Dir.Lanes	Posted Speed	Free Flow Speed	Median Type	On-Street Parking	Parking Activity
1 (to)	2235	1808	163	2	30	40	None	No	N/A

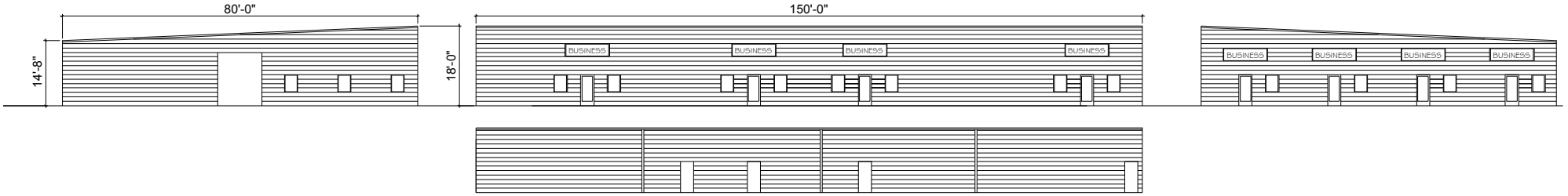
Automobile LOS

Segment #	Thru Mvmt Flow Rate	Adj. Sat. Flow Rate	v/c	Control Delay	Int. Approach LOS	Queue Ratio	Speed (mph)	Segment LOS
1 (to)	163	2137	0.173	20.40	C	0.00	25.80	C

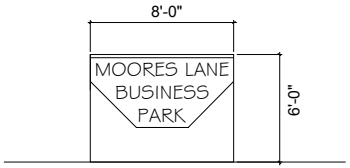
Arterial Length	0.4301	Weighted g/C	0.44	FFS Delay	21.91	Threshold Delay	0.00	Auto Speed	25.80	Auto LOS	C

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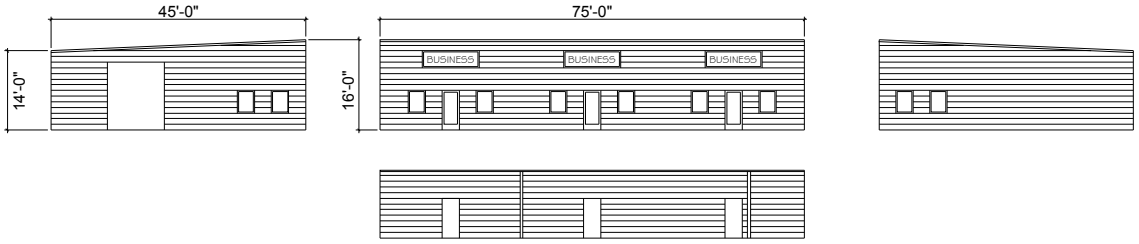
2023-006 ATTH 06



PHASE 1,2,3



MONUMENT SIGN



PHASE 4

MOORES LANE BUSINESS PARK

Attachment: 2023-006 ATTH 06 (Elevations) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan



Attachment: 2023-006 ATTH 07 (photo boards) (1909 : 2023-006 ORD Amendment to PD 23-2 (C) via Add Approval) (1521 Moores)



Attachment: 2023-006 ATTH 08 Moores Ln_TxDOT Drive Access (3908 : 2023-006 ORD amendment to PD-

From: TEX-Daniel, Mashell
To: TEX-Evans, Jennifer
Subject: FW: Moores Ln Development
Date: Thursday, January 19, 2023 3:58:22 PM
Attachments: image001.png
image002.png
image003.png
image004.png
Moores Ln Development_TXDOT Drive Access.jpg

From: TEX-Henslee, Dustin <dustin.henslee@txkusa.org>
Sent: Thursday, January 19, 2023 2:07 PM
To: TEX-Orr, David <david.orr@txkusa.org>; Tommy.Bruce@txdot.gov
Cc: TEX-Daniel, Mashell <mhodges@txkusa.org>; TEX-Puckett, Laura <lpuckett@txkusa.org>
Subject: RE: Moores Ln Development

David,

I just spoke with Tommy about this. He did say the State would be willing to work with the developer for an access point out to Hampton Road.

Thanks,

Dusty Henslee, P.E., CFM, CPM
Assistant City Manager/Director of Public Works
City of Texarkana, Texas
Office: (903)-798-3953
Cell: (903)-908-1808

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

From: TEX-Orr, David <david.orr@txkusa.org>
Sent: Monday, January 9, 2023 12:53 PM
To: Tommy.Bruce@txdot.gov
Cc: TEX-Henslee, Dustin <dustin.henslee@txkusa.org>
Subject: Moores Ln Development

Tommy,

As follow-up to our conversation, here's the information on the proposed Moores Ln development that will have a first briefing tonight and City Council consideration on January 23rd. The agenda item starts on pg 98 through pg 157. To make it easier, I have included the driveway access scenario along Hmaption Rd attached and a few screenshots of the development proposal below. Access to this development has been the main issue voiced by our Planning & Zoning Commission and by area residents along Moores Ln. We would appreciate your thoughts and any alternatives for access through TXDOT controlled ROW. Thanks

Agenda - Monday, January 9, 2023 (iqm2.com)

Attachment: 2023-006 ATTH 09 FW_ Moores Ln Development Email (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521

2023-006 ATTH 01
Amendment to PD-22-3

1521 Moores Lane



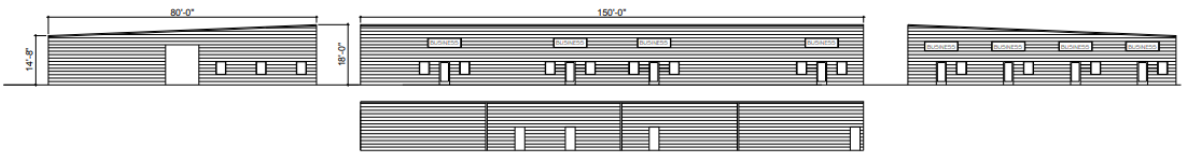
2023-006 ATTH 01 (Maps) (3908 : 2023-006 ORD Amendment to PD-22-3 (C) site plan approval 1521 Moores)



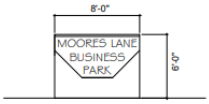
02 (Renderings) (3908 : 2023-006 ORD Amendment to PD-22-3 (C) site

Attachment: 2023-006 ATTH 09 FW_ Moores Ln Development Email (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521

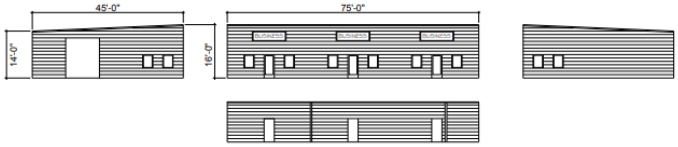
2023-006 ATTH 06



PHASE 1,2,3



MONUMENT
SIGN

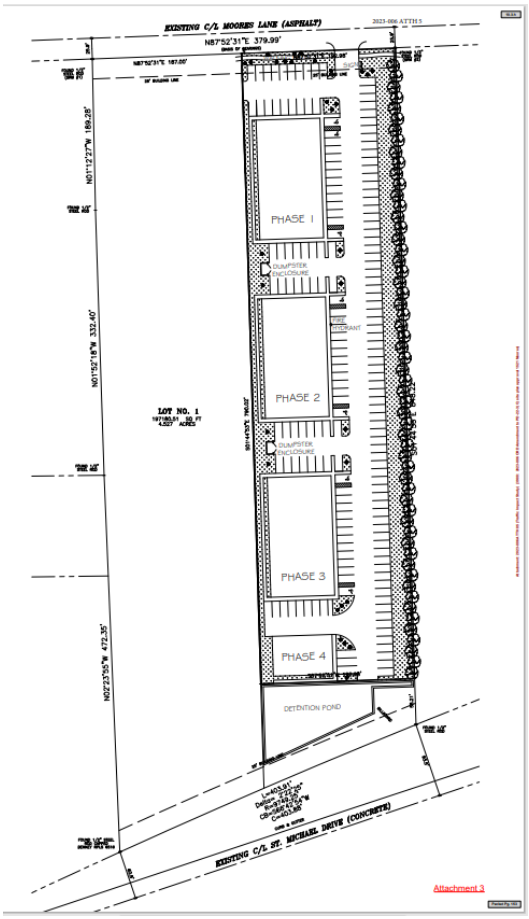


PHASE 4

MOORES LANE BUSINESS PARK

Attachment: 2023-006 ATTH 06 (Elevations) (3908 : 2023-006 ORD Amendment to PD-22-3 (C) site plan

Attachment: 2023-006 ATTH 09 FW_ Moores Ln Development Email (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521



David Orr
City Manager

City of Texarkana, Texas
Office: (903) 798-3902
Cell: (903) 278-7735
Fax: (903) 798-3913
Email: david.orr@txkusa.org

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

Attachment: 2023-006 ATTH 09 FW_ Moores Ln Development Email (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521

City of Texarkana, Texas

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

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

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

Attachment: 2023-006 Goals & Perspectives (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 12/29/2022 1:42 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2023-007 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lot 8, Block 48, Grandview Addition located at 3704 Jones Street. Janice Jamison, owner.		

Briefing: 1/23/2023 **Public Hearing:** 1/23/2023 **Council Vote:** 1/23/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Janice Jamison, owner, for a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lot 8, Block 48, Grandview Addition, located at 3704 Jones Street. This is currently vacant land.

The adjacent zoning is Single Family-3 to the north, east, and west and Single Family-2 to the south. The adjacent land use is residential to the north and east, and vacant land to the south and west.

The Future Land Use Map designates this property as “Neighborhood Residential”.

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 2016 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.

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 5, 2022

Attachments

a. 2023-007 ORD SUP to allow HUD code mnfctrd home 3704 Jones St (DOCX)
b. 2023-007 ATTH 01 (Maps) (PDF)
c. 2023-007 ATTH 02 (Floorplans) (PDF)
d. 2023-007 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed 01/04/2023 1:00 PM
City Manager	David Orr	Reviewer	Completed	01/04/2023 2:54 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

S-769

ORDINANCE NO. 2023-007

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-769 TO ALLOW THE LOCATION OF A SINGLE WIDE HUD CODE MANUFACTURED HOME ON LOT 8, BLOCK 48, GRANDVIEW ADDITION, LOCATED AT 3704 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 HUD code manufactured home on **Lot 8, Block 48, Grandview Addition, located at 3704 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-769 for the location of a single wide HUD code manufactured home on Lot 8, Block 48, Grandview Addition, located at 3704 Jones Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2023-007 ORD SUP to allow HUD code mnfctrd home 3704 Jones St (3909 : 2023-007 ORD granting SUP to allow HUD code

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

1. That one 2016 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 **23rd day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2023-007 ORD SUP to allow HUD code mnfctrd home 3704 Jones St (3909 : 2023-007 ORD granting SUP to allow HUD code

3704 Jones Street

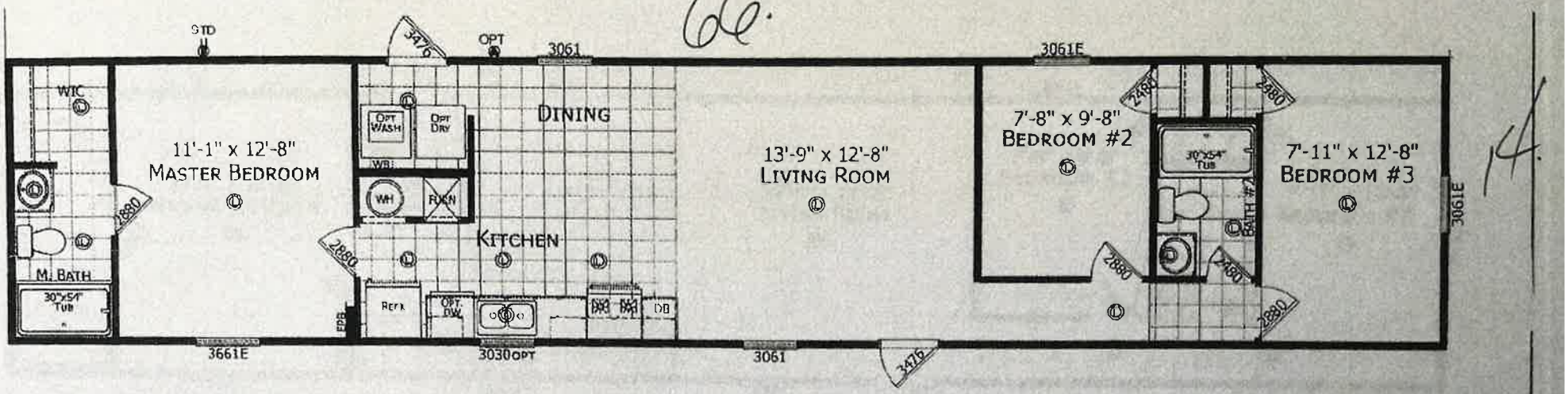


Attachment: 2023-007 ATTH 01 (Maps) (3909 : 2023-007 ORD granting SUP to allow HUD code manfactured home 3704 Jones St.)

3704 Jones Street



Attachment: 2023-007 ATTH 01 (Maps) (3909 : 2023-007 ORD granting SUP to allow HUD code manfactured home 3704 Jones St.)



HOBBS
Manufactured Homes
1800 Piney Rd.
Texarkana, TX 75501
Ph: 903-735-9921
Fax: 903-735-9963

WHERE QUALITY COMES FIRST!

Attachment: 2023-007 ATTH 02 (Floorplans) (3909 : 2023-007 ORD granting SUP to allow HUD code

City of Texarkana, Texas

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

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

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

Attachment: 2023-007 Goals & Perspectives (3909 : 2023-007 ORD granting SUP to allow HUD code manfactured home 3704 Jones St.)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 12/29/2022 1:40 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2023-008 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street. Electra Walker, owner, and Robin Junior, agent.		

Briefing: 1/23/2023 **Public Hearing:** 1/23/2023 **Council Vote:** 1/23/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Electra Walker, owner, and Robin Junior, agent, for a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street. This is currently vacant land.

The adjacent zoning is Single Family-2 to the north and south, Single Family-3 to the east and west. The adjacent land use is vacant land to the north and south, and residential to the east and west.

The Future Land Use Map designates this property as “Neighborhood Residential”.

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 2016 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double 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.

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 5, 2022

Attachments

a. 2023-008 ORD SUP HUD code mnfctrd home 2500 block of Findley (DOCX)
b. 2023-008 ATTH 01 (Maps) (PDF)
c. 2023-008 ATTH 02 (Floor plan) (PDF)
d. 2023-008 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed 01/04/2023 1:01 PM
City Manager	David Orr	Reviewer	Completed	01/04/2023 2:55 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

S-770

ORDINANCE NO. 2023-008

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-770 TO ALLOW THE LOCATION OF A DOUBLE WIDE HUD CODE MANUFACTURED HOME ON LOT 6, BLOCK 3, WINDSOR PARK 2ND, LOCATED IN THE 2500 BLOCK OF FINDLEY 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 HUD code manufactured home on **Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley 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 double 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-770 for the location of a double wide HUD code manufactured home on Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2023-008 ORD SUP HUD code mnfctrd home 2500 block of Findley (3910 : 2023-008 ORD granting SUP for HUD code manufactured

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

1. That one 2016 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double 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 **23rd day of January, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-008 ORD SUP HUD code mnfctrd home 2500 block of Findley (3910 : 2023-008 ORD granting SUP for HUD code manufactured

S-770

2500 Block of Findley Street



Attachment: 2023-008 ATTH 01 (Maps) (3910 : 2023-008 ORD granting SUP for HUD code manufactured home 2500 block Findley)

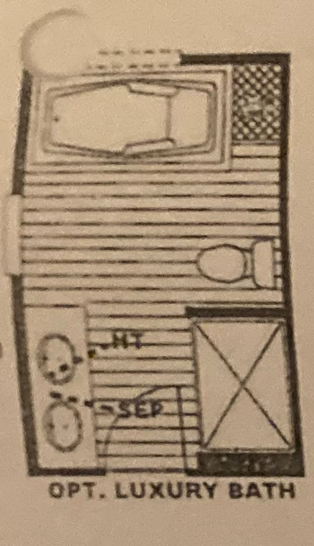
S-770

2500 Block of Findley Street

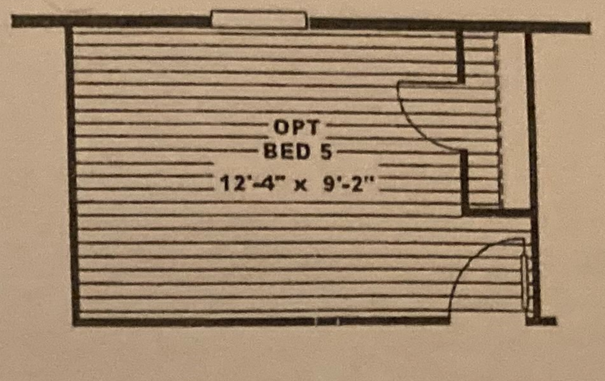


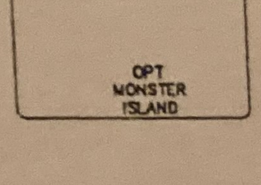
Attachment: 2023-008 ATTH 01 (Maps) (3910 : 2023-008 ORD granting SUP for HUD code manufactured home 2500 block Findley)

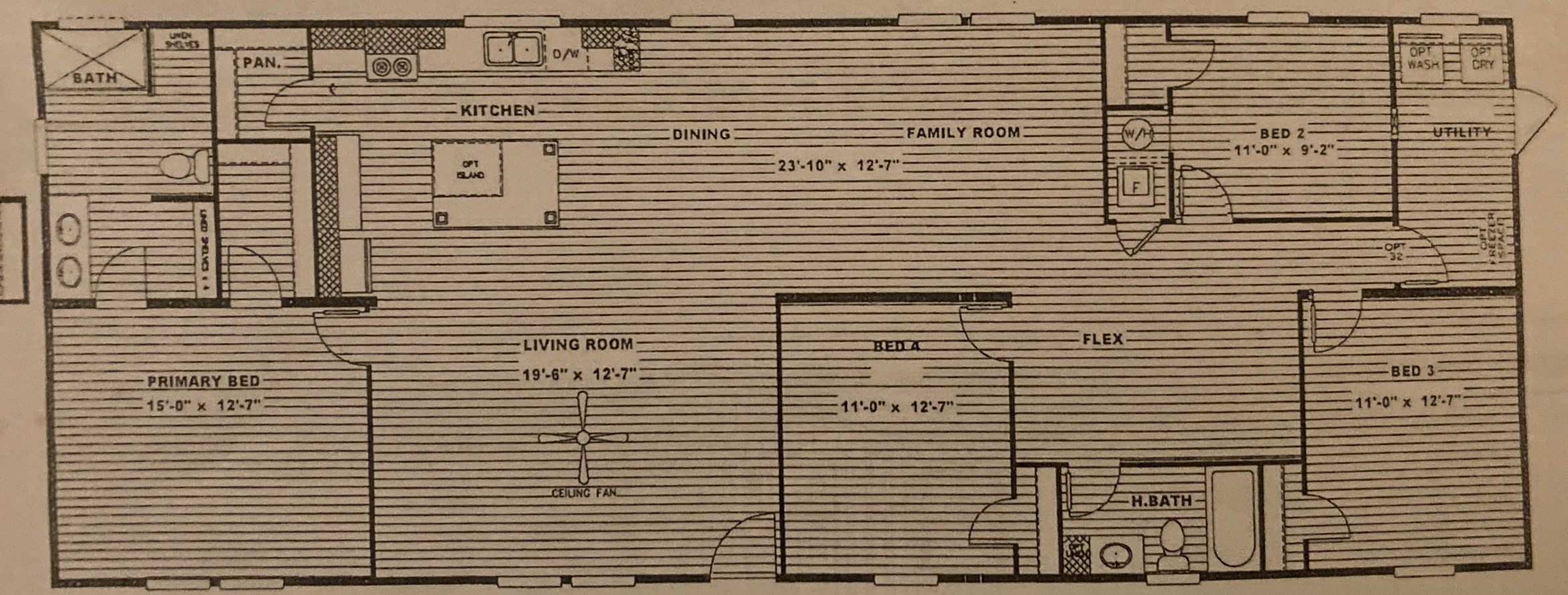
WWW.claytonsulphurspringshbf.com



OPT. LUXURY BATH







MODEL #SLT28724A
DRAWING # 38M161

Attachment: 2023-008 ATTH 02 (Floor plan) (2910 : 2023-008 (RBD granting SUP for MID code-manufactured home 2906 Nora's Findley)

City of Texarkana, Texas

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

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

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

Attachment: 2023-008 Goals & Perspectives (3910 : 2023-008 ORD granting SUP for HUD code manufactured home 2500 block Findley)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 12/29/2022 1:47 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2023-009 rezoning Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street from Commercial to Single Family-3. Angela Forte, owner.		

Briefing: 1/23/2023 **Public Hearing:** 1/23/2023 **Council Vote:** 1/23/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Angela Forte, owner, to rezone Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street from Commercial to Single Family-3. The property is currently vacant land. The proposed use is a single wide HUD code manufactured home.

The adjacent zoning is Commercial to the north, south, east, and west. The adjacent land use is residential to the north, and east, vacant land to the south, and west.

The Future Land Use Map designates this property as “Downtown District and Flood Plain”.

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 (SF-3) zoning district along with the approval of a Specific Use Permit.

HUD code manufactured housing looks like some of the existing frame pier and beam houses in the area. This type housing could also be a revitalization housing alternative to traditional site-built homes. Therefore, 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 building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

December 5, 2022

Attachments

a. 2023-009 ORD rezoning C to SF-3 south of 1008 Cedar (DOCX)
b. 2023-009 ATTH 01 (Maps) (PDF)
c. 2023-009 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed 01/04/2023 1:01 PM
City Manager	David Orr	Reviewer	Completed	01/04/2023 2:55 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

Z-22-24

ORDINANCE NO. 2023-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 10 AND 11, BLOCK 180, TRIGGS ADDITION, LOCATED SOUTH OF 1008 CEDAR 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 **Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar 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 unanimously five (5) to zero (0) to recommend the application for rezoning from Commercial to Single Family-3 on Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar Street** to the City Council 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 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 **Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar Street** in the City of Texarkana, Bowie County, Texas, from **Commercial to Single Family-3.**

Attachment: 2023-009 ORD rezoning C to SF-3 south of 1008 Cedar (3911 : 2023-009 ORD rezoning Commercial to SF-3 south of 1008 Cedar)

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

PASSED AND APPROVED in Regular Council Session on this the **23rd day of January, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-009 ORD rezoning C to SF-3 south of 1008 Cedar (3911 : 2023-009 ORD rezoning Commercial to SF-3 south of 1008 Cedar)

Cedar Street



Attachment: 2023-009 ATTH 01 (Maps) (3911 : 2023-009 ORD rezoning Commercial to SF-3 south of 1008 Cedar)

Cedar Street



Attachment: 2023-009 ATTH 01 (Maps) (3911 : 2023-009 ORD rezoning Commercial to SF-3 south of 1008 Cedar)

City of Texarkana, Texas

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

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

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

Attachment: 2023-009 Goals & Perspectives (3911 : 2023-009 ORD rezoning Commercial to SF-3 south of 1008 Cedar)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/18/2023 4:26 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2023-010 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street. Angela Forte, owner.		

Briefing: 1/23/2023 **Public Hearing:** 1/23/2023 **Council Vote:** 1/23/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Angela Forte, owner, for a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street. This is currently vacant land.

The adjacent zoning is Commercial to the north, south, east, and west. The adjacent land use is residential to the north and east, vacant land to the south, and west.

The Future Land Use Map designates this property as "Downtown District and Flood Plain".

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 2016 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.

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 5, 2022

Attachments

a. 2023-010 ORD SUP HUD code mnfctrd home south of 1008 Cedar (DOCX)
b. 2023-010 ATTH 01 (Maps) (PDF)
c. 2023-010 ATTH 02 (Photos) (PDF)
d. 2023-010 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed 01/04/2023 1:01 PM
City Manager	David Orr	Reviewer	Completed	01/04/2023 2:55 PM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

S-771

ORDINANCE NO. 2023-010

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-771 TO ALLOW THE LOCATION OF A SINGLE WIDE HUD CODE MANUFACTURED HOME ON LOTS 10 AND 11, BLOCK 180, TRIGGS ADDITION, LOCATED SOUTH OF 1008 CEDAR 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 HUD code manufactured home on **Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar 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-771 for the location of a single wide HUD code manufactured home on Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2023-010 ORD SUP HUD code mnfctrd home south of 1008 Cedar (3912 : 2023-010 ORD granting SUP to allow HUD code

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

1. That one 2016 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 **23rd day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2023-010 ORD SUP HUD code mnfctrd home south of 1008 Cedar (3912 : 2023-010 ORD granting SUP to allow HUD code

Cedar Street



Attachment: 2023-010 ATTH 01 (Maps) (3912 : 2023-010 ORD granting SUP to allow HUD code manufactured home south of 1008 Cedar)

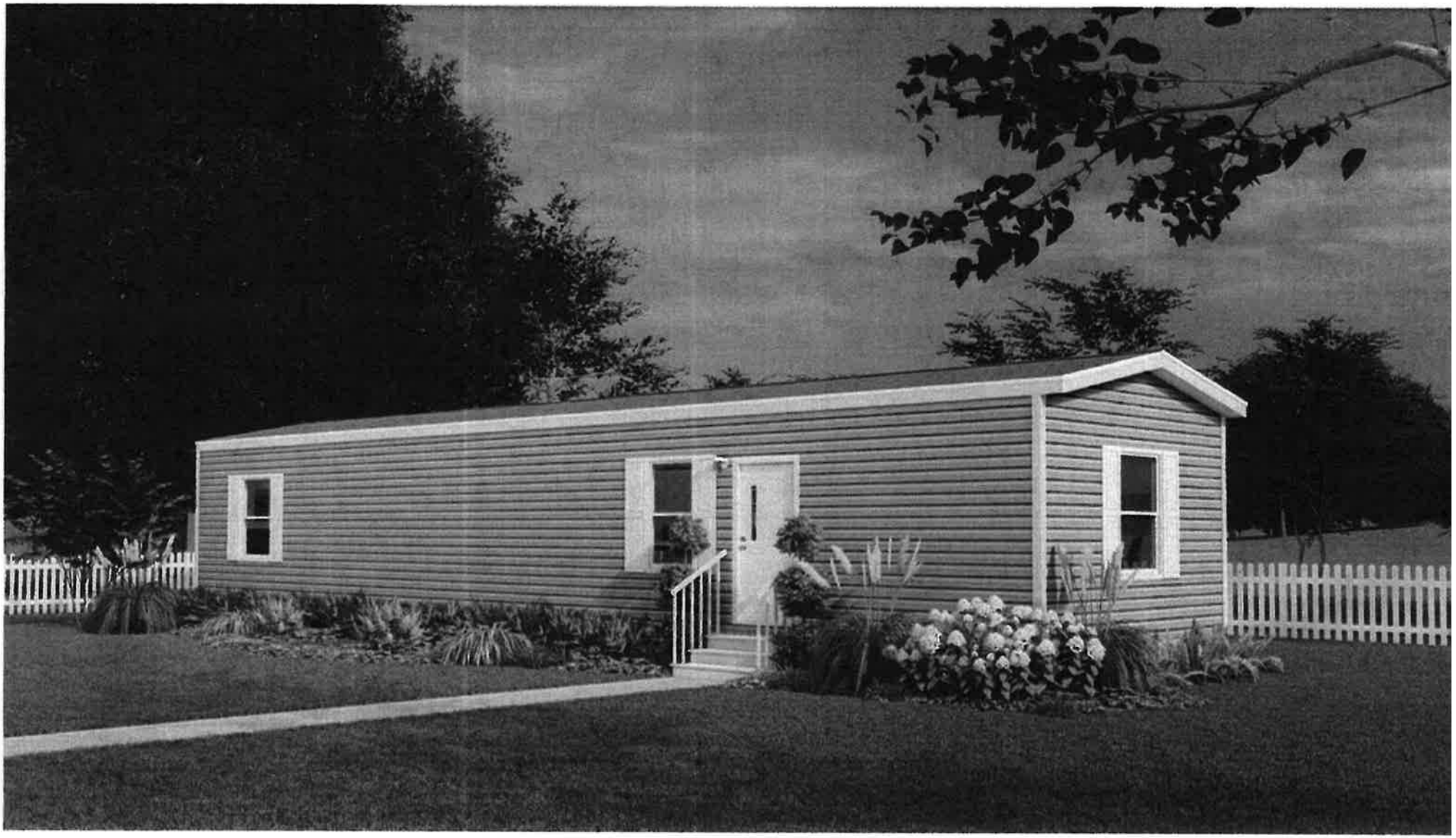
Cedar Street



Attachment: 2023-010 ATTH 01 (Maps) (3912 : 2023-010 ORD granting SUP to allow HUD code manufactured home south of 1008 Cedar)

2023-010 ATTH 02

S-771



Attachment: 2023-010 ATTH 02 (Photos) (3912 : 2023-010 ORD granting SUP to allow HUD code

2023-010 ATTH 02
S-771



Attachment: 2023-010 ATTH 02 (Photos) (3912 : 2023-010 ORD granting SUP to allow HUD code

City of Texarkana, Texas

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

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

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

Attachment: 2023-010 Goals & Perspectives (3912 : 2023-010 ORD granting SUP to allow HUD code manufactured home south of 1008 Cedar)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 1/18/2023 4:24 PM

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

Subject: Ordinance No. 2023-012 amending Chapter 21 of the Code of Ordinances by adding Section 21-1(b) providing for a variance to distance prohibitions applicable solely to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in the specific instance of the business changing ownership or management.

Briefing: 1/23/2023 **Public Hearing:** 1/23/2023 **Council Vote:** 1/23/2023

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

A request for an alcoholic beverage permit was received from a new applicant for an existing business that recently changed ownership. The place of business is within 300 feet of a public school but had been in business for many years prior to April 9, 2018, the date when the City Council enacted Chapter 21 of the Code of Ordinances. Chapter 21 provides for prohibitions on sale of alcoholic beverages within 300 feet of a church, public school, or private school, extended hours for sale and consumption of mixed beverages, and enforcement and penalty provisions, as allowed by Texas law.

The new application brought attention to an unintended effect of the distance prohibition in Section 21-1(a) of the Code of Ordinances that would frustrate change of ownership of a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management, and the new owner or manager seeks to secure by application to the Texas Alcoholic Beverage Commission a classification of beverage permit that does not expand upon the permit held by the prior ownership or management.

City staff recommends that the City Council find and determine that this unintended effect of Section 21-1(a) of the Code of Ordinances creates an undue hardship on an applicant for a license or permit governed by the Texas Alcoholic Beverage Code, unduly restricts the commercial use of real property, and should be addressed by providing for a variance to said section as authorized by Texas law applicable solely to a place of business lawfully selling alcoholic beverages prior to April 9, 2018 [the date of enacting Ch. 21 of the Code], in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management (and providing that an application requesting

extended hours of consumption as allowed by the Code of Ordinances should not be construed as an expansion on the same classification of beverage permit under this proposed variance).

The text of the proposed variance / new Section 21-1(b) of the Code is as follows:

> (b) Subsection (a) shall not apply to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management; provided that an application requesting extended hours of consumption as allowed by Section 21-2 of this Code shall not be construed as an expansion on the same classification of beverage permit under this subsection.

Potential Options:

- Approve addition to Sec. 21-1 of the Code of Ordinances
- Not approve addition to Sec. 21-1 of the Code of Ordinances

Fiscal Implications:

N/A

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2023-012 ORD Amd Ch 21 alcohol distance variance (DOCX)
b. 2023-012 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	12/29/2022 3:20 PM
City Manager	David Orr	City Manager Review	Completed	12/30/2022 9:16 AM
City Council	Jennifer Evans	Meeting	Completed	01/09/2023 6:00 PM

Meeting History

ORDINANCE NO. 2023-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY ADDING SECTION 21-1(b) PROVIDING FOR A VARIANCE TO SECTION 21-1(a) PROHIBITIONS APPLICABLE SOLELY TO A PLACE OF BUSINESS LAWFULLY SELLING ALCOHOLIC BEVERAGES PRIOR TO APRIL 9, 2018, IN A ZONING DISTRICT WITHIN WHICH SUCH SALE IS A PERMITTED USE, IN THE SPECIFIC INSTANCE OF THE BUSINESS CHANGING OWNERSHIP OR MANAGEMENT; CONTAINING A SUPERSEDING CLAUSE; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

Recitals

WHEREAS, by Ordinance No. 2018-030, effective April 9, 2018, the City Council enacted Chapter 21 of the Code of Ordinances of the City of Texarkana, Texas, providing for prohibitions on sale of alcoholic beverages within 300 feet of a church, public school, or private school [§ 21-1(a)], extended hours for sale and consumption of mixed beverages [§§ 21-2, 21-3], and enforcement and penalty provisions [§ 21-4)], as allowed by Chapter 109, Subchapter C, of the Texas Alcoholic Beverage Code; and

WHEREAS, Chapter 109, Subchapter C, Section 109.33(e), of the Texas Alcoholic Beverage Code, further provides in pertinent part that the governing board of a city or town that has enacted a regulation prohibiting the sale of alcoholic beverages within 300 feet of a church, public school, or private school, may also allow variances to the regulation if the governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community; and

WHEREAS, the City Council has been made aware of an unintended effect of Section 21-1(a) that would frustrate change of ownership of a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management, and the new owner or manager seeks to secure by application to the Texas Alcoholic Beverage Commission a classification of beverage permit that does not expand upon the permit held by the prior ownership or management; and

WHEREAS, the City Council finds and determines that this unintended effect of Section 21-1(a) creates an undue hardship on an applicant for a license or permit governed by the Texas Alcoholic Beverage Code, unduly restricts the commercial use of real property, and should be addressed by providing for a variance to said section as authorized by Section 109.33(e) of the Texas Alcoholic

Attachment: 2023-012 ORD Amd Ch 21 alcohol distance variance (3913 : 2023-012 ORD amending Ch. 21 alcohol distance variance)

Beverage Code applicable solely to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management (and providing that an application requesting extended hours of consumption as allowed by Section 21-2 of the Code shall not be construed as an expansion on the same classification of beverage permit under this variance).

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

SECTION 1: Chapter 21 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add subsection 21-1(b), as follows:

> (b) Subsection (a) shall not apply to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management; provided that an application requesting extended hours of consumption as allowed by Section 21-2 of this Code shall not be construed as an expansion on the same classification of beverage permit under this subsection.

SECTION 2: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

SECTION 3: 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 4: This Ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **23rd day of January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2023-012 ORD Amd Ch 21 alcohol distance variance (3913 : 2023-012 ORD amending Ch. 21 alcohol distance variance)

City of Texarkana, Texas

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

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

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

Attachment: 2023-012 Goals & Perspectives (3913 : 2023-012 ORD amending Ch. 21 alcohol distance variance)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 12/5/2022 8:05 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2022-153 rezoning on a portion of a 4.60-acre tract of land (being Tract 19), J. W. Lane HRS, A-345, located at 6500 Summerhill Road from Office to General Retail. William Davis Trust, owner, Josh Davis, and David Williams, MTG Engineers and Surveyors, agents.		

Briefing: 1/9/2023 **Public Hearing:** 1/9/2023 **Council Vote:** 1/9/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by William Davis Trust, owner, Josh Davis, and David Williams, MTG Engineers and Surveyors, agents, to rezone a portion of a 4.6-acre tract of land (being Tract 19) in the J.W. Johnson HRS, A-345, located at 6500 Summerhill Road from Office to General Retail. The property is currently leased office space and a Gymnasium. This property is known as Crown Executive Center. The proposed use is lease space for hot yoga and/or office space.

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

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

Staff recommends for approval of this request.

If a Planned Development is placed on this site, staff recommends restricting the following uses:

Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, auto parts, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, hardware store/hobby shop, mini-warehouses, pawn shop, pet shop, restaurant/cafeteria, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

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 building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends 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 7, 2022

Attachments

a. 2022-153 ORD rezoning a portion 6500 Summerhill Rd (DOCX)
b. 2022-153 EXH 'A' (Legal Description) (PDF)
c. 2022-153 ATTH 01 (Maps) (PDF)
d. 2022-153 ATTH 02 (Letter of Opposition) (PDF)
e. Goals & Perspectives (DOCX)
f. 2022-153 ORD Rez 6500 Summerhill signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	12/02/2022 4:39 PM
City Manager	David Orr	Reviewer	Completed	12/02/2022 4:45 PM
City Council	Jennifer Evans	Meeting	Completed	12/12/2022 6:00 PM

Meeting History

12/12/22 City Council MOVED FORWARD Next: 01/09/23

Mashell Daniel briefed this agenda item.

z-22-08

ORDINANCE NO. 2022-153

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, J & J SUPREME SUBDIVISION MINOR PLAT, LOCATED AT 6500 SUMMERHILL ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM OFFICE TO PLANNED DEVELOPMENT GENERAL RETAIL; 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, J & J Supreme Subdivision Minor Plat (**Exhibit 'A'**), located at 6500 Summerhill Road in the City of Texarkana, Bowie County, Texas, from **Office to 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 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 the application for rezoning from Office to Planned Development General Retail on Lot 1, J & J Supreme Subdivision Minor Plat (Exhibit 'A'), located at 6500 Summerhill Road** to the City Council 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 rezoning the property from **Office to Planned Development General Retail** 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, J & J Supreme Subdivision Minor Plat (Exhibit 'A'), located at 6500 Summerhill Road** in the City of Texarkana, Bowie County, Texas, from **Office to Planned Development General Retail.**

Attachment: 2022-153 ORD rezoning a portion 6500 Summerhill Rd (3888 : 2022-153 ORD rezoning O to GR at 6500 Summerhill Rd)

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 **9th day of January, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2022-153 ORD rezoning a portion 6500 Summerhill Rd (3888 : 2022-153 ORD rezoning O to GR at 6500 Summerhill Rd)

LEGAL DESCRIPTION: ALL OF LOT 1 OF THE J & J SUPREME SUBDIVISION MINOR PLAT IN THE JOHN W. LANE HEADRIGHT SURVEY, ABSTRACT 345, BOWIE COUNTY, TEXAS

LOT SIZE = 0.306 ACRES

CURRENT ZONING = OFFICE
PROPOSED ZONING = PD GENERAL RETAIL

PROPOSED BUILDING SIZE = 2,675 SQ FT

PARKING REQUIRED:
OFFICE - 513.35 SQ FT @ 1 SPACE/300 SQ FT = 2 SPACES
RECREATIONAL - ONE SPACE PER FOUR PERSONS TO BE ACCOMODATED (25 PERSONS) = 7 SPACES
TOTAL PARKING REQUIRED = 9 SPACES

PARKING PROVIDED = 12 SPACES (1 H/C SPACE)

PROPOSED SIGNAGE WILL BE ONE BUILDING MOUNTED SIGN NO LARGER THAN 32 SQ FT.

Attachment: 2022-153 EXH 'A' (Legal Description) (3888 : 2022-153 ORD rezoning O to GR at 6500 Summerhill Rd)

6500 Summerhill Rd



Attachment: 2022-153 ATTH 01 (Maps) (3888 : 2022-153 ORD rezoning O to GR at 6500 Summerhill Rd)

6500 Summerhill Rd



Attachment: 2022-153 ATTH 01 (Maps) (3888 : 2022-153 ORD rezoning O to GR at 6500 Summerhill Rd)

October 10, 2022

Texarkana Planning & Zoning Commission
Texarkana, TX

Re: Case Number Z-22-08

This letter serves as our notice of opposition to the proposed zoning change to "a portion of a 4.6-ace tract of land being Tract 19 J.W. Johnson HRS, A-345" from Office to General Retail (GR). Reasons for our opposition are as follows:

1) Adverse effect on residential property values: according to an Andrew Young School of Policy Studies Research Paper dated 7/21/07; "Retail Proximity and Residential Values or Do Nearby Stores Really Run Down Property Values," it does for those homes located within 200 to 300 feet. (issuelab.org/resources/4941/4941.pdf).

2) Increased traffic outside normal 8 – 5 business hours will negatively impact quality of life for nearby residents.

    a. By definition, businesses zoned as General Retail (GR) create more traffic than businesses zoned as "Office" outside normal business hours when office-type businesses are typically closed. C.S. Gymnastics closes at 8:30 p.m. and there is already a steady stream of traffic exiting Crown Executive Center onto Summerhill Road with lots of headlights shining into our front windows.
    b. Businesses listed as NS (Neighborhood Services) or GR will naturally increase transitory traffic resulting in increased trash and noise. We already experience a great deal of noise from the traffic on Summerhill Road and trash from vehicle traffic is constantly landing on our property.

3) Sets a precedent for future zoning changes on that same tract: once you allow one business or section of land to be zoned NS (Neighborhood Services) or GR (General Retail), it's easier to do it again. We don't want that precedent created.

Beverly Garvin

Chris Garvin
6509 Summerhill Road
973-713-2162

Attachment: 2022-153 ATTH 02 (Letter of Opposition) (3888 : 2022-153 ORD rezoning O to GR 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:			

Attachment: Goals & Perspectives (3888 : 2022-153 ORD rezoning O to GR at 6500 Summerhill Rd)

Z-22-08

ORDINANCE NO. 2022-153

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, J & J SUPREME SUBDIVISION MINOR PLAT, LOCATED AT 6500 SUMMERHILL ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM OFFICE TO PLANNED DEVELOPMENT GENERAL RETAIL; 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, J & J Supreme Subdivision Minor Plat (**Exhibit 'A'**), located at 6500 Summerhill Road in the City of Texarkana, Bowie County, Texas, from **Office to 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 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 the application for rezoning from Office to Planned Development General Retail on Lot 1, J & J Supreme Subdivision Minor Plat (Exhibit 'A'), located at 6500 Summerhill Road** to the City Council 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 rezoning the property from **Office to Planned Development General Retail** 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, J & J Supreme Subdivision Minor Plat (Exhibit 'A'), located at 6500 Summerhill Road** in the City of Texarkana, Bowie County, Texas, from **Office to Planned Development General Retail.**

Attachment: 2022-153 ORD Rez 6500 Summerhill signed (3888 : 2022-153 ORD rezoning O to GR at 6500 Summerhill Rd)

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 **9th day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:26p.m.

Attachment: 2022-153 ORD Rez 6500 Summerhill signed (3888 : 2022-153 ORD rezoning O to GR at 6500 Summerhill Rd)

2022-153 EXH 'A'

LEGAL DESCRIPTION: ALL OF LOT 1 OF THE J & J SUPREME SUBDIVISION MINOR PLAT IN THE JOHN W. LANE HEADRIGHT SURVEY, ABSTRACT 345, BOWIE COUNTY, TEXAS

LOT SIZE = 0.306 ACRES

CURRENT ZONING = OFFICE
PROPOSED ZONING = PD GENERAL RETAIL

PROPOSED BUILDING SIZE = 2,675 SQ FT

PARKING REQUIRED:
OFFICE - 513.35 SQ FT @ 1 SPACE/300 SQ FT = 2 SPACES
RECREATIONAL - ONE SPACE PER FOUR PERSONS TO BE ACCOMODATED (25 PERSONS) = 7 SPACES
TOTAL PARKING REQUIRED = 9 SPACES

PARKING PROVIDED = 12 SPACES (1 H/C SPACE)

PROPOSED SIGNAGE WILL BE ONE BUILDING MOUNTED SIGN NO LARGER THAN 32 SQ FT.

Attachment: 2022-153 ORD Rez 6500 Summerhill signed (3888 : 2022-153 ORD rezoning O to GR at 6500 Summerhill Rd)

City of Texarkana, Texas

Version: B

Briefing Sheet

Update Date: 12/9/2022 3:30 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2022-154 amending PD-22-2 for site plan approval on Lot 1, J&J Supreme Subdivision Minor Plat, located at 6500 Summerhill Road. Josh Davis, representing William Davis Trust, owner, and David Williams MTG Engineers and Surveyors, agent.		

Briefing: 1/9/2023 **Public Hearing:** 1/9/2023 **Council Vote:** 1/9/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by William Davis Trust, owner, Josh Davis, and David Williams, MTG Engineers and Surveyors, agents, to rezone a portion of a 4.6-acre tract of land (being Tract 19) in the J.W. Johnson HRS, A-345, located at 6500 Summerhill Road from Office to General Retail. The property is currently leased office space and a Gymnasium. This property is known as Crown Executive Center. The proposed use is lease space for hot yoga and/or office space.

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

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

Staff recommends for approval of this request.

If a Planned Development is placed on this site, staff recommends restricting the following uses and restrictions:

Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, auto parts, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, hardware store/hobby shop, mini-warehouses, pawn shop, pet shop, restaurant/cafeteria, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

1. The construction of a 2,675 sq. ft. building.
2. The façade will be brick veneer and EFIS.
3. Twelve parking places including one handicapped space. Each parking space must be a minimum of 180 sq. ft. (9'x20' or 10'x18').
4. One 32 sq. ft. sign on the front of the building. No electronic messaging will be allowed.
5. No dumpster this site will use a polycart.

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 building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

November 7, 2022

Attachments

a. 2022-154 ORD for site plan approval at 6500 Summerhill Rd (DOCX)
b. 2022-154 EXH 'A' (Site Plan)(PDF)
c. 2022-154 EXH'B' (Legal Description) (PDF)
d. 2022-154 ATTH 01 (Maps) (PDF)
e. 2022-154 ATTH 02 (Floorplan) (PDF)
f. 2022-154 ATTH 03 (Elevations) (PDF)
g. Goals & Perspectives (DOCX)
h. 2022-154 ORD SPA 6500 Summerhill signed (PDF)

Staff Coordination

Building Code Administration	12/09/2022 9:11 AM	Jennifer Evans	Reviewer	Skipped
City Manager	David Orr	Reviewer	Completed	12/09/2022 9:17 AM
City Council	Jennifer Evans	Meeting	Completed	12/12/2022 6:00 PM

Meeting History

12/12/22 City Council MOVED FORWARD Next: 01/09/23

Mashell Daniel briefed this agenda item.

ORDINANCE NO. 2022-154

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-22-1 (GR) FOR SITE PLAN APPROVAL ON LOT 1, J & J SUPREME SUBDIVISION MINOR PLAT, 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 requesting the approval of a **site plan (Exhibit 'A') on Lot 1, J & J Supreme Subdivision Minor Plat (Exhibit 'B'), located at 6500 Summerhill Road** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-22-2 (GR)], and approval of the site plan **(Exhibit 'A')** would constitute an amendment to PD-22-2 (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 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 Lot 1, J & J Supreme Subdivision Minor Plat (Exhibit 'B'), located at 6500 Summerhill Road** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-22-2 (GR).

SECTION 2: PD-22-2 (GR) is hereby amended by approval of the site plan (**Exhibit 'A'**), incorporated herein by reference for all purposes and includes the following:

Attachment: 2022-154 ORD for site plan approval at 6500 Summerhill Rd (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500

1. A new 2,675 sq. ft. building.
2. The façade will be brick veneer and EFIS.
3. Twelve parking places including one handicapped space. Each parking space must be a minimum of 180 sq. ft. (9'x20' or 10'x18').
4. One 32 sq. ft. sign on the front of the building. No electronic messaging will be allowed.
5. No dumpster.

The following uses are restricted:

Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, auto parts, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, hardware store/hobby shop, mini-warehouses, pawn shop, pet shop, restaurant/cafeteria, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

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 **9th day of January, 2023.**

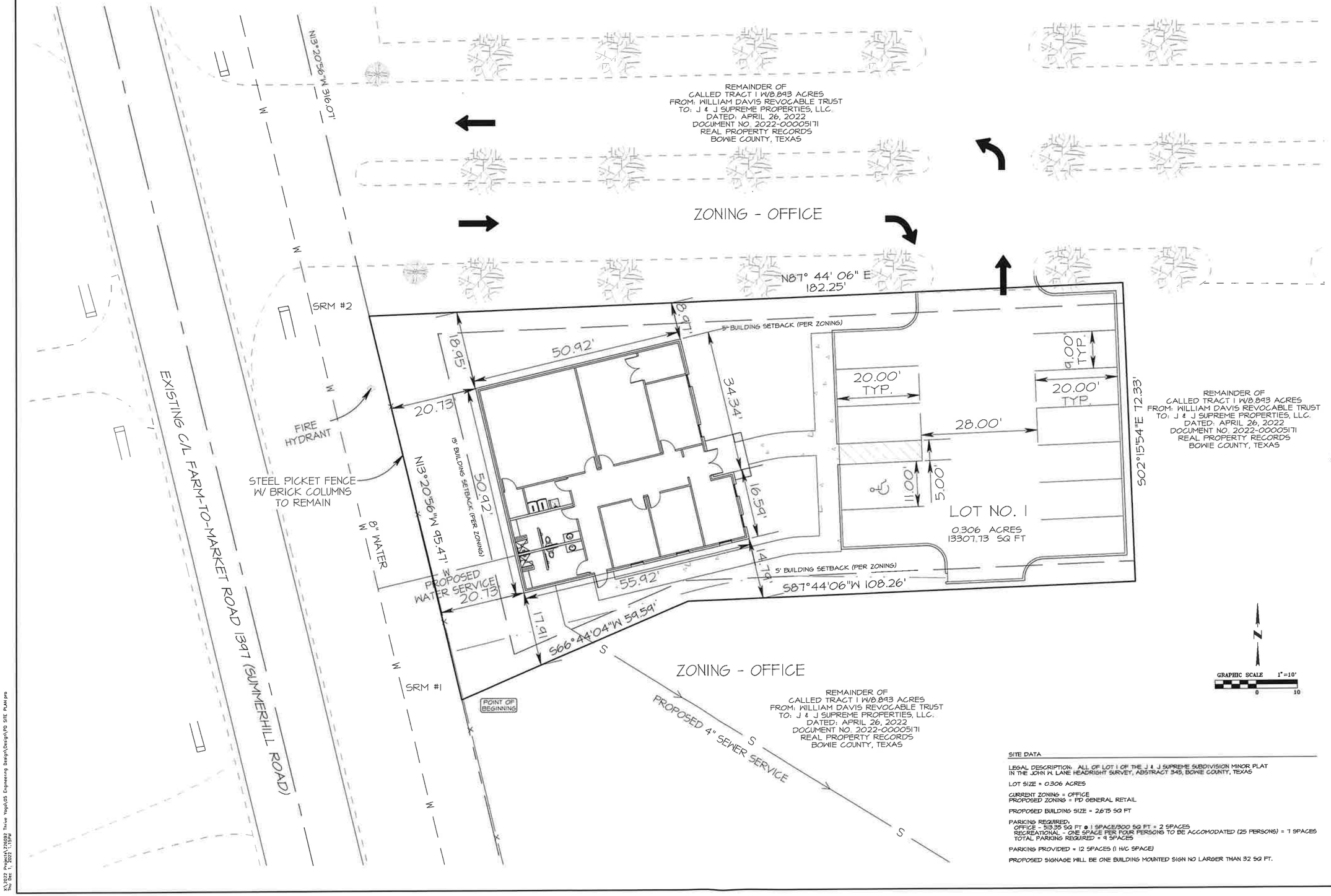
ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2022-154 ORD for site plan approval at 6500 Summerhill Rd (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500

2022-154 EXH'A'



SITE DATA

LEGAL DESCRIPTION: ALL OF LOT 1 OF THE J & J SUPREME SUBDIVISION MINOR PLAT IN THE JOHN W. LANE HEADRIGHT SURVEY, ABSTRACT 349, BOWIE COUNTY, TEXAS

LOT SIZE = 0.306 ACRES

CURRENT ZONING = OFFICE
PROPOSED ZONING = PD GENERAL RETAIL

PROPOSED BUILDING SIZE = 2675 SQ FT

PARKING REQUIRED:
OFFICE - 513.35 SQ FT @ 1 SPACE/300 SQ FT = 2 SPACES
RECREATIONAL - ONE SPACE PER FOUR PERSONS TO BE ACCOMODATED (25 PERSONS) = 7 SPACES
TOTAL PARKING REQUIRED = 9 SPACES

PARKING PROVIDED = 12 SPACES (1 H/C SPACE)

PROPOSED SIGNAGE WILL BE ONE BUILDING MOUNTED SIGN NO LARGER THAN 32 SQ FT.

MTG engineers & surveyors
5130 SUMMERHILL ROAD
TEXARKANA, TEXAS 75503
P 903.832.8700
F 903.832.8720
TBPE FIRM NO. F-354
TBPLS FIRM NO. 10001500
AR CA NO. 125
©MTG 2014

DAVID A. WILLIAMS
68437
REGISTERED
PROFESSIONAL ENGINEER

11/30/2022

Scale	Drawn By	Checked By	File No.
1" = 10'	GES	DW	

PLANNED DEVELOPMENT SITE PLAN

THRIVE YOGA
TEXARKANA, TEXAS
J & J SUPREME PROPERTIES LLC

Drawing Date: 12/1/2022
Project Number: 226092
Sheet Number: PD 1

K:\2022 Projects\226092 Thrive Yoga\05 Engineering Design\Civil\PD SITE PLAN.pro
Thu Dec 1, 2022 1:15PM

Attachment: 2022-154 EXH 'A' (Site Plan) (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500 Summerhill Rd)

EXHIBIT '**B**'

LEGAL DESCRIPTION: ALL OF LOT 1 OF THE J & J SUPREME SUBDIVISION MINOR PLAT IN THE JOHN W. LANE HEADRIGHT SURVEY, ABSTRACT 345, BOWIE COUNTY, TEXAS

LOT SIZE = 0.306 ACRES

CURRENT ZONING = OFFICE
PROPOSED ZONING = PD GENERAL RETAIL

PROPOSED BUILDING SIZE = 2,675 SQ FT

PARKING REQUIRED:
OFFICE - 513.35 SQ FT @ 1 SPACE/300 SQ FT = 2 SPACES
RECREATIONAL - ONE SPACE PER FOUR PERSONS TO BE ACCOMODATED (25 PERSONS) = 7 SPACES
TOTAL PARKING REQUIRED = 9 SPACES

PARKING PROVIDED = 12 SPACES (1 H/C SPACE)

PROPOSED SIGNAGE WILL BE ONE BUILDING MOUNTED SIGN NO LARGER THAN 32 SQ FT.

Attachment: 2022-154 EXH'B' (Legal Description) (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500 Summerhill Rd)

6500 Summerhill Rd

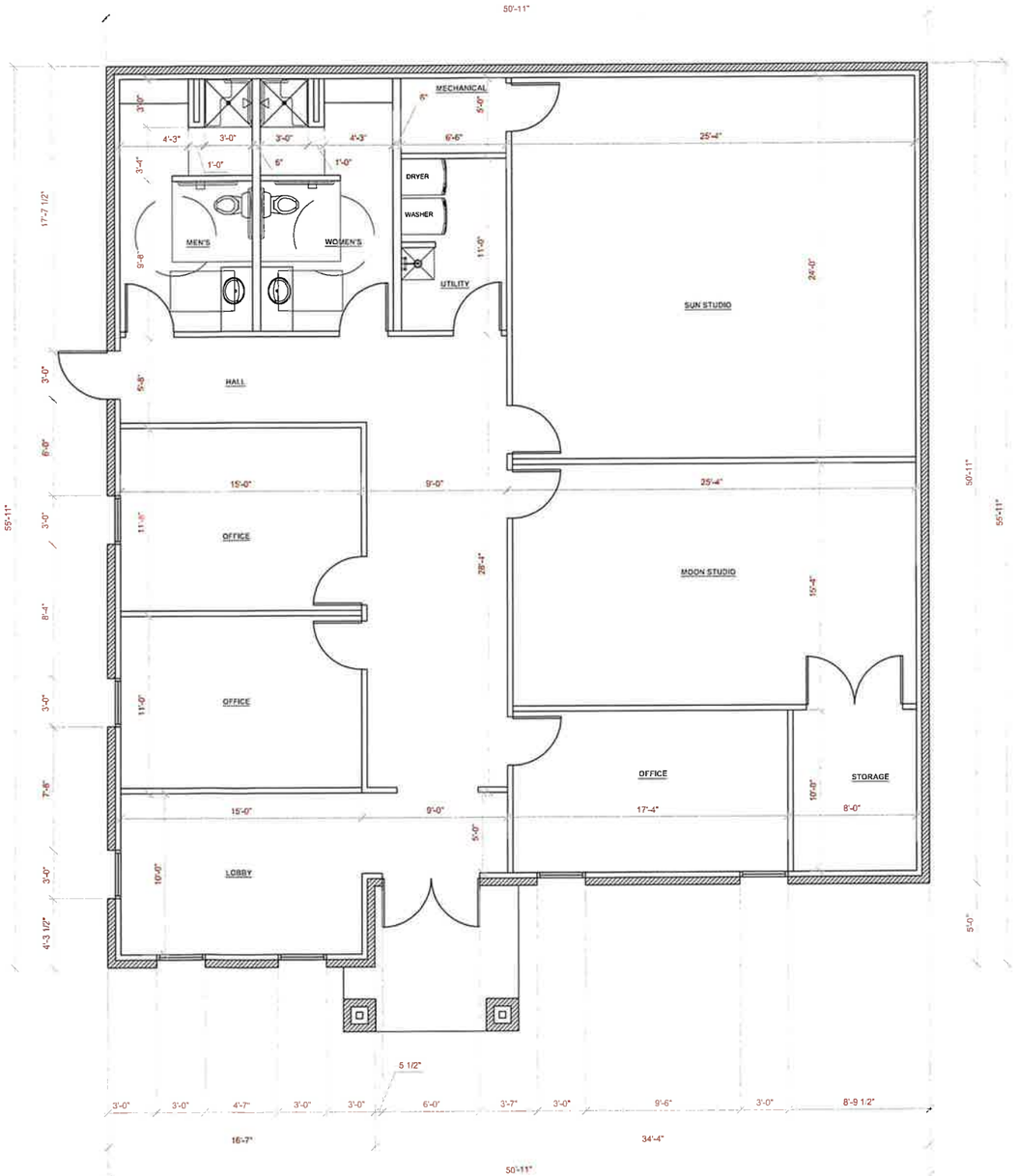


Attachment: 2022-154 ATTH 01 (Maps) (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500 Summerhill Rd)

6500 Summerhill Rd



Attachment: 2022-154 ATTH 01 (Maps) (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500 Summerhill Rd)



PROPOSED FLOOR PLAN

1 scale: 1/4" = 1'-0"

FrankieZed Studios, Inc.
P.O. BOX 8028
TYLER, TX 75711
903-525-9564

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

REVISIONS

	DATE	REMARKS
1		
2		
3		
4		
5		
6		

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE FZS AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE FIRM

NEW CONSTRUCTION FOR HOT YOGA

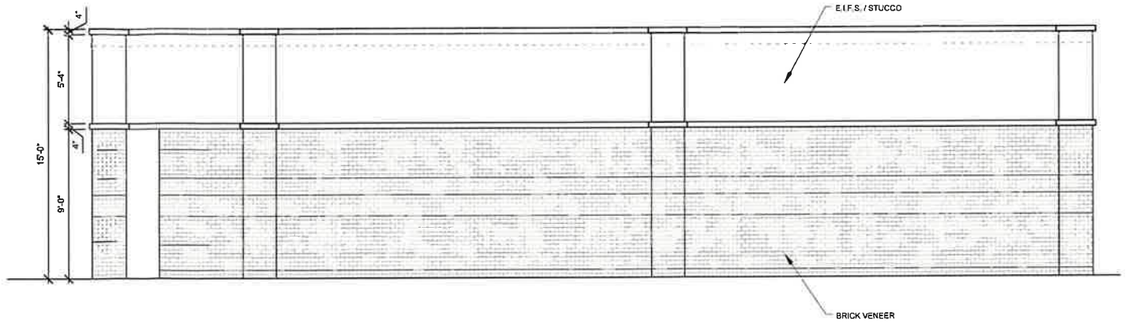
TEXARKANA, TX

Sheet Title
PROPOSED FLOOR PLAN

Date
05/05/22

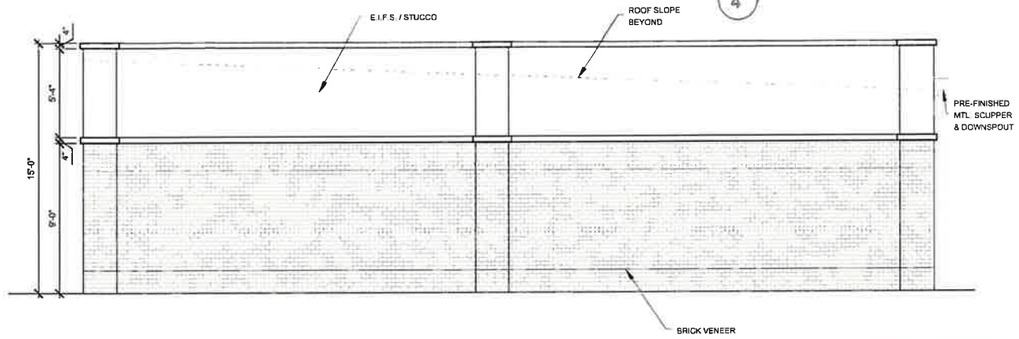
Sheet No.
A2.00

Attachment: 2022-154 ATTH 02 (Floorplan) (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500 Summerhill Rd)



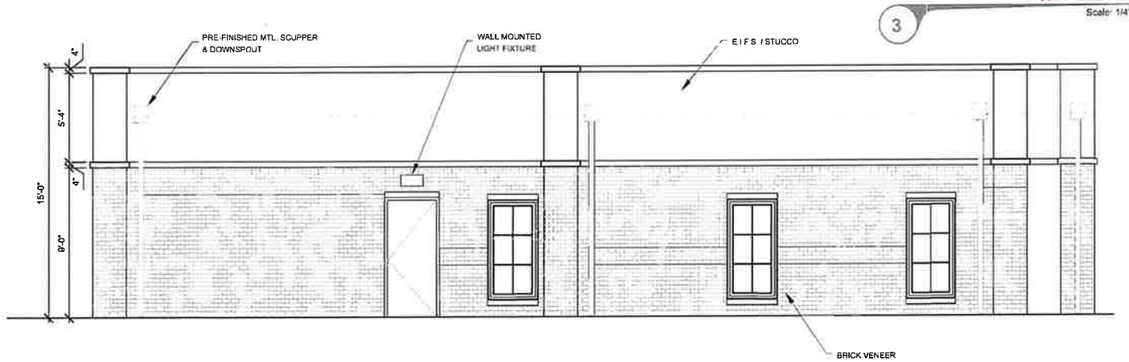
NORTH ELEVATION
Scale: 1/4" = 1'-0"

4



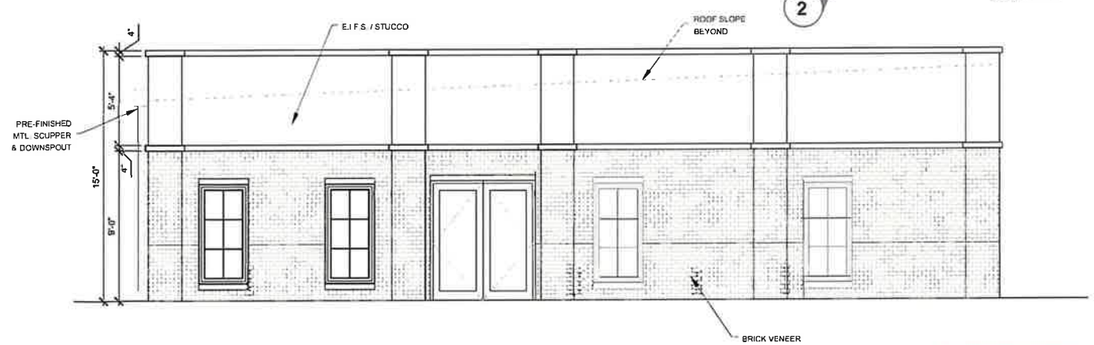
WEST ELEVATION
Scale: 1/4" = 1'-0"

3



SOUTH ELEVATION
Scale: 1/4" = 1'-0"

2



EAST ELEVATION
Scale: 1/4" = 1'-0"

1

FrankieZed Studios, Inc.
P.O. BOX 8028
TYLER, TX 75711
903-525-9564

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

REVISIONS

	DATE	REMARKS
1	_/_/_	
2	_/_/_	
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ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREON CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE FZS AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE FIRM

NEW CONSTRUCTION FOR THRIVE HOT YOGA
6500 SUMMERHILL RD.
TEXARKANA, TX

Sheet Title
EXTERIOR ELEVATIONS

Date
05/05/22

Sheet No.
A4.0

Attachment: 2022-154 ATTH 03 (Elevations) (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 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:			

Attachment: Goals & Perspectives (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500 Summerhill Rd)

ORDINANCE NO. 2022-154

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-22-1 (GR) FOR SITE PLAN APPROVAL ON LOT 1, J & J SUPREME SUBDIVISION MINOR PLAT, 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 requesting the approval of a **site plan (Exhibit 'A') on Lot 1, J & J Supreme Subdivision Minor Plat (Exhibit 'B'), located at 6500 Summerhill Road** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-22-2 (GR)], and approval of the site plan **(Exhibit 'A')** would constitute an amendment to PD-22-2 (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 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 Lot 1, J & J Supreme Subdivision Minor Plat (Exhibit 'B'), located at 6500 Summerhill Road** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-22-2 (GR).

SECTION 2: PD-22-2 (GR) is hereby amended by approval of the site plan (**Exhibit 'A'**), incorporated herein by reference for all purposes and includes the following:

Attachment: 2022-154 ORD SPA 6500 Summerhill signed (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500 Summerhill Rd)

1. A new 2,675 sq. ft. building.
2. The façade will be brick veneer and EFIS.
3. Twelve parking places including one handicapped space. Each parking space must be a minimum of 180 sq. ft. (9'x20' or 10'x18').
4. One 32 sq. ft. sign on the front of the building. No electronic messaging will be allowed.
5. No dumpster.

The following uses are restricted:

Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, auto parts, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, hardware store/hobby shop, mini-warehouses, pawn shop, pet shop, restaurant/cafeteria, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

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 **9th day of January, 2023.**

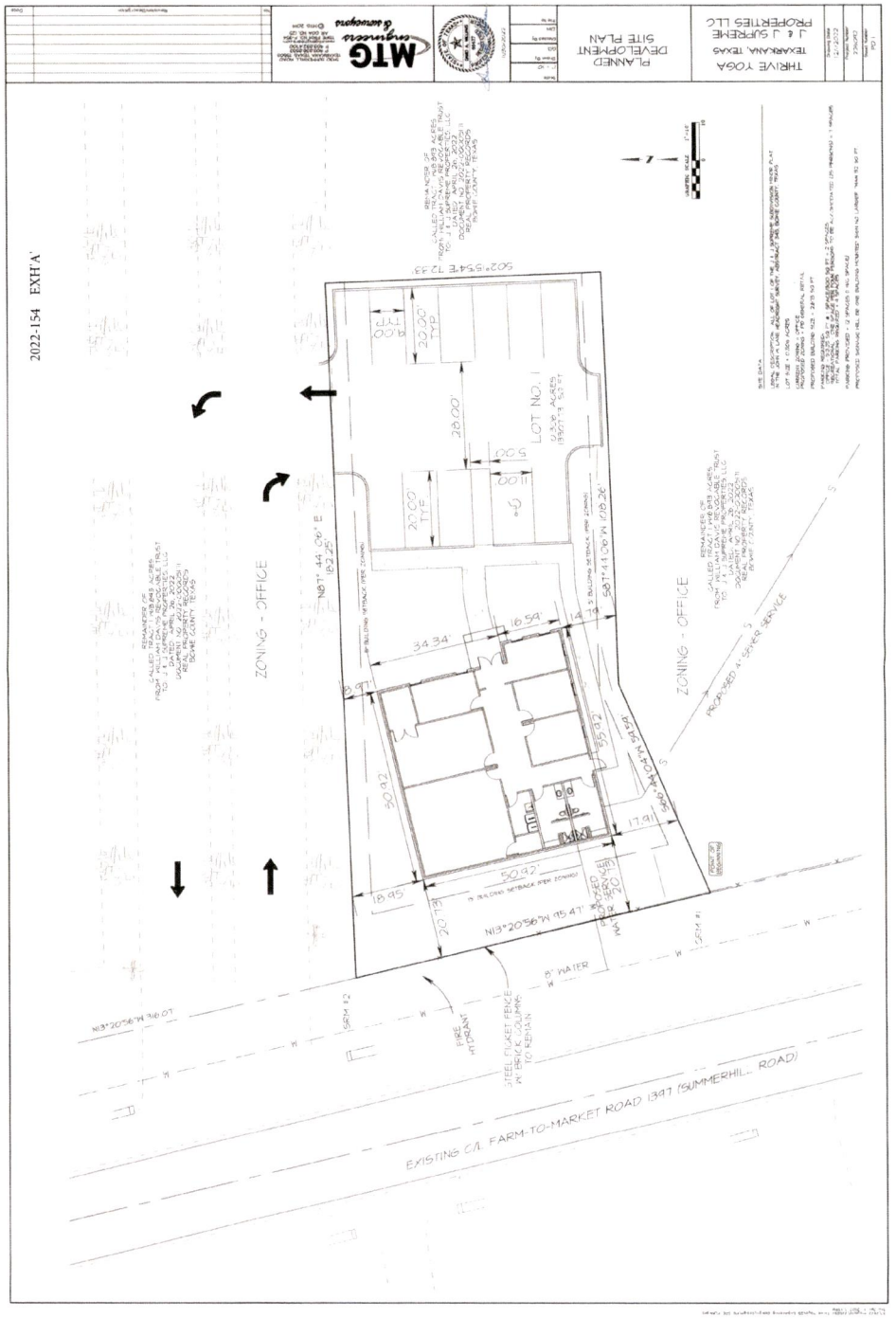
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:28p.m.

Attachment: 2022-154 ORD SPA 6500 Summerhill signed (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500 Summerhill Rd)



Attachment: 2022-154 ORD SPA 6500 Summerhill signed (3889 : 2022-154 ORD Amendment to PD-22-2

2022-154 EXH 'B'
PD-22-2 (GR)

EXHIBIT '**B**'

LEGAL DESCRIPTION: ALL OF LOT 1 OF THE J & J SUPREME SUBDIVISION MINOR PLAT IN THE JOHN W. LANE HEADRIGHT SURVEY, ABSTRACT 345, BOWIE COUNTY, TEXAS

LOT SIZE = 0.306 ACRES

CURRENT ZONING = OFFICE
PROPOSED ZONING = PD GENERAL RETAIL

PROPOSED BUILDING SIZE = 2,675 SQ FT

PARKING REQUIRED:
OFFICE - 513.35 SQ FT @ 1 SPACE/300 SQ FT = 2 SPACES
RECREATIONAL - ONE SPACE PER FOUR PERSONS TO BE ACCOMODATED (25 PERSONS) = 7 SPACES
TOTAL PARKING REQUIRED = 9 SPACES

PARKING PROVIDED = 12 SPACES (1 H/C SPACE)

PROPOSED SIGNAGE WILL BE ONE BUILDING MOUNTED SIGN NO LARGER THAN 32 SQ FT.

Attachment: 2022-154 ORD SPA 6500 Summerhill signed (3889 : 2022-154 ORD Amendment to PD-22-2 site plan approval 6500 Summerhill Rd)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 12/5/2022 8:09 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2022-155 granting a Specific Use Permit to allow a single wide HUD code manufactured home on an approximate 0.36-acre tract of land (being Tract 58), Grandview Addition TR 4, located at 3207 Montgomery Street. Shuemekia and Robert Blackwell, owners.		

Briefing: 1/9/2023 **Public Hearing:** 1/9/2023 **Council Vote:** 1/9/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Shuemekia and Robert Blackwell, owners, for a Specific Use Permit to allow the location of a single wide HUD code manufactured home on an approximate 0.36-acre tract of land (being Tract 58), Grandview Addition TR 4, located at 3207 Montgomery Street. This is currently vacant land.

The adjacent zoning is Single Family-3 to the north, east, and west and Single Family-2 to the south. The adjacent land use is vacant land is residential to the north and east and vacant land to the south and west.

The Future Land Use Map designates this property as “Neighborhood Residential”.

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 2016 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.

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:

November 7, 2022

Attachments

a. 2022-155 ORD granting SUP for HUD code mnfctrd home 3207 Montgomery (DOCX)
b. 2022-155 ATTH 01 (Maps) (PDF)
c. Goals & Perspectives (DOCX)
d. 2022-155 ORD SUP 3207 Montgomery signed (PDF)

Staff Coordination

Planning & Zoning Commission	Laura Puckett	Department Head Review	Completed 12/05/2022 10:07 AM
Building Code Administration	Jennifer Evans	Reviewer	Skipped 12/09/2022 9:11 AM

Building Code Administration	12/09/2022 9:12 AM	Jennifer Evans	Review	Skipped
City Manager	David Orr	Reviewer	Completed	12/09/2022 9:17 AM
City Council	Jennifer Evans	Meeting	Completed	12/12/2022 6:00 PM

Meeting History

12/12/22 City Council MOVED FORWARD Next: 01/09/23
Mashell Daniel briefed this agenda item.

S-766

ORDINANCE NO. 2022-155

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-766 TO ALLOW THE LOCATION OF A HUD CODE MANUFACTURED HOME ON AN APPROXIMATE 0.36-ACRE TRACT OF LAND (BEING TRACT 58), GRANDVIEW ADDITION TR4, LOCATED AT 3207 MONTGOMERY 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 HUD code manufactured home on an **approximate 0.36-acre tract of land (being Tract 58), Grandview Addition TR 4, located at 3207 Montgomery 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 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-766 for the location of a HUD code manufactured home on an approximate 0.36-acre tract of land (being Tract 58), Grandview Addition TR 4, located at 3207 Montgomery Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2022-155 ORD granting SUP for HUD code mnfctrd home 3207 Montgomery (3890 : 2022-155 ORD SUP HUD code mnfctrd 3207

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

1. That one 2016 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 **9th day of January, 2023.**

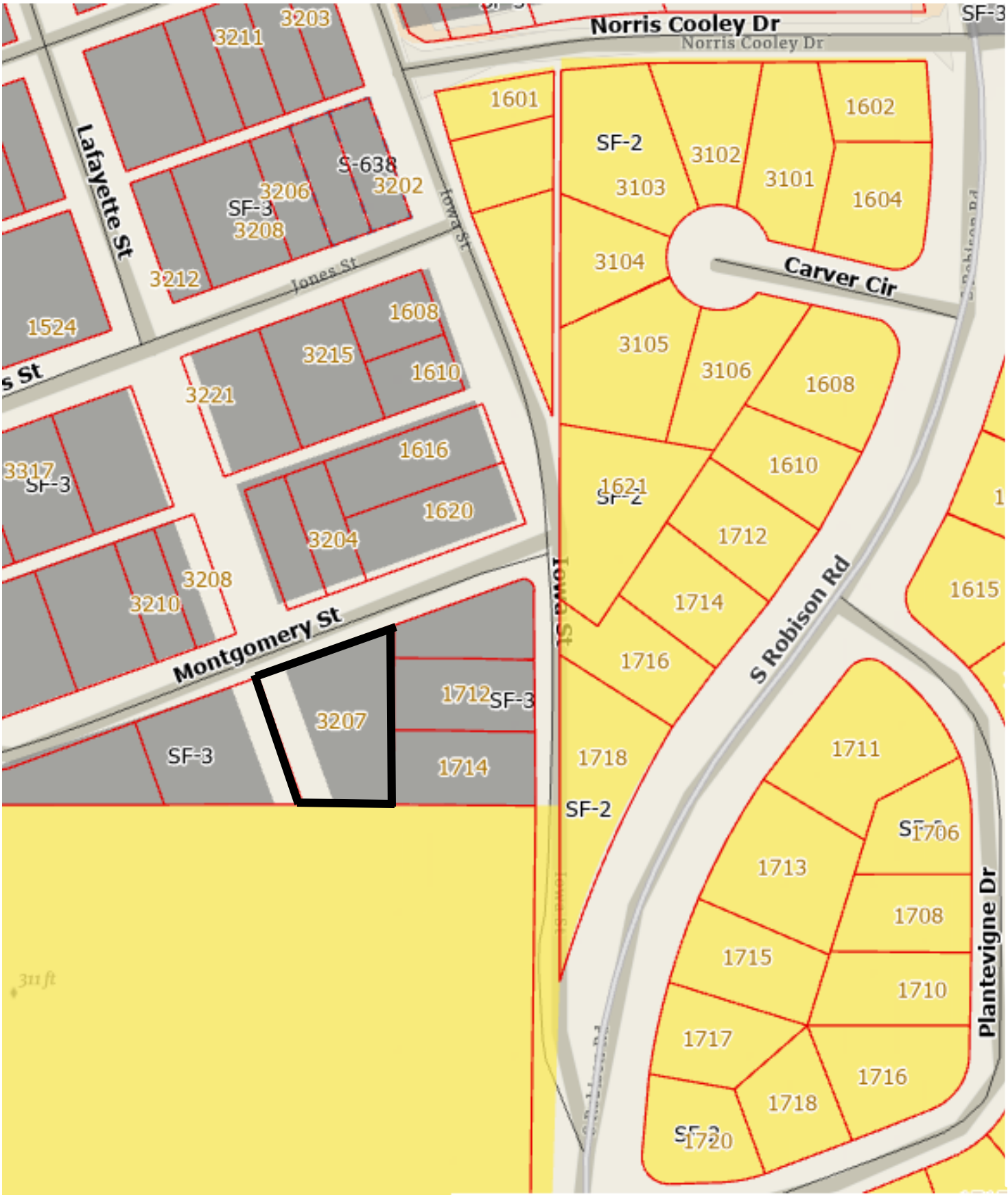
ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2022-155 ORD granting SUP for HUD code mnfctrd home 3207 Montgomery (3890 : 2022-155 ORD SUP HUD code mnfctrd 3207

2022-155 ATTH 01
S-766

3207 Montgomery Street



Attachment: 2022-155 ATTH 01 (Maps) (3890 : 2022-155 ORD SUP HUD code mnfctrd 3207 Montgomery)

2022-155 ATTH 01
S-766

3207 Montgomery Street



Attachment: 2022-155 ATTH 01 (Maps) (3890 : 2022-155 ORD SUP HUD code mnfctrd 3207 Montgomery)

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: Goals & Perspectives (3890 : 2022-155 ORD SUP HUD code mnfctrd 3207 Montgomery)

S-766

ORDINANCE NO. 2022-155

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-766 TO ALLOW THE LOCATION OF A HUD CODE MANUFACTURED HOME ON AN APPROXIMATE 0.36-ACRE TRACT OF LAND (BEING TRACT 58), GRANDVIEW ADDITION TR4, LOCATED AT 3207 MONTGOMERY 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 HUD code manufactured home on an **approximate 0.36-acre tract of land (being Tract 58), Grandview Addition TR 4, located at 3207 Montgomery 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 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-766 for the location of a HUD code manufactured home on an approximate 0.36-acre tract of land (being Tract 58), Grandview Addition TR 4, located at 3207 Montgomery Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2022-155 ORD SUP 3207 Montgomery signed (3890 : 2022-155 ORD SUP HUD code mnfctrd 3207 Montgomery)

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

1. That one 2016 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 **9th day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:29 p.m.

Attachment: 2022-155 ORD SUP 3207 Montgomery signed (3890 : 2022-155 ORD SUP HUD code mnfctrd 3207 Montgomery)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 12/9/2022 3:31 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2022-156 rezoning Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street from Single Family-2 to Single Family-3. William Matlock, owner.		

Briefing: 1/9/2023 **Public Hearing:** 1/9/2023 **Council Vote:** 1/9/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by William Matlock, owner, to rezone Lots 9 and 10, Block 13 Sanders Addition, located at 2413 Bryan Street from Single Family-2 to Single Family-3. The property is currently vacant land. The proposed use is a single wide HUD code manufactured home.

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

The Future Land Use Map designates this property as “Neighborhood Residential”.

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 (SF-3) zoning district along with the approval of a Specific Use Permit.

There are several lots in this area that are zoned SF-3. HUD code double wide manufactured housing looks like some of the existing frame pier and beam houses in the area. This type housing could also be a revitalization housing alternative to traditional site-built homes. Therefore, 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 building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

November 7, 2022

Attachments

a. 2022-156 ORD rezoning from SF-2 to SF-3 at 2413 Bryan St. (DOCX)
b. 2022-156 ATTH 01 (Maps) (PDF)
c. 2022-156 ATTH 02 (Opposition Letter) (PDF)
d. 2022-156 ATTH 03 (Opposition Letter 2) (PDF)
e. Goals & Perspectives (DOCX)
f. 2022-156 ORD Rez 2413 Bryan signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	12/06/2022 10:33 AM
Building Code Administration	Jennifer Evans	Reviewer	Skipped	12/09/2022 9:12 AM
City Manager	David Orr	Reviewer	Completed	12/09/2022 9:17 AM
City Council	Jennifer Evans	Meeting	Completed	12/12/2022 6:00 PM

Meeting History

12/12/22 City Council MOVED FORWARD Next: 01/09/23
Mashell Daniel briefed this agenda item.

Z-22-19

ORDINANCE NO. 2022-156

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 9 AND 10, BLOCK 13, SANDERS ADDITION, LOCATED AT 2413 BRYAN STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 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 **Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 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 unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Single Family-3 on Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street** to the City Council 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 rezoning the property from **Single Family-2 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 **Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3.**

Attachment: 2022-156 ORD rezoning from SF-2 to SF-3 at 2413 Bryan St. (3891 : 2022-156 ORD rezoning SF-2 to SF-3 2413 Bryan St)

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 **9th day of January, 2023.**

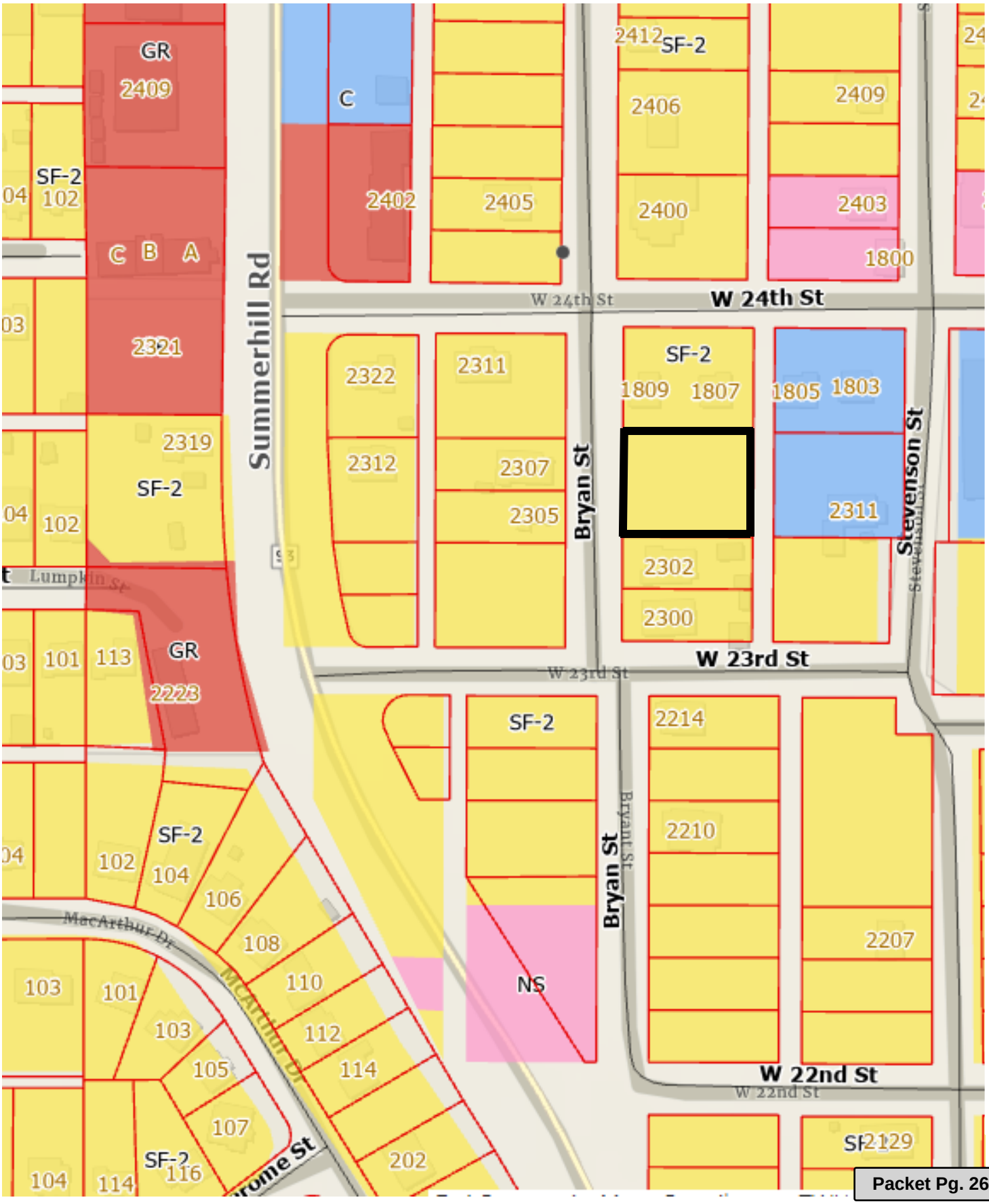
ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2022-156 ORD rezoning from SF-2 to SF-3 at 2413 Bryan St. (3891 : 2022-156 ORD rezoning SF-2 to SF-3 2413 Bryan St)

2413 Bryan Street



Attachment: 2022-156 ATTH 01 (Maps) (3891 : 2022-156 ORD rezoning SF-2 to SF-3 2413 Bryan St)

2022-156 ATTH 01

Z-22-19

2413 Bryan Street



Attachment: 2022-156 ATTH 01 (Maps) (3891 : 2022-156 ORD rezoning SF-2 to SF-3 2413 Bryan St)

From: Perry Blake
To: TEX-Puckett, Laura
Subject: Rezoning Proposal (2413 Bryan Street Texarkana, TX 75501)
Date: Sunday, November 6, 2022 11:28:28 AM

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it may concern,

I am Perry Blake I own the property at 2405 Bryan Street. I am writing in opposition of the rezoning proposals (1. Case number, S767 - Specific Use Permit to allow the location of a single wide HUD code manufactured home. (2. Case number Z-22-19 Zoning Change, from Single family-2 to Single family -3.

I vehemently oppose these proposals for the following reasons:

1. The introduction of a number of mobile homes in this community will serve to decrease the property values in an already low valued community. This measure will ensure that property values will remain depressed and give it no opportunity to increase. I fear the economic impact on this community becoming a "trailer park" will be irreversible. You will be doing a disservice to the families that have been a part of this community for generations. To see their community become even more economically painted into a depressed state of affairs due to this change would be devastating.

2. Also, it is my fear that the introduction these trailers into the community would introduce a human element that would increase the potential uptick in crime in the community. This is a neighborhood, that although it is not economically affluent is not one that is fraught with crime in great volume. It has its issues as do most poor communities. We are poor but we are proud and take care of what little we have. I do not want to see this neighborhood become a haven for those who have the potential to drag this community into chaos. I am not saying that all people who live in trailers are or will become criminals. I am only speaking to the opportunity for circumstances to devolve into what I fear the most.

3. If we can continue to keep this area as it is, the opportunity for economic revitalization still exists. The opportunity to build homes in this neighborhood can help to increase the value of properties in the area. It can help to bring new energy and affluence to those who reside there and those who are looking for a place to call home. The introduction of one trailer can lead to a multiple trailers in that same area. I do not want to see this happen.

Thank you for consideration in this matter.

Perry Phillip Blake

Attachment: 2022-156 ATTH 02 (Opposition Letter) (3891 : 2022-156 ORD rezoning SF-2 to SF-3 2413 Bryan St)

From: Crystal Burris
To: TEX-Puckett, Laura
Subject: Rezoning of Lots 9&10, block 13, Sanders Addition 2413 Bryan Street Case Z-22-19 and S-767
Date: Monday, November 7, 2022 10:12:53 AM

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning and Zoning Committee,

I am concerned the rezone will change the character of the neighborhood, possibly leading to more people, traffic, safety issues, and noise, as well as a reduction in property values.

There does not seem to be a change in circumstances or that a mistake was made when the property was originally zoned so, if there was no mistake made when the neighborhood was originally zoned, and there is sufficient land elsewhere for high density residential use, the fact the applicant wants to develop a specific piece of property should not be enough to justify a zone change, since there is no need to rezone the neighborhood.

Has the applicant shown that the zone changes will not result in property values going down or that this change will not interfere with existing development. If not, the rezoning is not consistent with other residential uses. Also, with no public services in this area and there are other parts of the town that can support this type of development I feel the proposed change should be denied. This is an elderly neighborhood and I fear the additional traffic and possible crime will serve to decrease the property value in an already depressed community.

Thanks in advance for your cooperation.

Crystal D. Burris
Owner, 2300 Bryan Street

Attachment: 2022-156 ATTH 03 (Opposition Letter 2) (3891 : 2022-156 ORD rezoning SF-2 to SF-3 2413 Bryan 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:			

Attachment: Goals & Perspectives (3891 : 2022-156 ORD rezoning SF-2 to SF-3 2413 Bryan St)

Z-22-19

ORDINANCE NO. 2022-156

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 9 AND 10, BLOCK 13, SANDERS ADDITION, LOCATED AT 2413 BRYAN STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 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 **Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 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 unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Single Family-3 on Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street** to the City Council 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 rezoning the property from **Single Family-2 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 **Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3.**

Attachment: 2022-156 ORD Rez 2413 Bryan signed (3891 : 2022-156 ORD rezoning SF-2 to SF-3 2413 Bryan St)

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 **9th day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:31 p.m.

Attachment: 2022-156 ORD Rez 2413 Bryan signed (3891 : 2022-156 ORD rezoning SF-2 to SF-3 2413 Bryan St)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 12/6/2022 1:58 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2022-157 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street. William Matlock, owner.		

Briefing: 1/9/2023 **Public Hearing:** 1/9/2023 **Council Vote:** 1/9/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by William Matlock, owner, for a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street. This is currently vacant land.

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

The Future Land Use Map designates this property as “Neighborhood Residential”.

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 2016 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.

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 approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

November 7, 2022

Attachments

a. 2022-157 ORD granting SUP HUD code mnfctrd home 2413 Bryan St (DOCX)
b. 2022-157 ATTH 01 (Maps) (PDF)
c. Goals & Perspectives (DOCX)
d. 2022-157 ORD SUP 2413 Bryan signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	12/06/2022 10:30 AM
Building Code Administration	Jennifer Evans	Reviewer	Skipped	12/09/2022 9:12 AM
City Manager	David Orr	Reviewer	Completed	12/09/2022 9:17 AM
City Council	Jennifer Evans	Meeting	Completed	12/12/2022 6:00 PM

Meeting History

12/12/22 City Council MOVED FORWARD Next: 01/09/23
Mashell Daniel briefed this agenda item.

S-767

ORDINANCE NO. 2022-157

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-767 TO ALLOW THE LOCATION OF A HUD CODE MANUFACTURED HOME ON LOTS 9 AND 10, BLOCK 13, SANDERS ADDITION, LOCATED AT 2413 BRYAN 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 HUD code manufactured home on **Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan 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 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-767 for the location of a HUD code manufactured home on Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2022-157 ORD granting SUP HUD code mnfctrd home 2413 Bryan St (3892 : 2022-157 ORD SUP HUD code mnfctrd 2413 Bryan)

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

1. That one 2016 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 **9th day of January, 2023.**

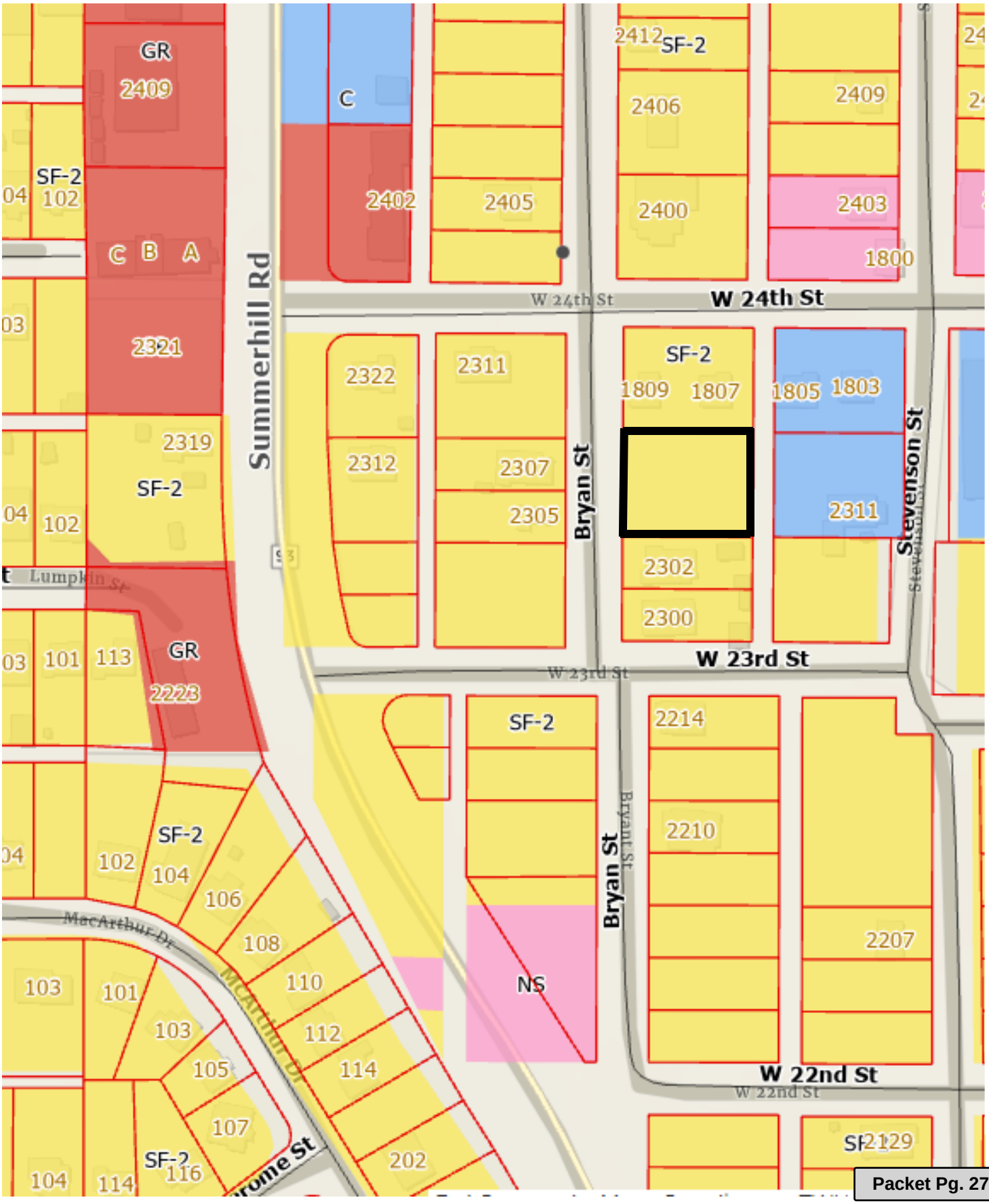
ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2022-157 ORD granting SUP HUD code mnfctrd home 2413 Bryan St (3892 : 2022-157 ORD SUP HUD code mnfctrd 2413 Bryan)

2413 Bryan Street



Attachment: 2022-157 ATTH 01 (Maps) (3892 : 2022-157 ORD SUP HUD code mnfctrd 2413 Bryan)

2022-157 ATTH 01

S-767

2413 Bryan Street



Attachment: 2022-157 ATTH 01 (Maps) (3892 : 2022-157 ORD SUP HUD code mnfctrd 2413 Bryan)

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: Goals & Perspectives (3892 : 2022-157 ORD SUP HUD code mnfctrd 2413 Bryan)

S-767

ORDINANCE NO. 2022-157

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-767 TO ALLOW THE LOCATION OF A HUD CODE MANUFACTURED HOME ON LOTS 9 AND 10, BLOCK 13, SANDERS ADDITION, LOCATED AT 2413 BRYAN 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 HUD code manufactured home on **Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan 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 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-767 for the location of a HUD code manufactured home on Lots 9 and 10, Block 13, Sanders Addition, located at 2413 Bryan Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2022-157 ORD SUP 2413 Bryan signed (3892 : 2022-157 ORD SUP HUD code mnfctrd 2413 Bryan)

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

1. That one 2016 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 **9th day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:32p.m.

Attachment: 2022-157 ORD SUP 2413 Bryan signed (3892 : 2022-157 ORD SUP HUD code mnfctrd 2413 Bryan)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 12/6/2022 2:01 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2022-158 rezoning Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street. Larry Rose, owner.		

Briefing: 1/9/2023 **Public Hearing:** 1/9/2023 **Council Vote:** 1/9/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Larry Rose, owner, to rezone Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street from Single Family-2 to Single Family-3. The property is currently vacant land. The proposed use is a pre-fabricated/factory fabricated home.

The adjacent zoning is Single Family-2 to the south and east, and Commercial to the west, and Industrial-2 to the north. The adjacent land use is residential to the south, vacant land to the east and west and factory to the north.

The Future Land Use Map designates this property as “Industrial”.

Prefabricated/factory fabricated homes inside the city limits must be placed in the Single Family-3 zoning district along with the approval of a Specific Use Permit.

Therefore, 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 building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

November 7, 2022

Attachments

a. 2022-158 ORD rezoning from SF-2 to SF-3 at 3515 Waco St (DOCX)
b. 2022-158 ATTH 01 (Maps) (PDF)
c. Goals & Perspectives (DOCX)
d. 2022-158 ATTH 02 (Spec Sheets) (PDF)
e. 2022-158 ORD Rez 3515 Waco signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	12/06/2022 10:30 AM
Building Code Administration	Jennifer Evans	Reviewer	Skipped	12/09/2022 9:13 AM
City Manager	David Orr	Reviewer	Completed	12/09/2022 9:17 AM
City Council	Jennifer Evans	Meeting	Completed	12/12/2022 6:00 PM

Meeting History

12/12/22 City Council MOVED FORWARD Next: 01/09/23
Mashell Daniel briefed this agenda item.

Z-22-20

ORDINANCE NO. 2022-158

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 4 AND 5, BLOCK 1, TWO STATES ADDITION, LOCATED AT 3515 WACO STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 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 **Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 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 unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Single Family-3 on Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street** to the City Council 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 rezoning the property from **Single Family-2 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 **Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3.**

Attachment: 2022-158 ORD rezoning from SF-2 to SF-3 at 3515 Waco St (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)

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 **9th day of January, 2023.**

ATTEST:

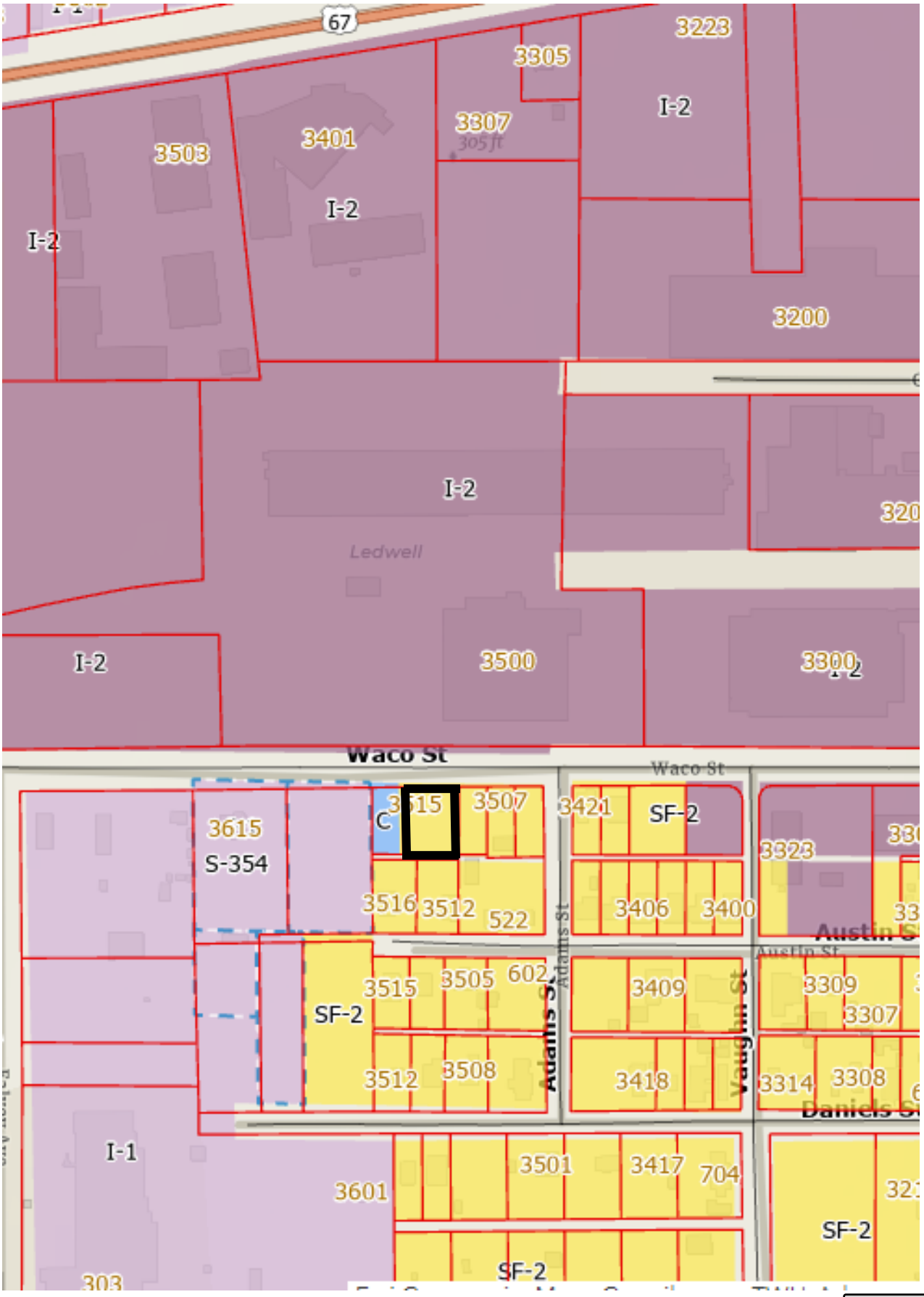
_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2022-158 ORD rezoning from SF-2 to SF-3 at 3515 Waco St (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)

2022-158 ATH 01
Z-22-20

3515 Waco Street



Attachment: 2022-158 ATTH 01 (Maps) (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)

2022-158 ATH 01
Z-22-20

3515 Waco Street



Attachment: 2022-158 ATTH 01 (Maps) (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)

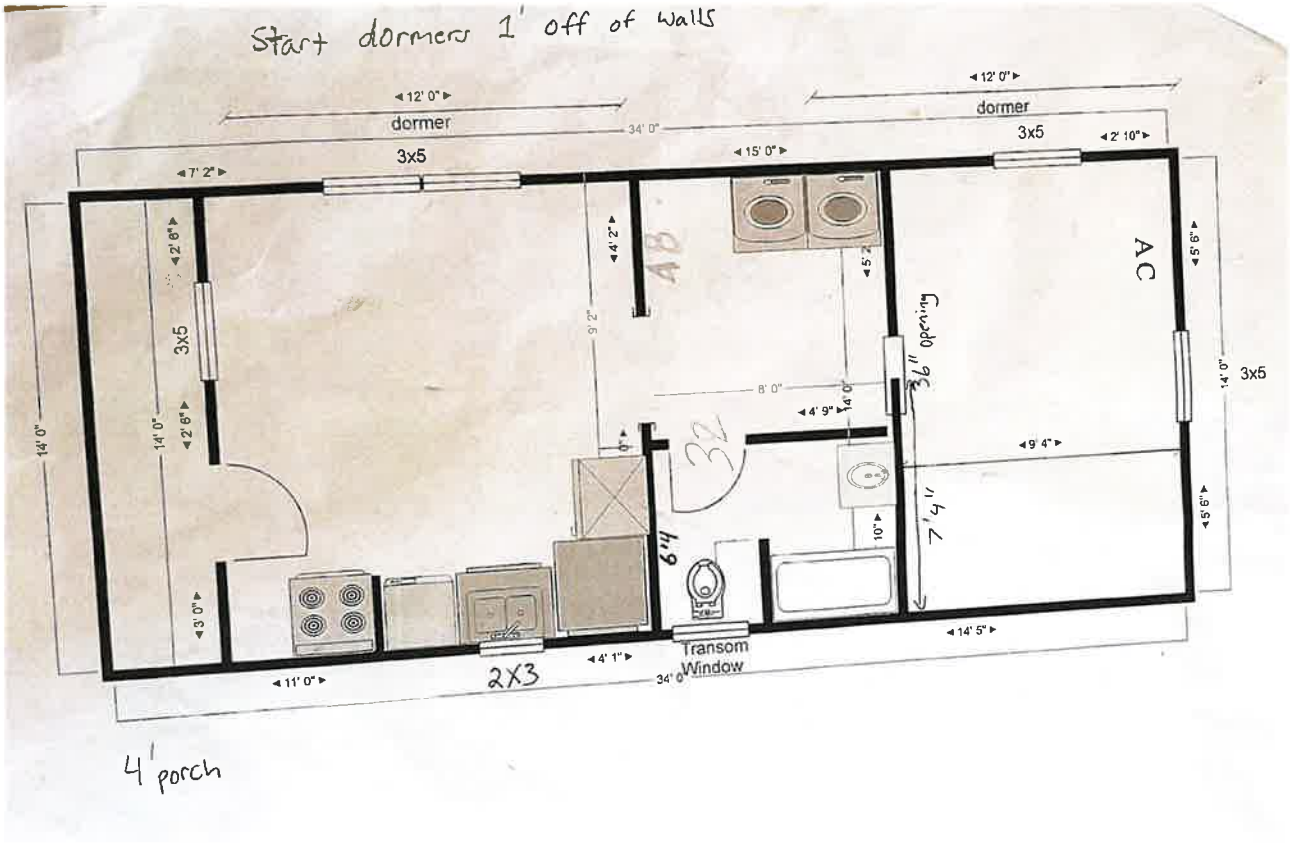
City of Texarkana, Texas

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:			

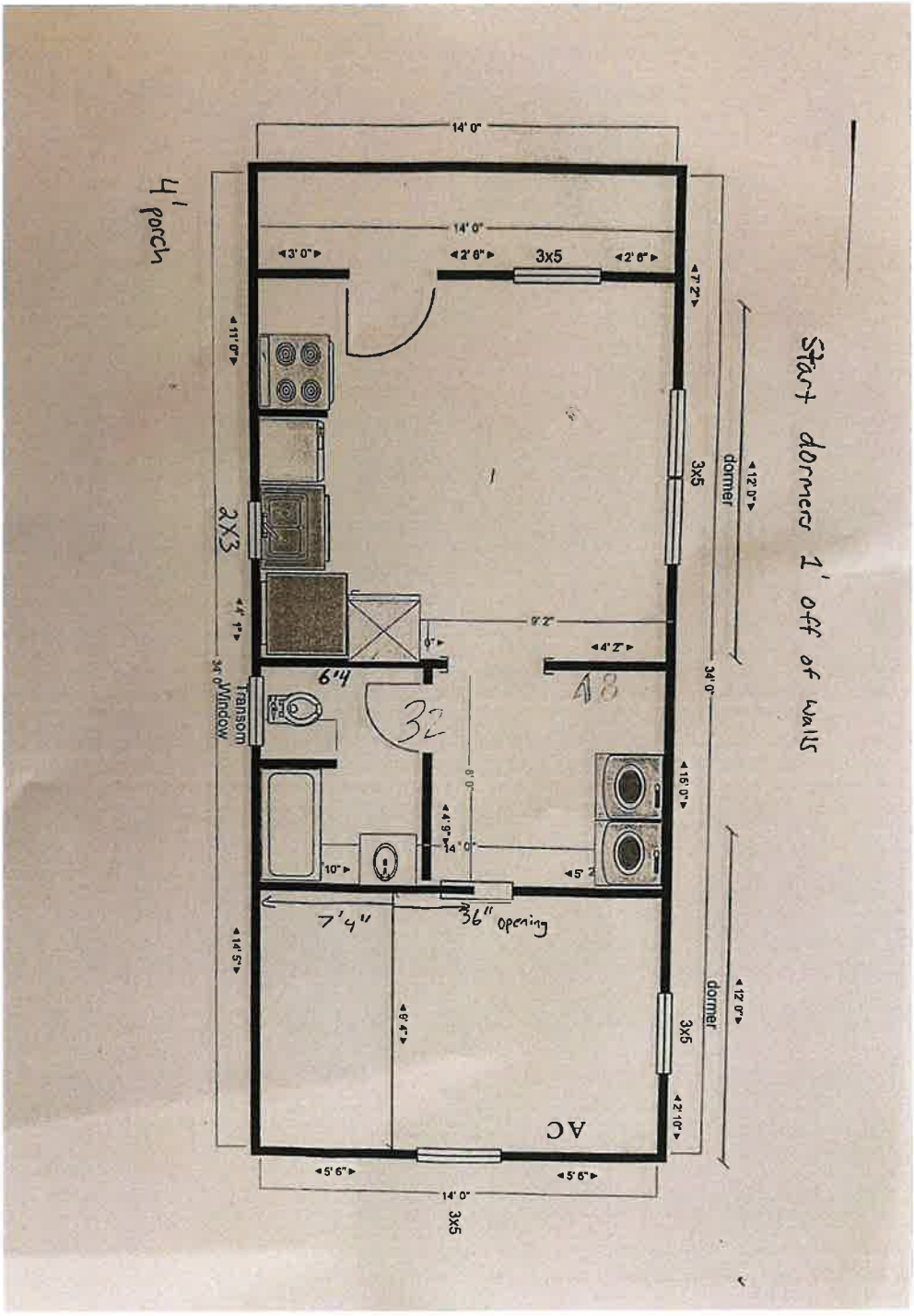
Attachment: Goals & Perspectives (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)



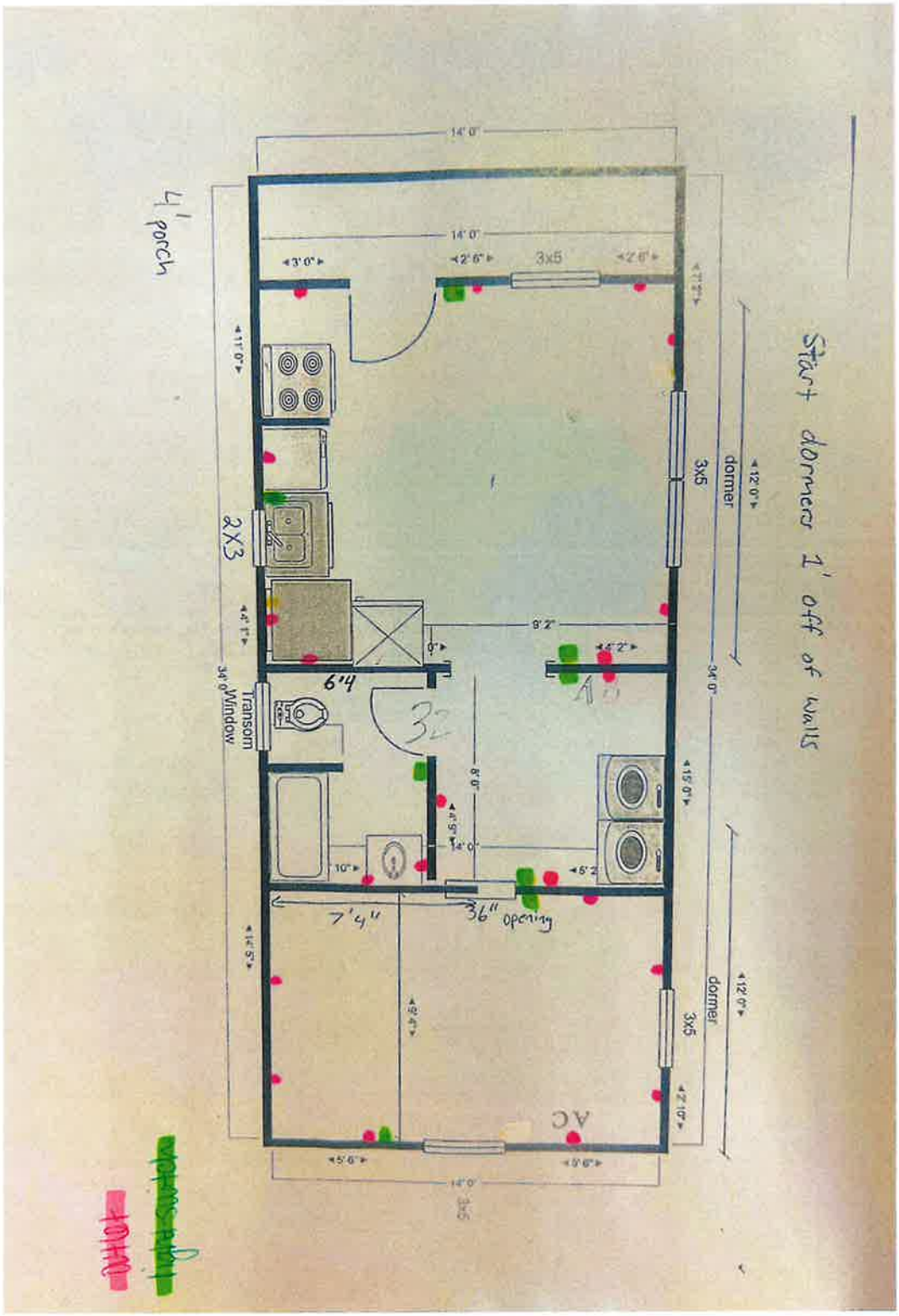
Description

CABIN 14x34
Serial Number C-1434-070822-07267
Siding: LP Lap Siding - White, Trim: LP Lap Siding - Black, Roof: Metal - Brilliant White
(IN STOCK) Premium Electric package ($9 / square foot)
10x29 SP Dormer Windows
12x36 sliding bathroom window
3x5 Insulated windows
Full Plumbing Package
House Wrap ($1.5 / square foot)
Interior Framing ($6 / square foot)
Interior Spray Foam over 12x32 ($5.5 / square foot)
LP Lap siding ($8 / square foot)
Sub floor insulation/ floor ($3.5 / square foot)
SUMMER DISCOUNT EXTENDED ON ALL NEW BUILDS (-12% of base cost)
Take out 3x4 insulated window

Attachment: 2022-158 ATTH 02 (Spec Sheets) (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)



Attachment: 2022-158 ATTH 02 (Spec Sheets) (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)



Attachment: 2022-158 ATTH 02 (Spec Sheets) (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)

Z-22-20

ORDINANCE NO. 2022-158

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 4 AND 5, BLOCK 1, TWO STATES ADDITION, LOCATED AT 3515 WACO STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 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 **Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 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 unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Single Family-3 on Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street** to the City Council 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 rezoning the property from **Single Family-2 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 **Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3.**

Attachment: 2022-158 ORD Rez 3515 Waco signed (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)

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 **9th day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:35p.m.

Attachment: 2022-158 ORD Rez 3515 Waco signed (3893 : 2022-158 ORD rezoning SF-2 to SF-3 3515 Waco)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 12/13/2022 12:37 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2022-159 granting a Specific Use Permit to allow the location of a pre-fabricated/factory fabricated home (shell) on Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street. Larry Rose, owner.		

Briefing: 1/9/2023 **Public Hearing:** 1/9/2023 **Council Vote:** 1/9/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Larry Rose, owner, for a Specific Use Permit to allow the location of a prefabricated/factory fabricated home on Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street. This is currently vacant land.

The adjacent zoning is Single Family-2 to the south and east, and Commercial to the west, and Industrial-2 to the north. The adjacent land use is residential to the south, vacant land to the east and west and factory to the north.

The Future Land Use Map designates this property as “Industrial”.

Prefabricated/factory fabricated homes inside the city limits must be placed in a 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 prefabricated/factory fabricated home be allowed on this property.
2. That the prefabricated/factory fabricated home be used for dwelling purposes only, human occupancy only.
3. 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.
4. That if the prefabricated/factory fabricated home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.

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

building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

November 7, 2022

Attachments

a. 2022-159 ORD granting SUP allowing Prefabricated home at 3515 Waco St (DOCX)
b. 2022-159 ATTH 01 (Maps) (PDF)
c. Goals & Perspectives (DOCX)
d. 2022-159 ATTH 02 (Spec Sheets) (PDF)
e. 2022-159 ORD SUP 3515 Waco signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	12/06/2022 10:34 AM
Building Code Administration	Jennifer Evans	Reviewer	Skipped	12/09/2022 9:13 AM
City Manager	David Orr	Reviewer	Completed	12/09/2022 9:16 AM
City Council	Jennifer Evans	Meeting	Completed	12/12/2022 6:00 PM

Meeting History

12/12/22 City Council MOVED FORWARD Next: 01/09/23

Mashell Daniel briefed this agenda item.

S-768

ORDINANCE NO. 2022-159

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-768 TO ALLOW THE LOCATION OF A PREFABRICATED/FACTORY FABRICATED HOME ON LOTS 4 AND 5, BLOCK 1, TWO STATES ADDITION, LOCATED AT 3515 WACO 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 prefabricated/factory fabricated home on **Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco 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 prefabricated/factory fabricated 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-768 for the location of a HUD code manufactured home on Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2022-159 ORD granting SUP allowing Prefabricated home at 3515 Waco St (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515

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

1. That one prefabricated/factory fabricated home be allowed on this property.
2. That the prefabricated/factory fabricated home be used for dwelling purposes only, human occupancy only.
3. 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.
4. That if the prefabricated/factory fabricated home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.

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 **9th day of January, 2023.**

ATTEST:

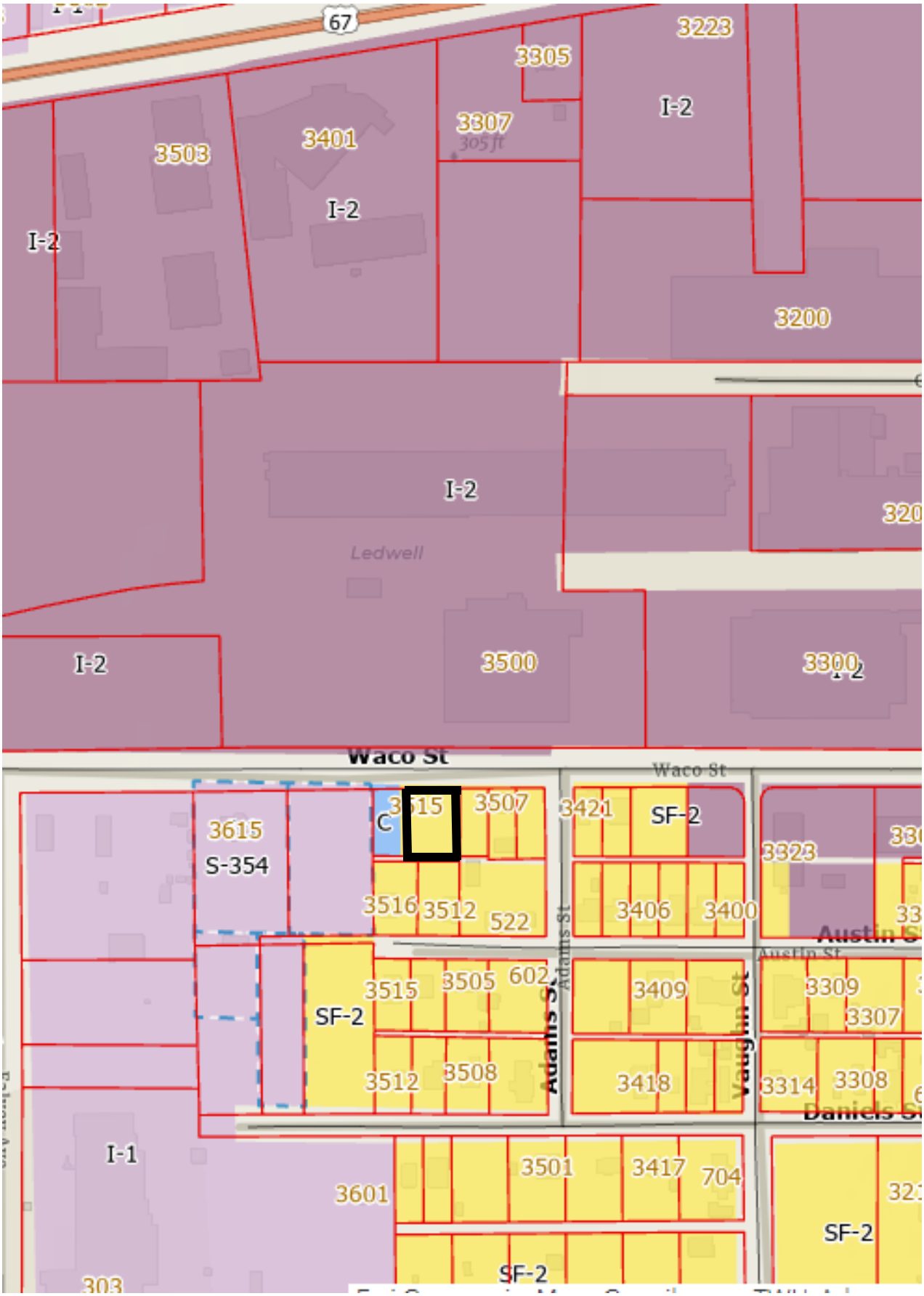
_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2022-159 ORD granting SUP allowing Prefabricated home at 3515 Waco St (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515

2022-159 ATTH 01
S-768

3515 Waco Street



Attachment: 2022-159 ATTH 01 (Maps) (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515 Waco)

2022-159 ATTH 01
S-768

3515 Waco Street



Attachment: 2022-159 ATTH 01 (Maps) (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515 Waco)

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

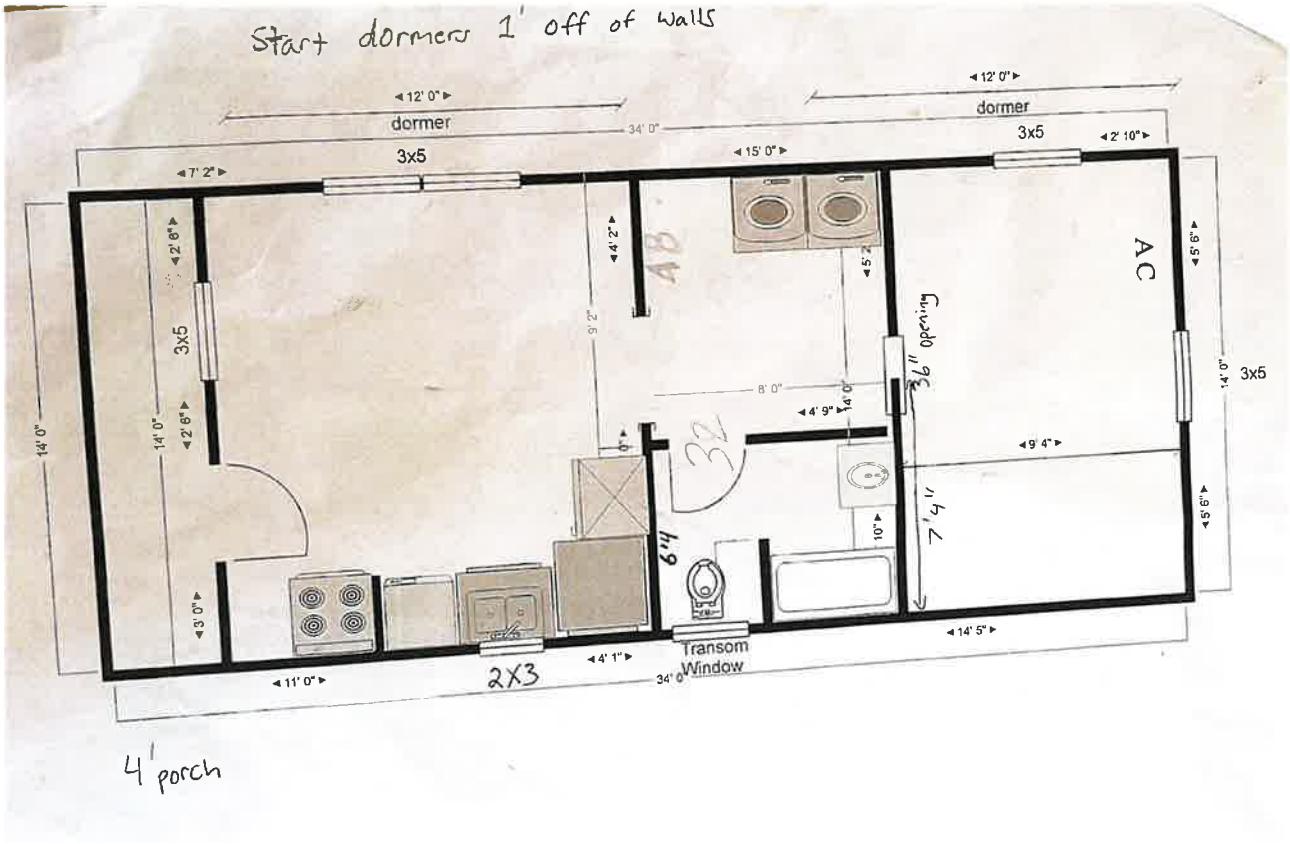
Other Potential Impacts:

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:

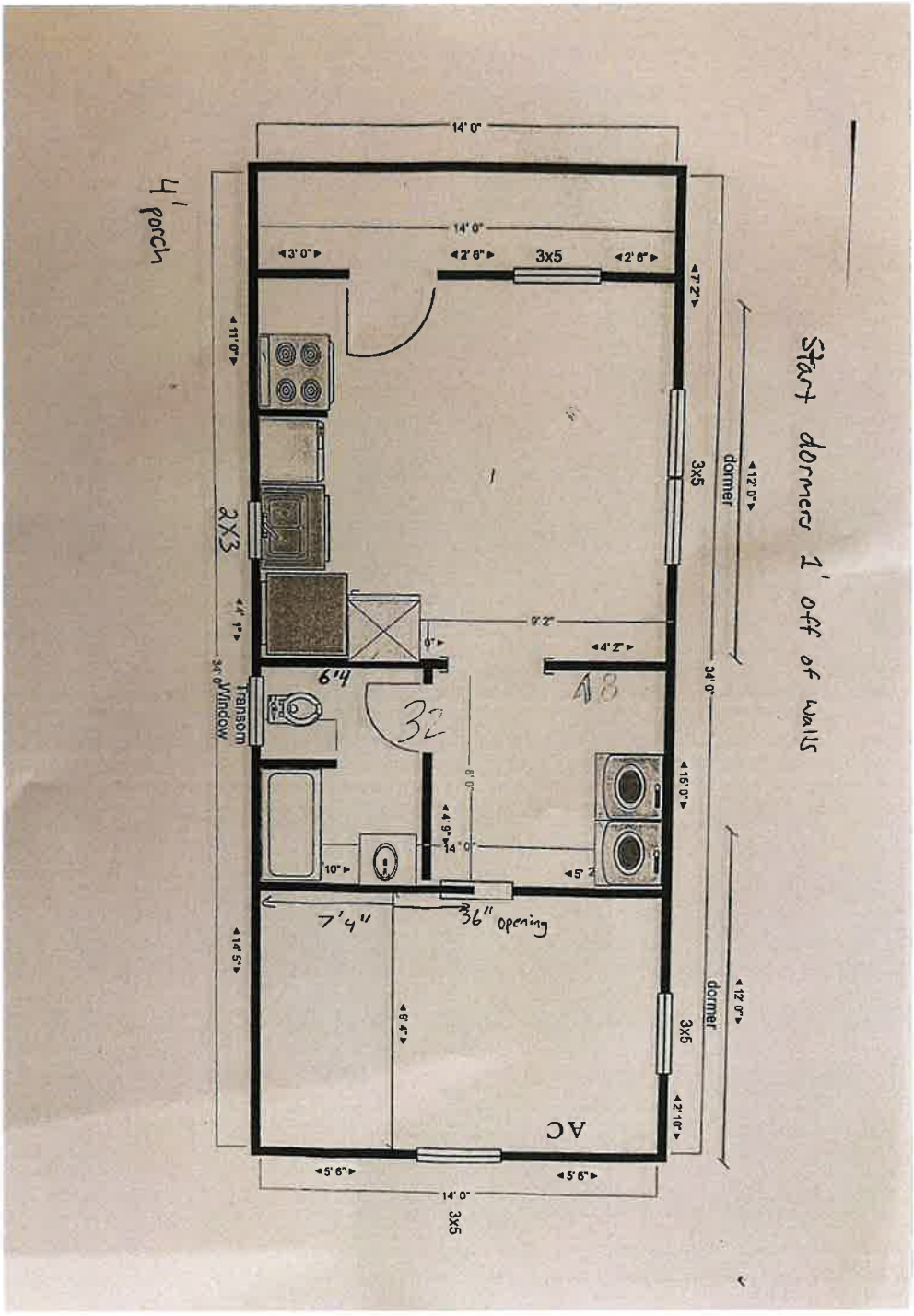
Attachment: Goals & Perspectives (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515 Waco)



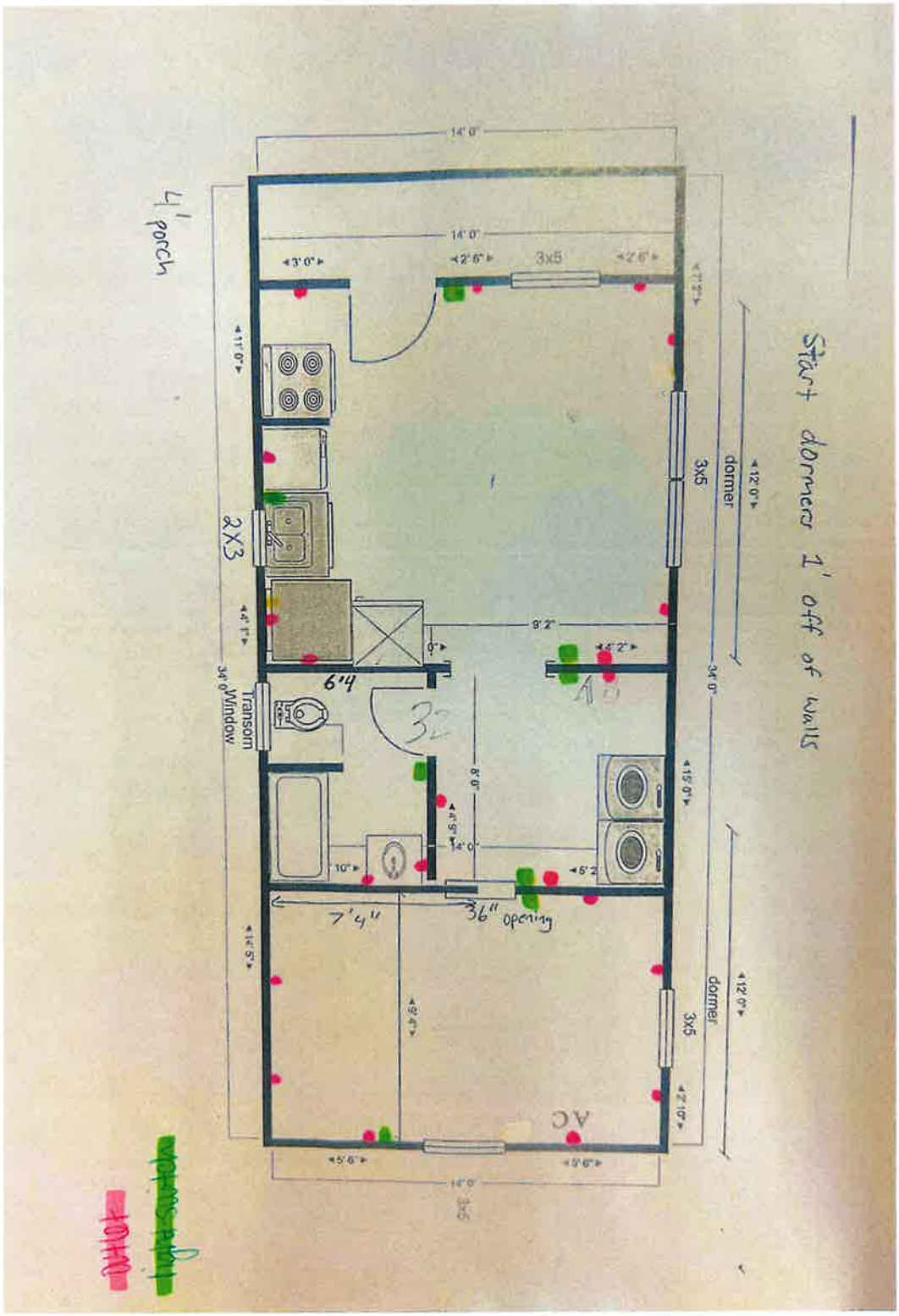
Description

CABIN 14x34
Serial Number C-1434-070822-07267
Siding: LP Lap Siding - White, Trim: LP Lap Siding - Black, Roof: Metal - Brilliant White
(IN STOCK) Premium Electric package ($9 / square foot)
10x29 SP Dormer Windows
12x36 sliding bathroom window
3x5 Insulated windows
Full Plumbing Package
House Wrap ($1.5 / square foot)
Interior Framing ($6 / square foot)
Interior Spray Foam over 12x32 ($5.5 / square foot)
LP Lap siding ($8 / square foot)
Sub floor insulation/ floor ($3.5 / square foot)
SUMMER DISCOUNT EXTENDED ON ALL NEW BUILDS (-12% of base cost)
Take out 3x4 insulated window

Attachment: 2022-159 ATTH 02 (Spec Sheets) (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515 Waco)



Attachment: 2022-159 ATTH 02 (Spec Sheets) (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515 Waco)



Attachment: 2022-159 ATTH 02 (Spec Sheets) (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515 Waco)

S-768

ORDINANCE NO. 2022-159

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-768 TO ALLOW THE LOCATION OF A PREFABRICATED/FACTORY FABRICATED HOME ON LOTS 4 AND 5, BLOCK 1, TWO STATES ADDITION, LOCATED AT 3515 WACO 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 prefabricated/factory fabricated home on **Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco 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 prefabricated/factory fabricated 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-768 for the location of a HUD code manufactured home on Lots 4 and 5, Block 1, Two States Addition, located at 3515 Waco Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2022-159 ORD SUP 3515 Waco signed (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515 Waco)

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

1. That one prefabricated/factory fabricated home be allowed on this property.
2. That the prefabricated/factory fabricated home be used for dwelling purposes only, human occupancy only.
3. 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.
4. That if the prefabricated/factory fabricated home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.

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 **9th day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:36p.m.

Attachment: 2022-159 ORD SUP 3515 Waco signed (3894 : 2022-159 ORD SUP PrefabHome (shell) 3515 Waco)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 12/5/2022 9:22 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Administrative Coordinator
Subject:	Ordinance No. 2022-160 rezoning north 14', west 1/2 of Lot 14, and the south 36', west 1/2 of Lot 15, Harmes Addition, located at 813 Capp Street. John Marshall, owner.		

Briefing: 1/9/2023 **Public Hearing:** 1/9/2023 **Council Vote:** 1/9/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by John Marshall, owner, to rezone N 14', W ½ of Lot 14, and S 36', W1/2 Lot 15, Harmes Addition, located at 813 Capp Street from Two Family-1 to Commercial. The proposed use is a barber shop. The property is currently vacant land. Access would be from Capp Street.

The adjacent zoning is Two Family-1 to the north and west, and Commercial to the south and east. The adjacent land use is residential to the north and south, a church to the west, and vacant land to the east.

Access to this property would be from Capp Street. Half of this property is already zoned Commercial. The other half is zoned Two-Family-1. The applicant wants the property to conform to one zoning district.

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 building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends 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 7, 2022

Attachments

a. 2022-160 ORD rezoning from 2F-1 to Commercial 813 Capp St (DOCX)
b. 2022-160 ATTH 01 (Maps) (PDF)
c. Goals & Perspectives (DOCX)
d. 2022-160 ORD Rez 813 Capp signed(PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	12/06/2022 10:30 AM
Building Code Administration	Jennifer Evans	Reviewer	Skipped	12/09/2022 9:14 AM
City Manager	David Orr	Reviewer	Completed	12/09/2022 9:16 AM
City Council	Jennifer Evans	Meeting	Completed	12/12/2022 6:00 PM

Meeting History

12/12/22 City Council MOVED FORWARD Next: 01/09/23
Mashell Daniel briefed this agenda item.

Z-22-21

ORDINANCE NO. 2022-160

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING NORTH 14 FEET OF LOT 14, WEST HALF OF LOT 14, AND THE SOUTH 36 FEET, WEST HALF OF LOT 15, HARMES ADDITION, LOCATED AT 813 CAPP STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM TWO FAMILY-1 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 **North 14', west half of Lot 14, and the south 36', west half of Lot 15, Harmes Addition, located at 813 Capp Street** in the City of Texarkana, Bowie County, Texas, from **Two Family-1 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, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Two Family-1 to Commercial on North 14', west half of Lot 14, and the south 36', west half of Lot 15, Harmes Addition, located at 813 Capp Street** to the City Council 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 rezoning the property from **Two Family-1 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 **North 14', west half of Lot 14, and the south 36', west half of Lot 15, Harmes Addition, located at 813 Capp Street** in the City of Texarkana, Bowie County, Texas, from **Two Family-1 to Commercial.**

Attachment: 2022-160 ORD rezoning from 2F-1 to Commercial 813 Capp St (3895 : 2022-160 ORD: rezoning 2F-1 to C at 813 Capp)

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 **9th day of January, 2023.**

ATTEST:

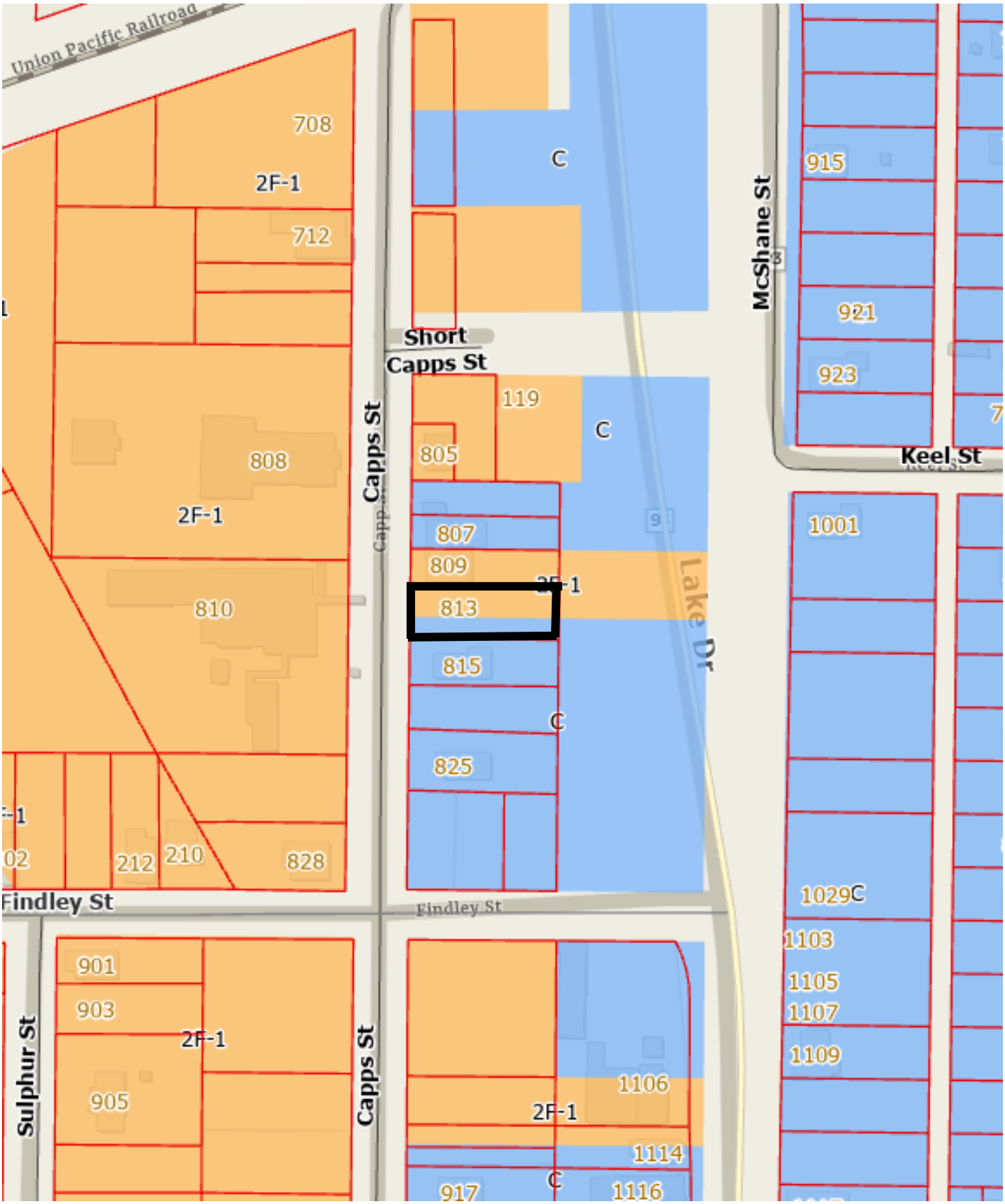
JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2022-160 ORD rezoning from 2F-1 to Commercial 813 Capp St (3895 : 2022-160 ORD: rezoning 2F-1 to C at 813 Capp)

2022-160 ATTH 01
Z-22-21

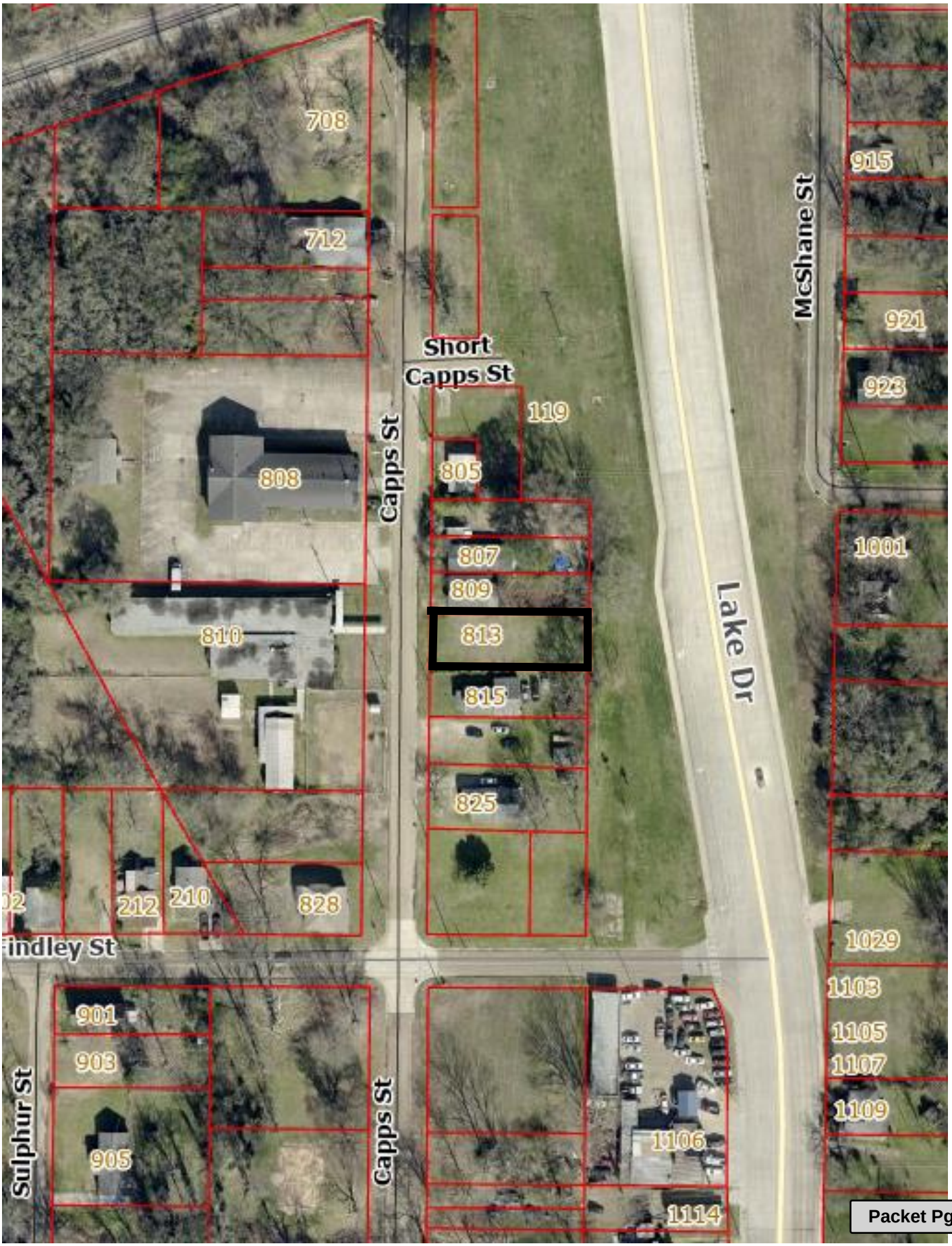
813 Capp Street



Attachment: 2022-160 ATTH 01 (Maps) (3895 : 2022-160 ORD: rezoning 2F-1 to C at 813 Capp)

2022-160 ATTH 01
Z-22-21

813 Capp Street



Attachment: 2022-160 ATTH 01 (Maps) (3895 : 2022-160 ORD: rezoning 2F-1 to C at 813 Capp)

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: Goals & Perspectives (3895 : 2022-160 ORD: rezoning 2F-1 to C at 813 Capp)

Z-22-21

ORDINANCE NO. 2022-160

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING NORTH 14 FEET OF LOT 14, WEST HALF OF LOT 14, AND THE SOUTH 36 FEET, WEST HALF OF LOT 15, HARMES ADDITION, LOCATED AT 813 CAPP STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM TWO FAMILY-1 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 **North 14', west half of Lot 14, and the south 36', west half of Lot 15, Harmes Addition, located at 813 Capp Street** in the City of Texarkana, Bowie County, Texas, from **Two Family-1 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, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Two Family-1 to Commercial on North 14', west half of Lot 14, and the south 36', west half of Lot 15, Harmes Addition, located at 813 Capp Street** to the City Council 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 rezoning the property from **Two Family-1 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 **North 14', west half of Lot 14, and the south 36', west half of Lot 15, Harmes Addition, located at 813 Capp Street** in the City of Texarkana, Bowie County, Texas, from **Two Family-1 to Commercial.**

Attachment: 2022-160 ORD Rez 813 Capp signed (3895 : 2022-160 ORD: rezoning 2F-1 to C at 813 Capp)

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 **9th day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

7:39 p.m.

BOB BRUGGEMAN, MAYOR

Attachment: 2022-160 ORD Rez 813 Capp signed (3895 : 2022-160 ORD: rezoning 2F-1 to C at 813 Capp)