



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • JANUARY 22, 2024

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

220 TEXAS BLVD., TEXARKANA, TX 75501

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

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

Staff Present: City Manager David Orr, Jennifer Evans, Kristin Peebles, Keith Beason, Brooke Stone, Chris Black, Lisa Thompson, Robby Robertson, J.W. Bramlett, Dusty Henslee, Mashell Daniel, Vashil Fernandez, and Chiquita Burks.

Municipal Court: Judge Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION BY MAYOR BRUGGEMAN AND PLEDGE LED BY CADDO AREA TROOP 19

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings

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

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

Homeless Count and Annual Bridge City Chili Cook-off

The Texarkana Homeless Coalition (TXKHC) will conduct its annual Point-In-Time (PIT) homeless population count on Thursday, January 25th.

The TXKHC's Bridge City Project Chili Cook-off will be held on January 26th from 5:00 p.m. to 7:30 p.m. at 324 East Broad Street in Texarkana, Arkansas, Crossties grass area. The annual Bridge City Chili Cook-off challenges members of the community or organizations to enter their best chili recipe in a chili cook-off competition.

To register for the annual Bridge City Chili Cook-off 2024 visit www.txkhc.org [<http://www.txkhc.org/>](http://www.txkhc.org/) or contact Vashil Fernandez at [<Vashil.fernandez@texarkanatexas.gov>](mailto:Vashil.fernandez@texarkanatexas.gov)

General Parks & Recreation information can be found on the city's website at [<http://www.texarkanatexas.gov>](http://www.texarkanatexas.gov)

Mayor Bruggeman said Texarkana recently spent time with a "hometown hero", Dr. Otis Williams, a founding and current member of **The Temptations**. Dr. Williams grew up in Texarkana until he was 11 and he is now 82 years old.

On Thursday, January 18th, he was supported by many in the community when he was honored with two beautiful mural reveals, capturing his likeness and early days with The Temptations.

He delightfully performed with the group at the Perot Theatre on Friday, January 19th. He was so happy to be here and grateful to receive such recognition in Texarkana, USA!





IV. EAGLE SCOUT PROJECT - BY GRAYSON DAVIS, TROOP 19

Grayson said his grandmother helped him with the idea to have an appropriate place for anyone to return and retire an old flag. The Texarkana Gazette donated the boxes, and with the help of his family and the Troop, the boxes were rebuilt and refurbished.

There are eight locations around Texarkana. Each Troop assigned a flag box, checks it and does the flag retiring in a respectful way. Grayson was commended for his efforts with this project and sharing it with the community.

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

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

VII. ITEMS FOR CONSIDERATION***Consent Items***

(6:19 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on January 8, 2024 at 6:00 PM.
2. Resolution No. 2024-013 acknowledging receipt of the Police Department's 2023 Racial Profiling Report as statutorily required.

Public Hearing:

Council Vote: January 22, 2024

3. Joint Resolution No. 2024-014, with the Board of Directors of the City of Texarkana, Arkansas, supporting the fiscal year 2024 RAISE grant application for State Line corridor improvements.

Public Hearing:

Council Vote: January 22, 2024

4. Resolution No. 2024-015 authorizing the City Manager to approve a purchase from Richardson Fence and Patio Inc. (TIPS Buy Board account #23010402) for the removal of an existing fence and the installation of a new fence for the George Dobson Baseball Field with funds budgeted in the 2023 Bond Fund (Fund 426).

Public Hearing:
Council Vote: January 22, 2024

Action Items

5. Resolution No. 2024-017 authorizing the City Manager to negotiate a lease agreement with Mid America League for the George Dobson Baseball Field.

Public Hearing:
Council Vote: January 22, 2024

Keith Beason introduced Matt Perry with the Mid America League. Mr. Perry shared his background in baseball and the hopes of the league to have a long term relationship with the city to provide fun family entertainment.

(6:31 p.m.)

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

VIII. FIRST BRIEFINGS

1. Resolution No. 2024-010 approving Amendment No. 4 to the City's Agreement with Waste Management of Texas, Inc. (including changes to residential waste and bulky waste collection).

Public Hearing: February 12, 2024
Council Vote: February 12, 2024

Dusty Henslee said staff has been in discussion with Waste Management about changes to the agreement. Ryan Frazier, of Waste Management, shared specifics related to the proposed changes.

RESULT:	MOVED FORWARD	Next: 2/12/2024 6:00 PM
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2. Ordinance No. 2024-011 amending PD-01-10 for site plan approval on Lot 1, Texarkana Shopping Center Subdivision located at 4110 St. Michael Drive. Suzanne Russo for Home Depot, owner and Cassie Permenter, agent.

Public Hearing: February 12, 2024
Council Vote: February 12, 2024

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 2/12/2024 6:00 PM
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3. Ordinance No. 2024-012 amending PD-20-6 for site plan approval on Lot 1, Richmond-Moores Subdivision, located at 5605 Richmond Road. GVH Moores, LLC, owner and Kayla Wood, MTG Engineers and Surveyors, agent.

Public Hearing: February 12, 2024
Council Vote: February 12, 2024

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 2/12/2024 6:00 PM
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IX. PUBLIC HEARINGS

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

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

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

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

2. Ordinance No. 2024-004 rezoning Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street from Commercial to Single Family-3. Jermell Fulton, owner.

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

There were no public comments made at this hearing.
(6:54 p.m.)

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

3. Ordinance No. 2024-005 granting a Specific Use Permit to allow a single wide HUD code manufactured home on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street. Jermell Fulton, owner.

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

There were no public comments made at this hearing.
(6:55 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

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

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

There were no public comments made at this hearing.
(6:57 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Meador, Davis

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

Public Hearing: February 12, 2024
Council Vote: February 12, 2024

(6:58 p.m.)

RESULT:	POSTPONED (VOTE) [UNANIMOUS]	Next: 2/12/2024 6:00 PM
MOVER:	Jay Davis, Ward 6	
SECONDER:	Christie Page, Ward 4	
AYES:	Matlock, Hart, Williams, Page, Meador, Davis	

X. CITY MANAGER'S REPORT

City awarded \$500,000 from EPA Brownfields Job Training Grant

The City, in partnership with Texarkana College, announced last week the award of \$500,000 from an EPA Brownfields Job Training Grant from the United States Environmental Protection Agency (EPA) Brownfields Program.

The EPA Brownfields Job Training Grant is specifically tailored to address the environmental challenges posed by brownfield sites while creating job opportunities for area residents who are unemployed or underemployed, equipping them with crucial job skills necessary for an enduring career.

To learn more, the public is encouraged to visit the city's homepage at www.texarkanatexas.gov <<http://www.texarkanatexas.gov>>.

Texas A&M-Texarkana & City's New Academic Partnership

As a result of Resolution No. 2023-162, passed by the City Council on January 8, 2024, a signing ceremony was held on January 18th at City Hall to finalize the new Memorandum of Understanding between Texas A&M-Texarkana & the City. The partnership benefit includes a tuition discount for full-time employees and is applicable to both degree and non-degree seeking programs. The agreement also strengthens existing internships, fellowships, and collaborative programs.

SAVE THE DATES:

The Texarkana Homeless Coalition (TXKHC) will conduct its annual **Point-In-Time (PIT) homeless population count** on Thursday, January 25th. The TXKHC's **Bridge City Project Chili Cookoff** will be held on Friday, January 26th from 5:00 p.m. to 7:30 p.m. at 324 East Broad Street in Texarkana, Arkansas, Crossties grass area.

Chamber of Commerce Annual Celebration on Friday, January 26th 6:00 p.m.-9:00 p.m. at the Perot Theatre.

A huge thanks was given to staff who came in the early morning hours and worked during the adverse winter weather last week to continue services to the residents. Crews came in multiple times to make sure the roads were taken care of and the water was still flowing.

He thanked Chiquita Burks for co-leading the Rosehill mural project. She gave the city a signed copy, by Dr. Otis Williams, of the mural dedication photo that will be kept at City Hall.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Matlock said the Black History Parade will be held on February 3rd at 2:00 p.m. It will start at Broad & Hazel Streets in downtown.

Mayor Bruggeman said the annual MLK Gala was postponed to January 28th due to inclement weather. It will be held at Texarkana College's Truman Arnold Center.

2. City Staff

Staff had no administrative comments for council.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:03 p.m.)

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • JANUARY 8, 2024

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD., TEXARKANA, TX 75501

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

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

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

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER MARY HART

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings

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

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

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

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

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

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

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

Minutes Acceptance: Minutes of Jan 8, 2024 6:00 PM (Consent Items)

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

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

There were no public comments made at Open Forum.

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

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

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

Council Members Annual Board Appointments Review

RESULT:	CLOSE ACTION
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VI. ITEMS FOR CONSIDERATION

Consent Items

(6:09 p.m.)

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

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

Public Hearing:

Council Vote: January 8, 2024

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

Public Hearing:

Council Vote: January 8, 2024

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

Public Hearing:

Council Vote: January 8, 2024

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

Public Hearing:

Council Vote: January 8, 2024

Action Items

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

VII. FIRST BRIEFINGS

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

Public Hearing: January 22, 2024

Council Vote: January 22, 2024

Daphnea Ryan briefed this agenda item.

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

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

Mashell Daniel briefed this agenda item.

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

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

Mashell Daniel briefed this agenda item.

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

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

Mashell Daniel briefed this agenda item.

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

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

Mashell Daniel briefed this agenda item.

RESULT: MOVED FORWARD

Next: 1/22/2024 6:00 PM

VIII. PUBLIC HEARINGS

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

Public Hearing: January 8, 2024

Council Vote: January 8, 2024

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

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

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

Public Hearing: January 8, 2024

Council Vote: January 8, 2024

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

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

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

Public Hearing: January 8, 2024

Council Vote: January 8, 2024

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

Minutes Acceptance: Minutes of Jan 8, 2024 6:00 PM (Consent Items)

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

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

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

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

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

IX. CITY MANAGER'S REPORT

Fiscal Year 2024 Sales Tax Report

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

Economic Development Quarterly Report - December

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

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

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

SAVE THE DATES:

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

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

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

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

X. ADMINISTRATIVE COMMENTS

1. City Council

Council had no administrative comments for staff.

2. City Staff

Staff had no administrative comments for council.

XI. ADJOURNMENT

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

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/19/2024 9:14 AM

Lead Department: Police **Action Officer:** Shawn Fitzgerald,
Subject: Resolution No. 2024-013 acknowledging receipt of the Police Department's
2023 Racial Profiling Report as statutorily required.

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

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Resolution is necessary to comply with statutory requirement for council to acknowledge receipt of the police department's Racial Profiling Report.

Potential Options:

NONE

Fiscal Implications:

NONE

Staff Recommendation:

Staff recommends acknowledging the receipt of the report.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2024-013 RES 2023 Racial Profiling Report (DOCX)
- b. 2024-013 ATTH 01 Final Report (PDF)
- c. 2024-013 Goals & Perspectives (DOCX)
- d. 2024-013 RES Racial Profiling Rpt. 2023 signed (PDF)

City of Texarkana, Texas

Staff Coordination

Police	Kevin Schutte	Department Head Review	Completed	
	01/11/2024 11:02 AM			
Police	Kevin Schutte	Supervisor Review	Completed	01/11/2024
11:02 AM				
City Manager	David Orr	City Manager Review	Completed	01/11/2024
5:03 PM				
City Council	Jennifer Evans	Meeting	Completed	01/22/2024
6:00 PM				

Meeting History

RESOLUTION NO. 2024 – 013**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ACKNOWLEDGING RECEIPT OF THE 2023 POLICE DEPARTMENT RACIAL PROFILING REPORT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the State of Texas requires the Police Department to collect certain statistical data on drivers stopped for traffic violations in the city limits of Texarkana, Texas, through statute found in the Texas Code of Criminal Procedure; and

WHEREAS, the State of Texas requires the collected data to be analyzed and compiled into a report, locally titled as the Texarkana Texas Police Department Racial Profiling Report, to be submitted annually to the Texas Commission on Law Enforcement; and

WHEREAS, the State of Texas requires the final racial profiling report to be submitted to the local governing body by March each year.

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

SECTION 1: The City Council of the City of Texarkana, Texas, acknowledges receipt of the 2023 Police Department Racial Profiling Report titled as **ATTH 01**.

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-013 RES 2023 Racial Profiling Report (4165 : 2024-013 RES Racial Profiling Report)



TEXARKANA, TEXAS POLICE DEPARTMENT

2023

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.

Chad R. Trulson, Ph.D.

Justice Research Consultants, LLC



Executive Summary

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that “a comparative analysis of the information compiled under 2.133” be conducted, with specific attention to the below areas:

1. evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

The analysis of material and data from the Texarkana, Texas Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE TEXARKANA, TEXAS POLICE DEPARTMENT’S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

Introduction

This report details an analysis of the Texarkana Police Department's policies, training, and statistical information on racial profiling for the year 2023. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Texarkana Police Department in 2023. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) Texarkana Police Department's policy on racial profiling; (2) Texarkana Police Department's training and education on racial profiling; (3) Texarkana Police Department's complaint process and public education on racial profiling; (4) analysis of Texarkana Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) Texarkana Police Department's compliance with applicable laws on racial profiling.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

Texarkana, Texas Police Department Policy on Racial Profiling

A review of Texarkana, Texas Police Department's "Biased Based Policing and Racial Profiling Policy" contained in Directive 2.01.1 (see Appendix B) revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in the Texarkana, Texas Police Department racial profiling policy. Texarkana, Texas Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling shall be subject to corrective action including diversity, sensitivity, or other appropriate training, informal counseling, formal counseling, written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Texarkana, Texas Police Department regulation.

A COMPREHENSIVE REVIEW OF TEXARKANA, TEXAS POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Texarkana, Texas Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided

by Texarkana, Texas Police Department reveals that racial profiling training and certification is current for all officers in 2023. Racial profiling training is specifically covered in Texarkana, Texas' Biased Based Policing and Racial Profiling Policy Section 4 (B). In addition, all personnel are trained on the department's racial profiling policy on a bi-annual basis.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Texarkana, Texas Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Texarkana, Texas Police Department's Biased Based Policing and Racial Profiling Policy Section 4 (A) covers this requirement. Information regarding how a citizen may file a complaint is available to the public at a variety of locations. In addition, the department has a website with numbers available for contacting the agency with concerns (<http://ci.texarkana.tx.us/393/Police-Department/>). Additionally, each printed citation includes instructions on how to file a complaint and/or compliment on an officer following an interaction.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

Texarkana, Texas Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Texarkana Police Department submitted statistical information on all motor vehicle stops in 2023 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

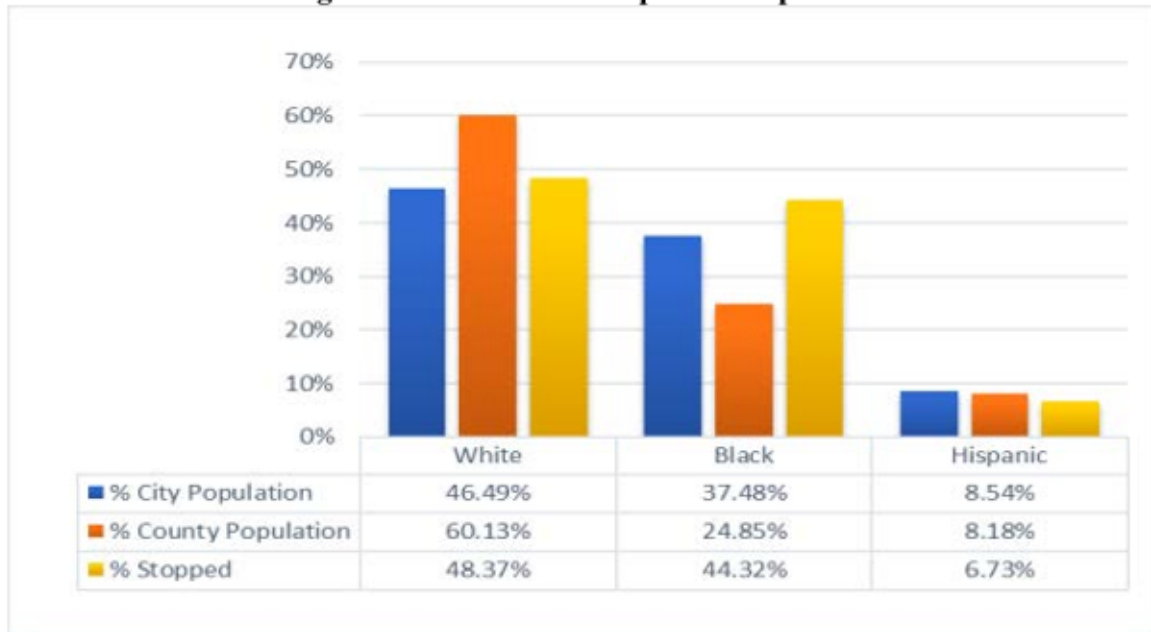
Analysis of the Data

Comparative Analysis #1:

Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)

The first chart depicts the percentages of people stopped by race/ethnicity among the total 12,892 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2023.¹

Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks



White drivers constituted 48.37 percent of all drivers stopped, whereas Whites constitute 46.49 percent of the city population and 60.13 percent of the county population.²

Black drivers constituted 44.32 percent of all drivers stopped, whereas Blacks constitute 37.48 percent of the city population and 24.85 percent of the county population.

Hispanic drivers constituted 6.73 percent of all drivers stopped, whereas Hispanics constitute 8.54 percent of the city population and 8.18 percent of the county population.

The chart shows that White drivers are stopped at rates slightly higher than the percentage of Whites found in the city population and lower than the percentage of Whites found in the county population. Black drivers are stopped at rates higher than the percentage of Blacks found in the city and county populations. Hispanic drivers are stopped at rates slightly lower than the percentage of Hispanics found in the city and county populations.

¹ Due to a small number of stops relative to the population of Texarkana and the total number of motor vehicle stops among all drivers (12,892), information contained in the first chart excludes information pertaining to 49 stops of motorists of Asian/Pacific Islander descent and 26 stops of motorists of Alaska Native/American Indian descent.

² City and County populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. City and County populations by gender noted later in this report are based on 2019 American Community Survey estimates.

Methodological Issues

Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are "racially profiling" motorists. This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has racially profiled any individual motorist based on the rate at which a department stops any given group of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population "base-rate" is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2020 Census as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are

not residents of the city or county where the motor vehicle stop occurred are not included in the benchmark base-rate.

Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 3 near the end of this report, of the 12,892 motor vehicle stops in 2023, the officer knew the race/ethnicity of the motorist prior to the stop in 14.5% of the stops (1,867/12,892). An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.³ The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.”

Most of the time, Texarkana PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Texarkana Police Department in 2023. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any

³ Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)

As shown in Table 1, there were a total of 12,892 motor vehicle stops in 2023 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 8 percent of stops resulted in a verbal warning (1,068/12,892), roughly 54 percent of stops resulted in a written warning, and roughly 36 percent resulted in a citation. These actions accounted for roughly 98 percent of all stop actions and will be the focus of the below discussion.

Specific to **verbal warnings**, White motorists received a verbal warning in 8 percent of stops involving White motorists (499/6,236). Black motorists received a verbal warning in roughly 8 percent of stops involving Black motorists. Hispanic motorists received a verbal warning in roughly 10 percent of stops involving Hispanic motorists.

Specific to **written warnings**, White motorists received a written warning in roughly 58 percent of stops involving White motorists (3,589/6,236), Black motorists received a written warning in roughly 52 percent of stops of Black motorists, and Hispanic motorists received a written warning in roughly 44 percent of stops of Hispanic motorists.

White motorists received a **citation** in roughly 33 percent of stops involving White motorists (2,065/6,236), Black motorists received a citation in roughly 37 percent of stops of Black motorists, and Hispanic motorists received a citation in roughly 45 percent of stops of Hispanic motorists.

As illustrated in Table 1, of the 12,892 total stops, 287 **arrests** [written warning and arrest (85), citation and arrest (102) and sole arrests (100)] were made in 2023, and this accounts for 2.2 percent of all stops. White motorists were arrested in roughly 1 percent of stops involving White motorists (83/6,236), Black motorists were arrested in roughly 3 percent of stops involving Black motorists, and Hispanic motorists were arrested in roughly 1 percent of stops involving Hispanic motorists.

Overall, arrests were most commonly based on an **outstanding warrant** (59.2%; 170/287) or a **violation of the penal code** (38.7%; 111/287) as illustrated in Table 1.

Finally, as presented in Table 1, **physical force resulting in bodily injury** did not occur in 2023. Of the 12,892 motor vehicle stops in 2023, none involved physical force resulting in bodily injury.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	6,236	5,714	867	49	26	12,892
Gender						
Female	2,886	2,641	235	17	5	5,784
Male	3,350	3,073	632	32	21	7,108
Reason for Stop						
Violation of Law	877	841	113	3	1	1,835
Preexisting Knowledge	63	44	11	0	1	119
Moving Traffic Violation	3,966	2,905	485	36	19	7,411
Vehicle Traffic Violation	1,330	1,924	258	10	5	3,527
Result of Stop						
Verbal Warning	499	474	85	6	4	1,068
Written Warning	3,589	2,944	383	26	13	6,955
Citation	2,065	2,103	389	16	9	4,582
Written Warning and Arrest	31	51	2	1	0	85
Citation and Arrest	25	73	4	0	0	102
Arrest	27	69	4	0	0	100
Arrest Based On						
Violation of Penal Code	33	70	7	1	0	111
Violation of Traffic Law	2	1	0	0	0	3
Violation of City Ordinance	1	2	0	0	0	3
Outstanding Warrant	47	120	3	0	0	170
Physical Force Resulting in Bodily Injury Used?						
No	6,236	5,714	867	49	26	12,892
Yes	0	0	0	0	0	0

Comparative Analysis #3:

Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)

In 2023, a total of 556 **searches** of motorists were conducted, or roughly 4 percent of all stops resulted in a search (556/12,892). Among searches within each racial/ethnic group, White motorists were searched in roughly 2 percent of all stops of White motorists (149/6,236), Black motorists were searched in roughly 7 percent of all stops of Black motorists, and Hispanic motorists were searched in roughly 3 percent of all stops of Hispanic motorists.

As illustrated in Table 2, the most common reasons for a search were searches based on probable cause (40.1%; 223/556) and searches based on consent (37.1%; 206/556). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 38 percent of all searches of White motorists (56/149), Black motorists were searched based on probable cause in roughly 41 percent of all searches of Black motorists, and Hispanic motorists were searched based on probable cause in 39 percent of all searches of Hispanic motorists (9 probable cause searches out of a total 23 searches of Hispanic motorists).

Consent searches are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (12,892), discretionary consent searches occurred in 1.6 percent of stops (206 total consent searches). Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in roughly 39 percent of all searches of White motorists (58/149), Black motorists were searched based on consent in roughly 36 percent of all searches of Black motorists, and Hispanic motorists were searched based on consent in roughly 35 percent of all searches of Hispanic motorists (8 consent searches out of a total 23 searches of Hispanic motorists).

Of the searches that occurred in 2023, and as shown in Table 2, **contraband was discovered** in 264 or roughly 47 percent of all searches (264/556 total searches). Overwhelmingly, the contraband discovered in searches was drugs; 87.1% of the contraband discovered (230/264 contraband discoveries). Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested roughly 42 percent of the time (111/264 contraband discoveries).

Table 2: Searches and Outcomes by Race/Ethnicity

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Search Conducted						
Yes	149	381	23	3	0	556
No	6,087	5,333	844	46	26	12,336
Reason for Search						
Consent	58	138	8	2	0	206
Contraband in Plain View	1	17	0	0	0	18
Probable Cause	56	157	9	1	0	223
Inventory	16	26	2	0	0	44
Incident to Arrest	18	43	4	0	0	65
Was Contraband Discovered						
Yes	69	185	9	1	0	264
No	80	196	14	2	0	292
Description of Contraband						
Drugs	63	161	5	1	0	230
Weapons	0	4	0	0	0	4
Currency	0	0	0	0	0	0
Alcohol	4	15	4	0	0	23
Stolen Property	0	1	0	0	0	1
Other	2	4	0	0	0	6
Did Discovery of Contraband Result in Arrest?						
Yes	32	74	4	1	0	111
No	37	111	5	0	0	153

Comparative Analysis #4:

Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)

In 2023, internal records indicate that the Texarkana Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling.

Additional Analysis:

Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area. This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2023, 12,892 motor vehicle stops were made by the Texarkana Police Department. Of these stops, 5,784 or roughly 45 percent were female drivers (5,784/12,892), and roughly 55 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Texarkana was composed of 51.7 percent females and 48.3 percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the county population and males accounted for 49.3 percent of the county population.

Overall, in 2023, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Table 3 below provides additional information relative to motor vehicle stops in 2023 by the Texarkana Police Department. The data are required to be collected by the Texarkana Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Texarkana Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling in 2023. Furthermore, as previously discussed, of the 12,892 motor vehicle stops in 2023, the officer knew the race/ethnicity of the motorist prior to the stop in 14.5% of the stops (1,867/12,892).

Table 3: Additional Information

Additional Information	Total
Was Race/Ethnicity Known Prior to Stop	
Yes	1,867
No	11,025
Approximate Location of Stop	
City Street	9,540
US Highway	2,016
County Road	23
State Highway	1,081
Private Property/Other	232
Number of Complaints of Racial Profiling	0
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	0

Analysis of Racial Profiling Compliance by Texarkana, Texas Police Department

The foregoing analysis shows that the Texarkana, Texas Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Texarkana, Texas Police Department in 2023, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Texarkana, Texas Police Department as well as police agencies across Texas.

Appendix A

Racial Profiling Statutes and Laws

Texas Racial Profiling Statutes

Art. 3.05. RACIAL PROFILING.

In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

- (1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.
- (2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- (3) "Race or ethnicity" means the following categories:
 - (A) Alaska native or American Indian;
 - (B) Asian or Pacific Islander;
 - (C) black;
 - (D) white; and
 - (E) Hispanic or Latino.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

- (9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.
- (c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

- (a) In this article:
- (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
 - (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).
- (b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.
- (c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:
- (1) a comparative analysis of the information compiled under Article 2.133 to:
 - (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
 - (B) examine the disposition of motor vehicle stops made by officers employed by the agency,

categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

Art. 2.136. LIABILITY.

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

Art. 2.138. RULES.

The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.1385. CIVIL PENALTY.

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

Appendix B

Texarkana, Texas Police Department Biased Based Policing and Racial Profiling Policy

**TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> September 1, 2017	<i>Directive</i> 2.01.1
<i>Subject</i> Biased Based Policing and Racial Profiling			
<i>Reference</i> Code of Criminal Procedure 2.131 – 2.135			
<i>Distribution</i> All Personnel City Manager City Attorney	<i>TPCA Best Practices Recognition Program Reference</i> 2.01.1 Biased Based Profiling	<i>Review Date</i> August 1, 2019	<i>Pages</i> 6

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to reaffirm the Department's commitment to unbiased policing in all of its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictate of departmental policy and the law.

SECTION 2 POLICY

- A. It is the policy of the Department to protect the constitutional rights of all persons. Allegations of racial profiling or discriminatory practices, real or perceived, are detrimental to the relationship between police and the communities they protect and serve because they strike at the basic foundation of public trust. This trust is essential to effective community-based policing. Racial profiling is considered misuse of valuable police resources; such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability for the officer and the department. This Department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial profiling by its officers. While recognizing that most officers perform their duties in a professional, ethical, and impartial manner, this Department is committed to identifying and eliminating any instances of racial profiling.
- B. It is the policy of the Department to:
 1. Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
 2. Assure the highest standard of integrity and ethics among all our members;
 3. Respect the diversity and the lawful cultural practices of all people;
 4. Take positive steps to identify, prevent, and eliminate any instances of racial profiling by our members; and
 5. Continue our commitment to community based policing and problem solving, including vigorous, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.

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- C. It is the policy of the Department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner without regard to an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.
- D. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. The Department will honor the right of all persons to be treated equally and to be free from unreasonable searches and seizures.

SECTION 3 DEFINITIONS

Racial Profiling is defined as a law enforcement-initiated action based on an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Examples of racial profiling include, but are not limited to, the following:

- a. Citing a driver because of the cited driver's race, ethnicity, or national origin, or
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.

Gender Profiling is defined as a law enforcement-initiated action based on an individual's gender rather than on the individual's behavior or involvement in criminal activity.

Race or Ethnicity is defined as a particular descent and includes the following categories:

- a. Alaska native or American Indian;
- b. Asian or Pacific Islander
- c. Black
- d. White
- e. Hispanic or Latino.

Pedestrian Stop is defined as an interaction between a peace officer and an individual traveling on foot who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop is defined as a vehicle stop where a peace officer stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

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Probable Cause is defined as more than bare suspicion; it exists when the facts and circumstances within the officer's knowledge and of which they have reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.

Reasonable Suspicion is defined as specific, articulable facts leading a reasonable police officer to believe a crime might be occurring. Reasonable suspicion is less than probable cause, but more than a mere hunch. Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence.

Search is an examination or exploration of an individual's house, premises, vehicle or person to discover stolen property, contraband or other items that may be evidence of a crime.

Search incident to arrest is a full search of an arrested person and of the vicinity around him or her. The search is conducted for officer safety and to prevent the destruction of evidence.

Consent search is a search permitted by a person with apparent authority to allow the search. To be valid, consent must be voluntary and intelligent, based on a totality of circumstances. Voluntary means that the consent was not forced or coerced. Intelligent means the person giving consent must know what he or she is doing.

Frisk is defined as a limited search or patting down of a suspect's outer clothing for the purpose of officer safety. A frisk must be based on reasonable suspicion that the suspect is armed with a deadly weapon, and that if he is not searched and disarmed, harm will come to the officer or another person. A limited search or frisk of an automobile after a valid stop is permissible if the officer has reasonable suspicion the suspect is dangerous and might gain immediate control of a weapon. The search is limited to the areas in which a weapon may be placed or hidden.

Inventory is an administrative process by which items of property in an impounded vehicle are listed and secured. An inventory is not a search and should not be used as a substitute for a search. The specific objectives of an inventory are to protect the property of the defendant, to protect the police against any claim of lost property, and to protect police personnel and others from any dangerous instruments.

SECTION 4 PROCEDURES

A. COMPLAINTS

1. Any person may file a complaint with the Department if they believe they have been stopped or searched on the basis of their race, ethnicity, national origin, or gender. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. A complaint from a citizen regarding racial profiling may be made to any Department supervisor or, if available, to the Office of Professional Responsibility. All complaints received shall be forwarded in writing through the chain of command to the Office of the Chief of Police.
3. In addition to the written complaint, the supervisor receiving the complaint shall obtain the video recording from the officer's vehicle and cause a copy to be made onto a recordable CD or DVD disc. The supervisor shall label the video disc, indicating the unit number and date and time the disc was made. The copy of the video recording will be forwarded through the chain of command to the Office of the Chief of Police. A copy of video of all incidents in which racial or gender profiling is alleged shall be retained with the investigative file. A copy of the video shall be

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supplied to the officer within five days of the date of the complaint. The Office of Professional Responsibility shall supply the video to the officer prior to taking any statements from the officer.

4. The Department shall provide education to the public concerning the complaint process. Written information regarding how a citizen may file a complaint or issue a commendation for an officer shall be made available to the public at a variety of locations, including public meetings, Central Records and Communications, City Hall, and the Police Department's office at the Bi-State Justice Building. This information shall also be available on the Department's Internet site.

B. RACIAL PROFILING TRAINING

1. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
2. All officers shall complete a TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. At the discretion of the Chief of Police, additional diversity and sensitivity training may be required for officers with sustained racial profiling or other discrimination complaints filed against them.
3. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
4. Supervisors shall conduct periodic roll call training regarding racial profiling issues, including implementation and enforcement of this policy.

C. INTERNAL MONITORING

1. Random Reviews:

As mandated in Directive 7.36.1 Digital Mobile Video/Audio Recording Equipment, Field Supervisors shall conduct reviews of the video files recorded by officers under their supervision to:

- a. Assess performance and safety practices;
- b. Ensure compliance with departmental policy;
- c. Ensure proper use of DMVR equipment; and,
- d. Identify appropriate training video.

Supervisors shall conduct a review of video files randomly each month, ensuring that each officer is reviewed at least twice during each month. Supervisors will review one traffic stop and one other video of their choosing of each officer. As part of the review, supervisors will document the number of videos created by each officer. Each shift commander shall be responsible for ensuring the video reviews are conducted and documented. A report containing the dates each officer was reviewed and the supervisor that conducted each review shall be prepared and

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submitted to the Operations Division Secretary, who shall maintain a log of the reviews. Supervisors will have the random review done by the 15th of the following month.

2. Reviews shall occur whenever:
 - a. An officer is involved in a pursuit;
 - b. An officer is involved in a use of force recorded by the system;
 - c. A complaint is lodged against an officer; or
 - d. A supervisor articulates a reason to suspect an officer is involved in activity contrary to the mandates of the General Orders.
3. Video events which may be evidentiary in nature should be reviewed and properly documented.

D. CORRECTIVE ACTION

1. Failure to report any observed or known violations of this policy by any Department employee shall result in corrective action being taken against the employee.
2. Officers found in violation of this policy or who have a sustained racial profiling complaint shall be subject to corrective action which may include: diversity, sensitivity, or other appropriate training, informal counseling, formal counselling, written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police.

E. MANDATED DIGITAL MOBILE VIDEO RECORDER OPERATION

Unless the delivery of emergency police services would be prevented, an officer's personal safety would be jeopardized, or police strategy is being discussed, officers will ensure the operation of the digital mobile video recorder is conducted in accordance with directive 7.36.1.

F. CITATION DATA COLLECTION AND REPORTING

1. Each officer shall be required to collect certain information relating to all traffic stops, and shall record such information on either a citation, warning citation, field interview contact, or a Data Collection Form. In cases where no enforcement action was taken or where a custody arrest was made, it shall be necessary to complete a Data Collection Form to record the information required by the racial profiling statute. In the event that a citation is issued to an individual that is ultimately arrested, the citation will record the necessary data and eliminate the need to complete a Data Collection Form.
2. The officer will document the following on the citation, written warning or Data Collection Form:
 - a. The violator's race or ethnicity;
 - b. Whether a search was conducted;
 - c. Whether the search was consensual;
 - d. Whether the race or ethnicity of driver known prior to stop;

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- e. Whether physical force was used that resulted in bodily injury;
 - f. Location of the stop;
 - g. Reason for the stop; and
 - h. Reason for arrest, if any, resulting from the stop.
3. Any paper citation issued will be forwarded to the Operations Division Secretary for review prior to sending to the court. Administration for E-Citations will be the responsibility of the Traffic Section Supervisor with assistance from the Operations Secretary.
 4. By March of each year, the Department shall submit a written report to the City Council that includes the information gathered from the traffic stops in the preceding calendar year. The report will include: (1) A breakdown of traffic stops by race and ethnicity, (2) The number of traffic stops that resulted in a search and the basis for the searches, (3) The number of searches that resulted in contraband being discovered and, if so, the type of contraband; (4) The number of stops where physical force was used that resulted in bodily injury, and (5) The number of traffic stops that resulted in custodial arrests.
 5. The Crime Analyst shall be responsible for providing a report to the Chief of Police that contains this information. The Office of Professional Responsibility shall be responsible for reviewing this report to identify any improvements that can be made in the practices and policies regarding traffic stops.

G. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

Appendix C

Racial Profiling Laws and Corresponding
Department Policies

Texas CCP Article	TEXARKANA, TEXAS POLICE DEPARTMENT Racial Profiling Policy
2.132(b)1	Section 3
2.132(b)2	Section 2 (C)
2.132(b)3	Section 4 (A)
2.132(b)4	Section 4 (A) (4)
2.132(b)5	Section 4 (D)
2.132(b)6	Section 4 (F)
2.132(b)7	Section 4 (F) (4)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

RESOLUTION NO. 2024 – 013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ACKNOWLEDGING RECEIPT OF THE 2023 POLICE DEPARTMENT RACIAL PROFILING REPORT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Texas requires the Police Department to collect certain statistical data on drivers stopped for traffic violations in the city limits of Texarkana, Texas, through statute found in the Texas Code of Criminal Procedure; and

WHEREAS, the State of Texas requires the collected data to be analyzed and compiled into a report, locally titled as the Texarkana Texas Police Department Racial Profiling Report, to be submitted annually to the Texas Commission on Law Enforcement; and

WHEREAS, the State of Texas requires the final racial profiling report to be submitted to the local governing body by March each year.

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

SECTION 1: The City Council of the City of Texarkana, Texas, acknowledges receipt of the 2023 Police Department Racial Profiling Report titled as **ATTH 01**.

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

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:18 p.m.

Attachment: 2024-013 RES Racial Profiling Rpt. 2023 signed (4165 : 2024-013 RES Racial Profiling Report)



TEXARKANA, TEXAS POLICE DEPARTMENT

2023

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.

Chad R. Trulson, Ph.D.

Justice Research Consultants, LLC



Executive Summary

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that “a comparative analysis of the information compiled under 2.133” be conducted, with specific attention to the below areas:

1. evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

The analysis of material and data from the Texarkana, Texas Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE TEXARKANA, TEXAS POLICE DEPARTMENT’S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

Introduction

This report details an analysis of the Texarkana Police Department's policies, training, and statistical information on racial profiling for the year 2023. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Texarkana Police Department in 2023. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) Texarkana Police Department's policy on racial profiling; (2) Texarkana Police Department's training and education on racial profiling; (3) Texarkana Police Department's complaint process and public education on racial profiling; (4) analysis of Texarkana Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) Texarkana Police Department's compliance with applicable laws on racial profiling.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

Texarkana, Texas Police Department Policy on Racial Profiling

A review of Texarkana, Texas Police Department's "Biased Based Policing and Racial Profiling Policy" contained in Directive 2.01.1 (see Appendix B) revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in the Texarkana, Texas Police Department racial profiling policy. Texarkana, Texas Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling shall be subject to corrective action including diversity, sensitivity, or other appropriate training, informal counseling, formal counseling, written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Texarkana, Texas Police Department regulation.

A COMPREHENSIVE REVIEW OF TEXARKANA, TEXAS POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Texarkana, Texas Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided

by Texarkana, Texas Police Department reveals that racial profiling training and certification is current for all officers in 2023. Racial profiling training is specifically covered in Texarkana, Texas' Biased Based Policing and Racial Profiling Policy Section 4 (B). In addition, all personnel are trained on the department's racial profiling policy on a bi-annual basis.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Texarkana, Texas Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Texarkana, Texas Police Department's Biased Based Policing and Racial Profiling Policy Section 4 (A) covers this requirement. Information regarding how a citizen may file a complaint is available to the public at a variety of locations. In addition, the department has a website with numbers available for contacting the agency with concerns (<http://ci.texarkana.tx.us/393/Police-Department/>). Additionally, each printed citation includes instructions on how to file a complaint and/or compliment on an officer following an interaction.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

Texarkana, Texas Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Texarkana Police Department submitted statistical information on all motor vehicle stops in 2023 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

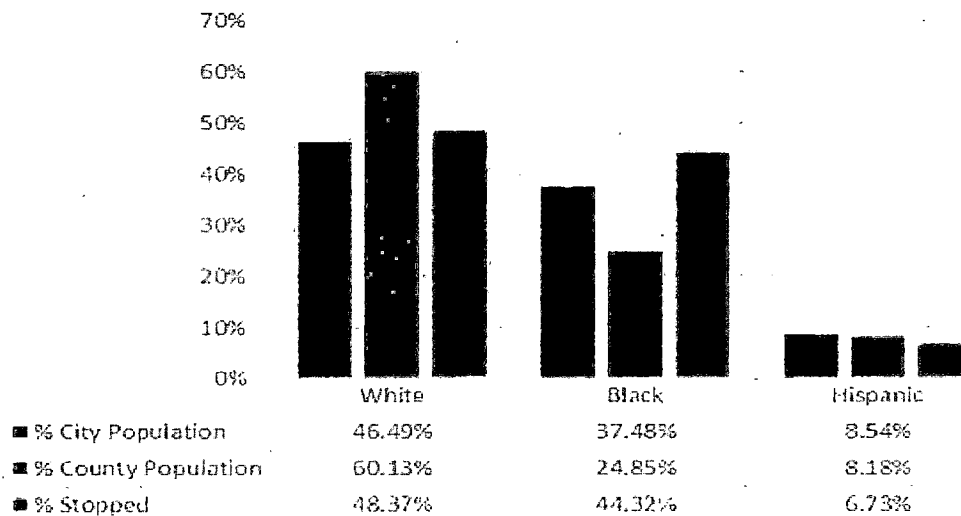
Analysis of the Data

Comparative Analysis #1:

Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)

The first chart depicts the percentages of people stopped by race/ethnicity among the total 12,892 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2023.¹

Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks



White drivers constituted 48.37 percent of all drivers stopped, whereas Whites constitute 46.49 percent of the city population and 60.13 percent of the county population.²

Black drivers constituted 44.32 percent of all drivers stopped, whereas Blacks constitute 37.48 percent of the city population and 24.85 percent of the county population.

Hispanic drivers constituted 6.73 percent of all drivers stopped, whereas Hispanics constitute 8.54 percent of the city population and 8.18 percent of the county population.

The chart shows that White drivers are stopped at rates slightly higher than the percentage of Whites found in the city population and lower than the percentage of Whites found in the county population. Black drivers are stopped at rates higher than the percentage of Blacks found in the city and county populations. Hispanic drivers are stopped at rates slightly lower than the percentage of Hispanics found in the city and county populations.

¹ Due to a small number of stops relative to the population of Texarkana and the total number of motor vehicle stops among all drivers (12,892), information contained in the first chart excludes information pertaining to 49 stops of motorists of Asian/Pacific Islander descent and 26 stops of motorists of Alaska Native/American Indian descent.

² City and County populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. City and County populations by gender noted later in this report are based on 2019 American Community Survey estimates.

Methodological Issues

Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists. This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has racially profiled any individual motorist based on the rate at which a department stops any given group of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2020 Census as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are

not residents of the city or county where the motor vehicle stop occurred are not included in the benchmark base-rate.

Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 3 near the end of this report, of the 12,892 motor vehicle stops in 2023, the officer knew the race/ethnicity of the motorist prior to the stop in 14.5% of the stops (1,867/12,892). An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.³ The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.”

Most of the time, Texarkana PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Texarkana Police Department in 2023. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any

³ Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)

As shown in Table 1, there were a total of 12,892 motor vehicle stops in 2023 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 8 percent of stops resulted in a verbal warning (1,068/12,892), roughly 54 percent of stops resulted in a written warning, and roughly 36 percent resulted in a citation. These actions accounted for roughly 98 percent of all stop actions and will be the focus of the below discussion.

Specific to **verbal warnings**, White motorists received a verbal warning in 8 percent of stops involving White motorists (499/6,236). Black motorists received a verbal warning in roughly 8 percent of stops involving Black motorists. Hispanic motorists received a verbal warning in roughly 10 percent of stops involving Hispanic motorists.

Specific to **written warnings**, White motorists received a written warning in roughly 58 percent of stops involving White motorists (3,589/6,236), Black motorists received a written warning in roughly 52 percent of stops of Black motorists, and Hispanic motorists received a written warning in roughly 44 percent of stops of Hispanic motorists.

White motorists received a **citation** in roughly 33 percent of stops involving White motorists (2,065/6,236), Black motorists received a citation in roughly 37 percent of stops of Black motorists, and Hispanic motorists received a citation in roughly 45 percent of stops of Hispanic motorists.

As illustrated in Table 1, of the 12,892 total stops, 287 **arrests** [written warning and arrest (85), citation and arrest (102) and sole arrests (100)] were made in 2023, and this accounts for 2.2 percent of all stops. White motorists were arrested in roughly 1 percent of stops involving White motorists (83/6,236), Black motorists were arrested in roughly 3 percent of stops involving Black motorists, and Hispanic motorists were arrested in roughly 1 percent of stops involving Hispanic motorists.

Overall, arrests were most commonly based on an **outstanding warrant** (59.2%; 170/287) or a **violation of the penal code** (38.7%; 111/287) as illustrated in Table 1.

Finally, as presented in Table 1, **physical force resulting in bodily injury** did not occur in 2023. Of the 12,892 motor vehicle stops in 2023, none involved physical force resulting in bodily injury.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	6,236	5,714	867	49	26	12,892
Female	2,886	2,641	235	17	5	5,784
Male	3,350	3,073	632	32	21	7,108
Violation of Law	877	841	113	3	1	1,835
Preexisting Knowledge	63	44	11	0	1	119
Moving Traffic Violation	3,966	2,905	485	36	19	7,411
Vehicle Traffic Violation	1,330	1,924	258	10	5	3,527
Verbal Warning	499	474	85	6	4	1,068
Written Warning	3,589	2,944	383	26	13	6,955
Citation	2,065	2,103	389	16	9	4,582
Written Warning and Arrest	31	51	2	1	0	85
Citation and Arrest	25	73	4	0	0	102
Arrest	27	69	4	0	0	100
Violation of Penal Code	33	70	7	1	0	111
Violation of Traffic Law	2	1	0	0	0	3
Violation of City Ordinance	1	2	0	0	0	3
Outstanding Warrant	47	120	3	0	0	170
No	6,236	5,714	867	49	26	12,892
Yes	0	0	0	0	0	0

Comparative Analysis #3:

Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)

In 2023, a total of 556 **searches** of motorists were conducted, or roughly 4 percent of all stops resulted in a search (556/12,892). Among searches within each racial/ethnic group, White motorists were searched in roughly 2 percent of all stops of White motorists (149/6,236), Black motorists were searched in roughly 7 percent of all stops of Black motorists, and Hispanic motorists were searched in roughly 3 percent of all stops of Hispanic motorists.

As illustrated in Table 2, the most common reasons for a search were searches based on probable cause (40.1%; 223/556) and searches based on consent (37.1%; 206/556). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 38 percent of all searches of White motorists (56/149), Black motorists were searched based on probable cause in roughly 41 percent of all searches of Black motorists, and Hispanic motorists were searched based on probable cause in 39 percent of all searches of Hispanic motorists (9 probable cause searches out of a total 23 searches of Hispanic motorists).

Consent searches are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (12,892), discretionary consent searches occurred in 1.6 percent of stops (206 total consent searches). Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in roughly 39 percent of all searches of White motorists (58/149), Black motorists were searched based on consent in roughly 36 percent of all searches of Black motorists, and Hispanic motorists were searched based on consent in roughly 35 percent of all searches of Hispanic motorists (8 consent searches out of a total 23 searches of Hispanic motorists).

Of the searches that occurred in 2023, and as shown in Table 2, **contraband was discovered** in 264 or roughly 47 percent of all searches (264/556 total searches). Overwhelmingly, the contraband discovered in searches was drugs; 87.1% of the contraband discovered (230/264 contraband discoveries). Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested roughly 42 percent of the time (111/264 contraband discoveries).

Table 2: Searches and Outcomes by Race/Ethnicity

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Search Results						
Yes	149	381	23	3	0	556
No	6,087	5,333	844	46	26	12,336
Stop and Frisk						
Consent	58	138	8	2	0	206
Contraband in Plain View	1	17	0	0	0	18
Probable Cause	56	157	9	1	0	223
Inventory	16	26	2	0	0	44
Incident to Arrest	18	43	4	0	0	65
Vehicle Searches						
Yes	69	185	9	1	0	264
No	80	196	14	2	0	292
Search Results						
Drugs	63	161	5	1	0	230
Weapons	0	4	0	0	0	4
Currency	0	0	0	0	0	0
Alcohol	4	15	4	0	0	23
Stolen Property	0	1	0	0	0	1
Other	2	4	0	0	0	6
Search Results						
Yes	32	74	4	1	0	111
No	37	111	5	0	0	153

Comparative Analysis #4:

Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)

In 2023, internal records indicate that the Texarkana Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling.

Additional Analysis:

Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area. This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2023, 12,892 motor vehicle stops were made by the Texarkana Police Department. Of these stops, 5,784 or roughly 45 percent were female drivers (5,784/12,892), and roughly 55 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Texarkana was composed of 51.7 percent females and 48.3 percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the county population and males accounted for 49.3 percent of the county population.

Overall, in 2023, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Table 3 below provides additional information relative to motor vehicle stops in 2023 by the Texarkana Police Department. The data are required to be collected by the Texarkana Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Texarkana Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling in 2023. Furthermore, as previously discussed, of the 12,892 motor vehicle stops in 2023, the officer knew the race/ethnicity of the motorist prior to the stop in 14.5% of the stops (1,867/12,892).

Table 3: Additional Information

Additional Information	Total
Yes	1,867
No	11,025
City Street	9,540
US Highway	2,016
County Road	23
State Highway	1,081
Private Property/Other	232
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	0

Analysis of Racial Profiling Compliance by Texarkana, Texas Police Department

The foregoing analysis shows that the Texarkana, Texas Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Texarkana, Texas Police Department in 2023, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Texarkana, Texas Police Department as well as police agencies across Texas.

Appendix A

Racial Profiling Statutes and Laws

Attachment: 2024-013 RES Racial Profiling Rpt. 2023 signed (4165 : 2024-013 RES Racial Profiling Report)

Texas Racial Profiling Statutes

Art. 3.05. RACIAL PROFILING.

In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means the following categories:

- (A) Alaska native or American Indian;
- (B) Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search;
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 - (E) the location of the stop; and
 - (F) the reason for the stop; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Texas Commission on Law Enforcement; and
 - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

- (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
 - (A) the person's gender; and
 - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
- (2) the initial reason for the stop;
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- (5) the reason for the search, including whether:
 - (A) any contraband or other evidence was in plain view;
 - (B) any probable cause or reasonable suspicion existed to perform the search; or
 - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
- (7) the street address or approximate location of the stop;
- (8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

- (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
- (B) examine the disposition of motor vehicle stops made by officers employed by the agency,

categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

Art. 2.136. LIABILITY.

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

Art. 2.138. RULES.

The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.1385. CIVIL PENALTY.

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

Appendix B

Texarkana, Texas Police Department Biased Based Policing and Racial Profiling Policy

Attachment: 2024-013 RES Racial Profiling Rpt. 2023 signed (4165 : 2024-013 RES Racial Profiling Report)

**TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Effective Date February 1, 2008		Amended Date September 1, 2017	Directive 2.01.1
Subject Biased Based Policing and Racial Profiling			
Reference Code of Criminal Procedure 2.131 – 2.135			
Distribution All Personnel City Manager City Attorney	TPCA Best Practices Recognition Program Reference 2.01.1 Biased Based Profiling	Review Date August 1, 2019	Pages 6

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to reaffirm the Department's commitment to unbiased policing in all of its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictate of departmental policy and the law.

SECTION 2 POLICY

- A. It is the policy of the Department to protect the constitutional rights of all persons. Allegations of racial profiling or discriminatory practices, real or perceived, are detrimental to the relationship between police and the communities they protect and serve because they strike at the basic foundation of public trust. This trust is essential to effective community-based policing. Racial profiling is considered misuse of valuable police resources; such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability for the officer and the department. This Department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial profiling by its officers. While recognizing that most officers perform their duties in a professional, ethical, and impartial manner, this Department is committed to identifying and eliminating any instances of racial profiling.
- B. It is the policy of the Department to:
 1. Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
 2. Assure the highest standard of integrity and ethics among all our members;
 3. Respect the diversity and the lawful cultural practices of all people;
 4. Take positive steps to identify, prevent, and eliminate any instances of racial profiling by our members; and
 5. Continue our commitment to community based policing and problem solving, including vigorous, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.

**TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Directive 2.01.1	Subject Biased Based Policing and Racial Profiling
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- C. It is the policy of the Department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner without regard to an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.
- D. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. The Department will honor the right of all persons to be treated equally and to be free from unreasonable searches and seizures.

SECTION 3 DEFINITIONS

Racial Profiling is defined as a law enforcement-initiated action based on an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Examples of racial profiling include, but are not limited to, the following:

- a. Citing a driver because of the cited driver's race, ethnicity, or national origin, or
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.

Gender Profiling is defined as a law enforcement-initiated action based on an individual's gender rather than on the individual's behavior or involvement in criminal activity.

Race or Ethnicity is defined as a particular descent and includes the following categories:

- a. Alaska native or American Indian;
- b. Asian or Pacific Islander
- c. Black
- d. White
- e. Hispanic or Latino.

Pedestrian Stop is defined as an interaction between a peace officer and an individual traveling on foot who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop is defined as a vehicle stop where a peace officer stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

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Subject
Biased Based Policing and Racial Profiling

Probable Cause is defined as more than bare suspicion; it exists when the facts and circumstances within the officer's knowledge and of which they have reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.

Reasonable Suspicion is defined as specific, articulable facts leading a reasonable police officer to believe a crime might be occurring. Reasonable suspicion is less than probable cause, but more than a mere hunch. Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence.

Search is an examination or exploration of an individual's house, premises, vehicle or person to discover stolen property, contraband or other items that may be evidence of a crime.

Search incident to arrest is a full search of an arrested person and of the vicinity around him or her. The search is conducted for officer safety and to prevent the destruction of evidence.

Consent search is a search permitted by a person with apparent authority to allow the search. To be valid, consent must be voluntary and intelligent, based on a totality of circumstances. Voluntary means that the consent was not forced or coerced. Intelligent means the person giving consent must know what he or she is doing.

Frisk is defined as a limited search or patting down of a suspect's outer clothing for the purpose of officer safety. A frisk must be based on reasonable suspicion that the suspect is armed with a deadly weapon, and that if he is not searched and disarmed, harm will come to the officer or another person. A limited search or frisk of an automobile after a valid stop is permissible if the officer has reasonable suspicion the suspect is dangerous and might gain immediate control of a weapon. The search is limited to the areas in which a weapon may be placed or hidden.

Inventory is an administrative process by which items of property in an impounded vehicle are listed and secured. An inventory is not a search and should not be used as a substitute for a search. The specific objectives of an inventory are to protect the property of the defendant, to protect the police against any claim of lost property, and to protect police personnel and others from any dangerous instruments.

SECTION 4 PROCEDURES

A. COMPLAINTS

1. Any person may file a complaint with the Department if they believe they have been stopped or searched on the basis of their race, ethnicity, national origin, or gender. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. A complaint from a citizen regarding racial profiling may be made to any Department supervisor or, if available, to the Office of Professional Responsibility. All complaints received shall be forwarded in writing through the chain of command to the Office of the Chief of Police.
3. In addition to the written complaint, the supervisor receiving the complaint shall obtain the video recording from the officer's vehicle and cause a copy to be made onto a recordable CD or DVD disc. The supervisor shall label the video disc, indicating the unit number and date and time the disc was made. The copy of the video recording will be forwarded through the chain of command to the Office of the Chief of Police. A copy of video of all incidents in which racial or gender profiling is alleged shall be retained with the investigative file. A copy of the video shall be

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supplied to the officer within five days of the date of the complaint. The Office of Professional Responsibility shall supply the video to the officer prior to taking any statements from the officer.

4. The Department shall provide education to the public concerning the complaint process. Written information regarding how a citizen may file a complaint or issue a commendation for an officer shall be made available to the public at a variety of locations, including public meetings, Central Records and Communications, City Hall, and the Police Department's office at the Bi-State Justice Building. This information shall also be available on the Department's Internet site.

B. RACIAL PROFILING TRAINING

1. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
2. All officers shall complete a TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. At the discretion of the Chief of Police, additional diversity and sensitivity training may be required for officers with sustained racial profiling or other discrimination complaints filed against them.
3. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
4. Supervisors shall conduct periodic roll call training regarding racial profiling issues, including implementation and enforcement of this policy.

C. INTERNAL MONITORING

1. Random Reviews:

As mandated in Directive 7.36.1 Digital Mobile Video/Audio Recording Equipment, Field Supervisors shall conduct reviews of the video files recorded by officers under their supervision to:

- a. Assess performance and safety practices;
- b. Ensure compliance with departmental policy;
- c. Ensure proper use of DMVR equipment; and,
- d. Identify appropriate training video.

Supervisors shall conduct a review of video files randomly each month, ensuring that each officer is reviewed at least twice during each month. Supervisors will review one traffic stop and one other video of their choosing of each officer. As part of the review, supervisors will document the number of videos created by each officer. Each shift commander shall be responsible for ensuring the video reviews are conducted and documented. A report containing the dates each officer was reviewed and the supervisor that conducted each review shall be prepared and

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submitted to the Operations Division Secretary, who shall maintain a log of the reviews. Supervisors will have the random review done by the 15th of the following month.

2. Reviews shall occur whenever:
 - a. An officer is involved in a pursuit;
 - b. An officer is involved in a use of force recorded by the system;
 - c. A complaint is lodged against an officer; or
 - d. A supervisor articulates a reason to suspect an officer is involved in activity contrary to the mandates of the General Orders.
3. Video events which may be evidentiary in nature should be reviewed and properly documented.

D. CORRECTIVE ACTION

1. Failure to report any observed or known violations of this policy by any Department employee shall result in corrective action being taken against the employee.
2. Officers found in violation of this policy or who have a sustained racial profiling complaint shall be subject to corrective action which may include: diversity, sensitivity, or other appropriate training, informal counseling, formal counselling, written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police.

E. MANDATED DIGITAL MOBILE VIDEO RECORDER OPERATION

Unless the delivery of emergency police services would be prevented, an officer's personal safety would be jeopardized, or police strategy is being discussed, officers will ensure the operation of the digital mobile video recorder is conducted in accordance with directive 7.36.1.

F. CITATION DATA COLLECTION AND REPORTING

1. Each officer shall be required to collect certain information relating to all traffic stops, and shall record such information on either a citation, warning citation, field interview contact, or a Data Collection Form. In cases where no enforcement action was taken or where a custody arrest was made, it shall be necessary to complete a Data Collection Form to record the information required by the racial profiling statute. In the event that a citation is issued to an individual that is ultimately arrested, the citation will record the necessary data and eliminate the need to complete a Data Collection Form.
2. The officer will document the following on the citation, written warning or Data Collection Form:
 - a. The violator's race or ethnicity;
 - b. Whether a search was conducted;
 - c. Whether the search was consensual;
 - d. Whether the race or ethnicity of driver known prior to stop;

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- e. Whether physical force was used that resulted in bodily injury;
 - f. Location of the stop;
 - g. Reason for the stop; and
 - h. Reason for arrest, if any, resulting from the stop.
3. Any paper citation issued will be forwarded to the Operations Division Secretary for review prior to sending to the court. Administration for E-Citations will be the responsibility of the Traffic Section Supervisor with assistance from the Operations Secretary.
 4. By March of each year, the Department shall submit a written report to the City Council that includes the information gathered from the traffic stops in the preceding calendar year. The report will include: (1) A breakdown of traffic stops by race and ethnicity, (2) The number of traffic stops that resulted in a search and the basis for the searches, (3) The number of searches that resulted in contraband being discovered and, if so, the type of contraband; (4) The number of stops where physical force was used that resulted in bodily injury, and (5) The number of traffic stops that resulted in custodial arrests.
 5. The Crime Analyst shall be responsible for providing a report to the Chief of Police that contains this information. The Office of Professional Responsibility shall be responsible for reviewing this report to identify any improvements that can be made in the practices and policies regarding traffic stops.
- G. RESPONSIBILITY**
1. All members of the Department shall know and comply with all aspects of this directive.
 2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

Appendix C

Racial Profiling Laws and Corresponding Department Policies

Texas CCP Article	TEXARKANA, TEXAS POLICE DEPARTMENT Racial Profiling Policy
2.132(b)1	Section 3
2.132(b)2	Section 2 (C)
2.132(b)3	Section 4 (A)
2.132(b)4	Section 4 (A) (4)
2.132(b)5	Section 4 (D)
2.132(b)6	Section 4 (F)
2.132(b)7	Section 4 (F) (4)

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/19/2024 9:15 AM

Lead Department: Planning and Community Development **Action Officer:** Vashil Fernandez, PCD Director
Subject: Joint Resolution No. 2024-014, with the Board of Directors of the City of Texarkana, Arkansas, supporting the fiscal year 2024 RAISE grant application for State Line corridor improvements.

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

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The U.S. Department of Transportation released a Notice of Funding Opportunity in November 2023 for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program under the Bipartisan Infrastructure Law for Fiscal Year 2024.

This provides a unique opportunity for the DOT to invest in road, rail, transit and port projects that promise to achieve national objectives. The eligibility requirements of RAISE allow project sponsors at the State and local levels to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional DOT programs.

Rural areas (population of less than 200,000) can apply for up to \$25,000,000 with no match requirements.

Potential Options:

- Approve
- Deny

Fiscal Implications:

The total project Estimate: \$52,339,784.65

Grant request: an amount not to exceed \$17,000,000.

A portion estimated total will be covered by the MPO, as well as TxDOT and ARDOT.

Staff Recommendation:

Staff Recommends for approval

City of Texarkana, Texas

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2024-014 JT. RES Supporting MPO FY 2024 RAISE Grant Application (DOCX)
- b. 2024-014 ATTH 01 2024 RAISE Grant draft_Texarkana (DOCX)
- c. 2024-014 ATTH 02 Joint City Letter of Support (DOCX)
- d. 2024-014 Goals & Perspectives (DOCX)
- e. 2024-014 RES Jt. RAISE grant State Line signed (PDF)

Staff Coordination

Planning and Community Development	Vashil Fernandez	Department Head Review
Completed	01/18/2024 4:31 PM	
City Manager	David Orr	City Manager Review Completed
10:41 AM		01/19/2024
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		01/22/2024

Meeting History

Texarkana, Texas: Resolution No. 2024-014

Texarkana, Arkansas: Resolution No. _____

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND BOARD OF DIRECTORS OF THE CITY OF TEXARKANA, ARKANSAS, SUPPORTING THE FISCAL YEAR 2024 RAISE GRANT APPLICATION FOR THE STATE LINE CORRIDOR IMPROVEMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the U.S. Department of Transportation's Notice of Funding Opportunity for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program is open; and

WHEREAS, the Metropolitan Planning Organization is applying for the RASIE grant maximum request allowed; and

WHEREAS, the two cities and the Metropolitan Planning Organization have a shared interest; and

WHEREAS, this project demonstrates a valuable contribution to both cities continuing efforts towards building and maintaining pedestrian, bicycle, transit amenities in our community, and improving the gateway of Texarkana, USA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF THE CITY OF TEXARKANA, ARKANSAS:

SECTION 1: That the City Council of the City of Texarkana, Texas, and the Board of Directors of the City of Texarkana, Arkansas, hereby approve the support of the Texarkana Metropolitan Planning Organization 2024 RAISE Grant Application for State Line Corridor Improvements.

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

Texarkana, Texas: PASSED AND APPROVED in Regular Council Session this 22nd day of January, 2024.

Texarkana, Arkansas: PASSED AND APPROVED on this the _____ day of _____, 2024.

TEXARKANA, TEXAS:

Bob Bruggeman, Mayor

ATTEST:

Jennifer Evans, City Secretary

APPROVED:

Jeffery C. Lewis, City Attorney

TEXARKANA, ARKANSAS:

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

Joshua L. Potter, City Attorney

FY 2023 RAISE



A Unique Undertaking - State Line Avenue Cultural Corridor

Transportation Discretionary Grant Proposal

Presented to: The United States Department of Transportation

Presented by: Lead Organization - Texarkana Metropolitan Planning Organization

Representing - Texarkana, USA Metropolitan Area in Texas, and Arkansas

Partner Organizations: City of Texarkana, Arkansas, City of Texarkana, Texas, Southwest Arkansas Planning & Development District (SWAPDD), Texas Department of Transportation (TXDOT) and the Arkansas Department of Transportation (ARDOT).

Total Project: **\$52,339,784.65**

Request: **\$16,987,165.65**

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I. Project Description (See D.2.i)

A unique undertaking, State Line Avenue Cultural Corridor sets a bold vision for future growth of the twin city corridor located in Texarkana, USA on the Texas, and Arkansas border. Originally established as a railroad and industrial center, Texarkana, USA has grown into a regional agriculture, retail, transportation, and wholesale service center. This corridor is also considered part of the Strategic Highway Network (STRAHNET) being a non-interstate road available for use by the military¹.

Texarkana recognizes the need to create a cohesive vision to guide the future growth of the corridor shared by Texas and Arkansas. As a result, the community recently completed a nine-month long State line Avenue Corridor that utilized the public's input to discuss future objectives and to identify existing key corridor conditions and issues. From over 500 residents and public comments received, the final plan presents two preferred alternatives for the future design of the corridor that this application seeks funding for.

As a part of the planning process, it was noted that State Line Avenue is currently a major safety hazard for all users with 1474 crashes in 2022 alone, including 29 seriously injured and 6 fatalities. The road is in desperate need of repair not only to mitigate safety issues but also to tackle the eyesore the avenue has become with a lack of oversight (See **Appendix 2** for photographs of the current state).

From an economic standpoint, State Line Avenue falls within an opportunity zone due to the demographics of the avenue, allowing for favorable circumstances for growth to aid local people. Over the past five years, over \$75 million in private investment has occurred along the corridor and in the downtown area. However, a full scale renovation is needed to reinstate State line Avenue as a prime corridor of Texarkana, one that is safe, eco-friendly, economically vital, and able to display the uniqueness of its bi-state status. State Line Avenue is part of rural area and is also an Area of Persistent Poverty and half the project is in a Historically Disadvantage area.

The project will rehabilitate a 3.25-mile major artery and create a cultural district along State Line Avenue (US 71, US 59) connecting IH 30 with Union Train Station/Amtrak in downtown Texarkana, USA. The project is a working expression of the community through improved culturally relevant transportation infrastructure for pedestrians and bicyclists while serving automobiles and trucking with a better connection to the heart of downtown. The application of complete streets will greatly improve the safety of all transportation users on State Line Avenue while providing a more welcoming environment for tourists and community use of the space. The Safe Street and Sidewalks Improvement Project is a top priority for Texarkana. Locally, the project will help the city revitalize a critical economic corridor and improve citizen safety. The project complements efforts to focus investment and increase opportunities for commercial and residential growth. Use of Smart Growth principles to design and reconstruct these corridors will support those efforts. Complete Streets that increase connectivity, provide multi-modal transportation options, with aesthetically pleasing streetscapes are part of the City's Smart Growth

¹ The Strategic Highway Network (STRAHNET) is a system of roads for emergency mobilization and movement of heavy armor, fuel, ammunition, repair parts, food, and other commodities to support U.S. military operations.
https://www.sddc.army.mil/sites/TEA/Functions/SpecialAssistant/STRAHNET/_STRAHNET%20101.pdf

plan. Improving traffic flow and pedestrian access within the community increases connectivity to the downtown area and educational facilities.

President Biden's new American Jobs Plan has placed an emphasis on using federal transportation investment as a tool to help further improve local Safe Streets programs "to reduce crashes and fatalities, especially for cyclists and pedestrians. Texarkana MPO proposed transportation project will repair a broken transportation network, stimulate economic development, help residents improve the quality of their lives, and create pathways to expand the region's middle class. RAISE investment will produce a variety of desired outcomes in Texarkana including:

- *Increased Transportation Choices*: RAISE funding will enable Texarkana to reduce vehicle miles traveled (VMT) and increase the number of commuters who bike or walk to work, shop and play.
- *Safer Streets, Sidewalks and Bike Trails*: Essential repairs to streets and the addition of sidewalks and a bike path will help reduce crashes, making Texarkana a safer place to live and visit.
- *Improved Connectivity*: Linking the areas of persistent poverty into the existing public amenities.
- *Improved Access*: Improvements provide pedestrian access to jobs, grocery stores, wellness facilities, and financial institutions.
- *Small Town Resurgence*: RAISE funding supports small town America where infrastructure investment has been lacking. Funding would not only improve transportation but would also create the opportunity to upgrade the utility, broadband and water infrastructure during construction.
- *Improved Environment*: Investments in multi-modal transportation and streetscape improvements will help reduce carbon emissions, improve air quality, decrease stormwater runoff, and generate significant other environmental benefits.
- *Healthier Community*: Providing opportunities for increased walking and biking, as well and reducing environmental pollution, will help Texarkana become healthier.
- *Economic Growth*: RAISE investment will help spur economic growth and create jobs within the corridor and extend further into our Downtown. The project will improve the economic competitiveness of existing business and industry. A more efficient and attractive corridor will accelerate filling retail vacancies and developing vacant property. Enhanced curb appeal to the community's main entrance off I-30 will draw more tourism and provide a sense of place for the community. Multi-modal improvements will encourage residential development in areas adjacent to the corridor allowing residents greater freedom of movement.

Enhancements resulting from the project include increased pedestrian mobility, intersection treatments, roadway/pedestrian lighting, bicycle access, traffic management improvements, innovative stormwater management, redeveloped land uses, and the creation of the State Line Avenue Cultural Corridor, which is an overlay district spanning Arkansas and Texas.

State Line Avenue is a unique corridor that serves as the boundary between Texas and Arkansas and the primary roadway for drivers traveling from IH 30 to downtown Texarkana. The roadway is five lanes with a center turn lane and discontinuous sidewalks. The project consists of the rehabilitation of existing State Line Avenue from W 52nd (TX) and E 49th (Ark) Street, at the IH 30 intersection, to Front Street, approximately 3.25 miles.

RAISE Grant Application Narrative

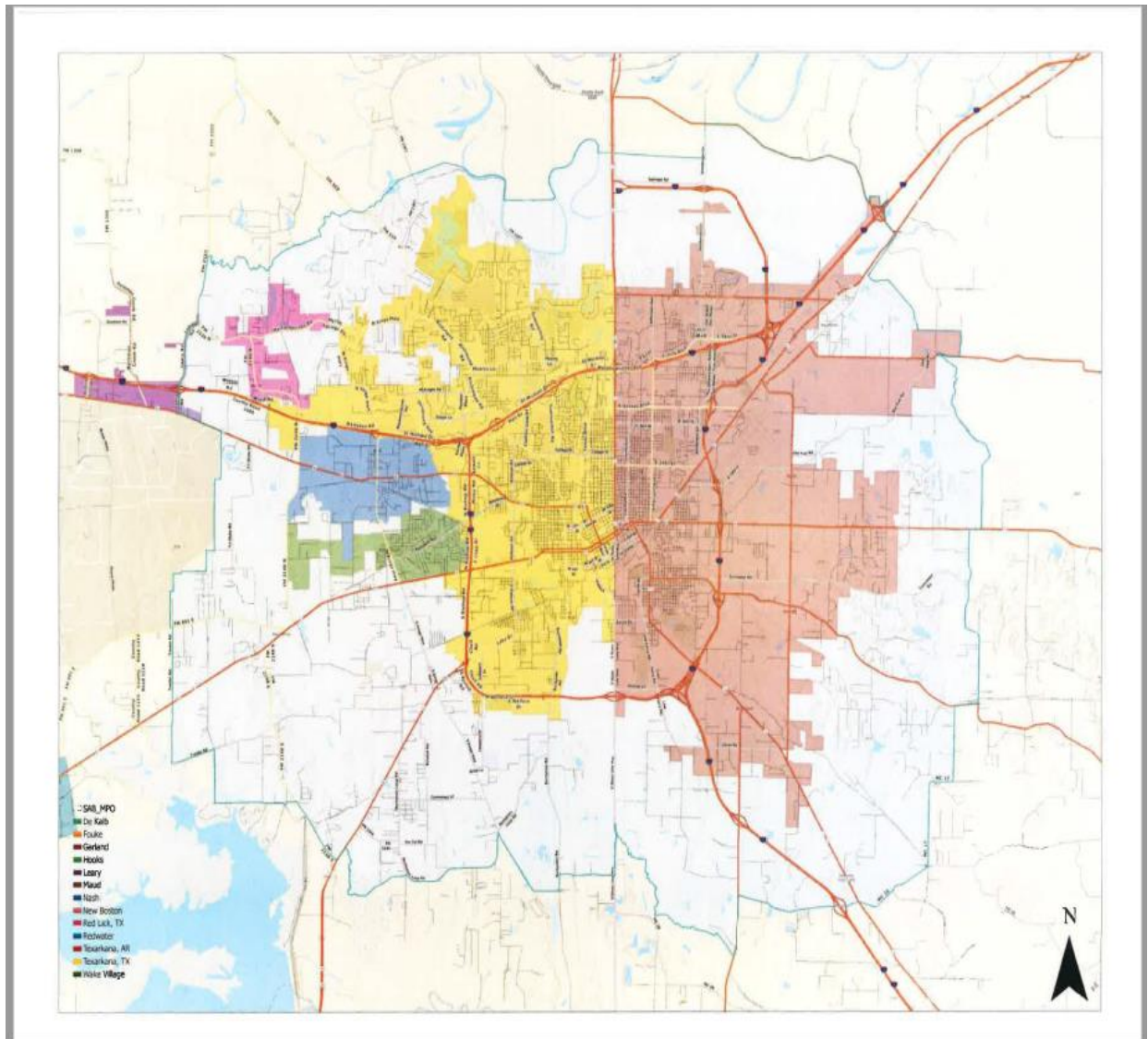
The Texarkana Metropolitan Planning Organization (MPO) plans to coordinate the State Line Avenue: Placemaking in Two States project which is estimated at forty-seven million dollars. Texarkana MPO requests consideration of \$16,987,165.65 and we will provide local funding of over 1,800,000 and state funds through other non-federal sources for over \$33,000,000 (which includes an additional \$6,505,119 for Texas Department of Transportation, since the last application). This constitutes a program of projects that will run concurrently, are essential for maximizing benefits for Texarkana, USA, and represent the intentions of Texarkana residents, businesses, and organizations in the community and surrounding neighborhoods.

Eligibility Applicants

The Texarkana MPO, the City of Texarkana, Arkansas and the City of Texarkana, Texas are eligible applicants as the area's MPO and two local governments, (Figure 1). Texarkana MPO is the lead applicant and the City of Texarkana; Texas will take primary responsibility for implementing the RAISE portion of this project. Texarkana's MPO office provides the ideal intermediary between the multiple jurisdictions represented along the State Line Avenue Corridor, coordinating transportation planning and projects along with the Departments of Transportation in Arkansas and Texas.

Environmental Review and Administrative tasks will be completed by the specified date, with all RAISE funds expended by September 30, 2031 as required. No TIGER/BUILD grants have been awarded in this Rural Area yet.

RAISE Grant Application Narrative

Figure 1: Texarkana Urbanized Area Overview Map

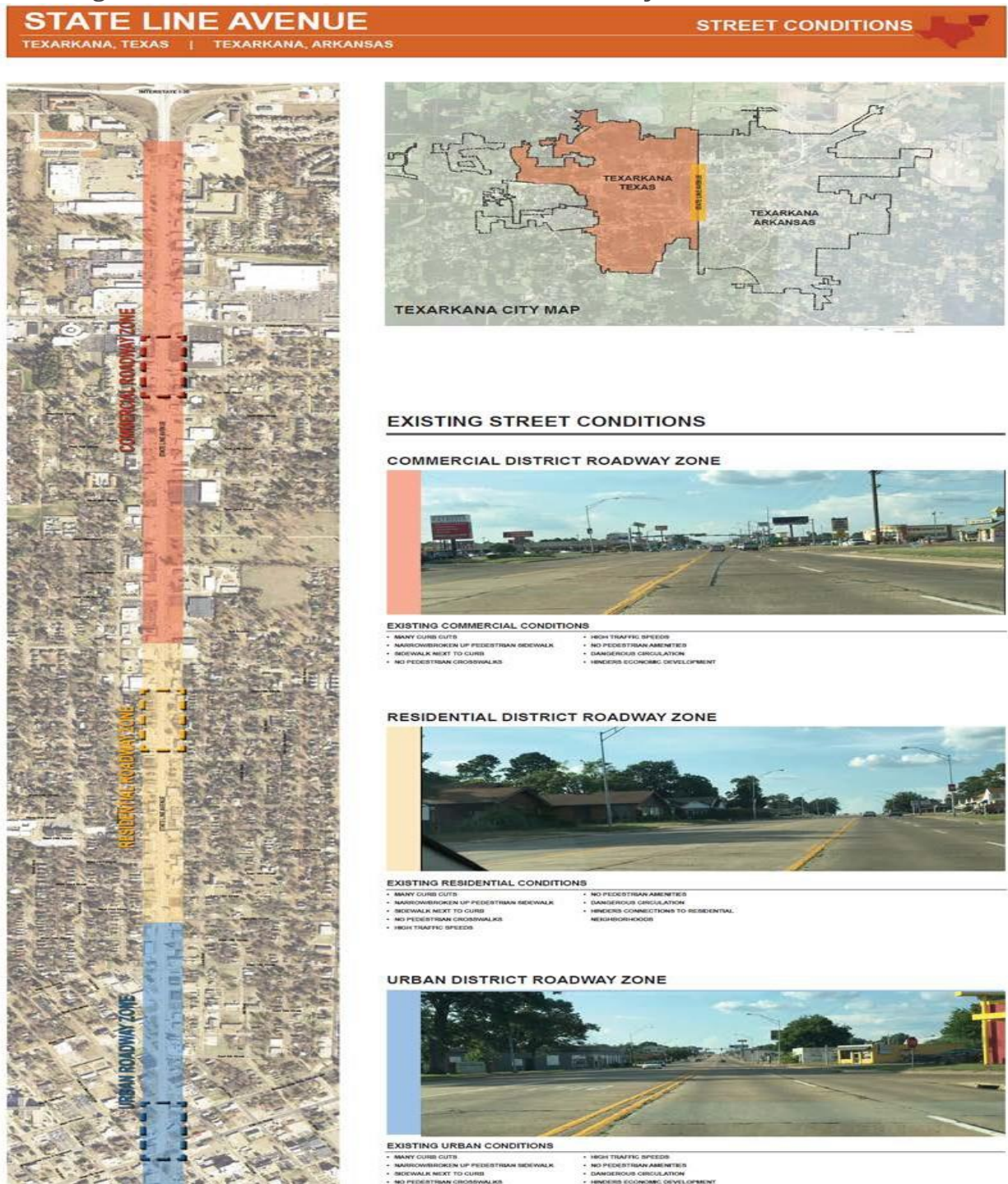
II. Project Location (See D.2.ii)

Figure 2: Texarkana



Texarkana is unique as a 2 Cities, in 2 States historic core. Founded in 1873 at the junction of two railroads. The name is a composite of Texas, Arkansas, and Louisiana. With our unique location, Texarkana is within an hour's drive of four states and serves as the hub for many communities for shopping and entertainment.

RAISE Grant Application Narrative

Figure 3: State Line Avenue Cultural Corridor Project Location and Overview

The proposed project includes an approximate 3.25-mile section of the State Line Avenue Corridor (US 71/US 59) in Texarkana, Texas and Texarkana, Arkansas from just south of the access interchange with IH 30 to Front Street, South of the United States Post Office and Federal Building. State Line Avenue terminates at the historic Union Train Station, connecting the entire project to

the Amtrak station in Texarkana. See Appendix 2 for full maps.

Area boundaries. Those parcels which face State Line Avenue within from 3.25 mile from the south side of IH 30 to the Front Street Intersection, shown in the attached State Line Avenue Site Map with Zoning Districts.

From W 52nd (TX) and E 49th (Ark) Street to College Dr, State Line Avenue would be replaced with 4-12 ft lanes, 2- 13.5 ft lanes, 1- 14 ft turn lane, curb and gutter. An 8 ft multi-use path would parallel the curb on either side with a 5 ft buffer where possible. All wet utilities, storm drains, and lighting would be replaced and upgraded. All standards would follow TxDOT and ARDOT.

From TX/AR Blvd's to 7th street State Line Avenue would be replaced with 2-11 ft lanes, 2- 12.5 ft lanes, 1- 12 ft turn lane, curb and gutter. An 8 ft multi-use path would parallel the curb on either side with a 5 ft amenity zone where possible. All wet utilities, storm drain, and lighting would be replaced and upgraded. All standards would follow TxDOT and ARDOT.

Please see Appendix 2 for images with further details.

Each section will also include improvements to public transportation facilities (T-Line bus stops) to help reduce single passenger travel, cultural crossing experience, green space, street banners and gateway features. Each section will have frontage space that varies. Various businesses are currently being contacted to reduce the number of driveways to their businesses to help improve safety.

Connections to Other Transportation Infrastructure.

State Line Avenue constitutes a central roadway connecting motorists and mass transit riders along the East-West IH 30 with North-South ridership of US 71 and US 59. T-Line, Texarkana's public transit system, maintains stops along State Line Avenue and runs parallel to Texas Blvd where the T-line station is located. Bike share bicycles are available on the south end of the street for public use at the Federal Courthouse and the Texarkana Museum in the Urban District. Additionally, this roadway connects to US Highways 82, 67, and 59 via 7th Street. North State Line Avenue terminates at Union Train Station/Amtrak.

Challenges – Why Now?

Challenges of State line Avenue



Lack of Sidewalks: Limited sidewalks provide pedestrian challenges; one side of State Line received sidewalk, while the other only has sidewalks in one area. The current right-of-way is occupied by shoulder, open drainage ditches, expansive parking lots, and undefined access points. These unsafe conditions make it extremely difficult for any pedestrian movements within the corridor.

No Bicycle Accommodations: Non-existent bicycle paths limit cyclists to traffic lanes or shoulders. Accommodation of bicycles along the corridor will allow for access to adjacent trail systems

Unsafe Intersections: Poor sight distances and no cross walk at intersections have resulted in traffic crashes and many close calls.

Unappealing Streetscape: State Line Avenue lacks uniformity. The existing streetscape and lack of pedestrian features discourages people from walking through the area and works against the community's goal of growth in the vital commercial corridor. An attractive streetscape and safe travel environment will encourage further economic activity.

Stormwater Runoff: State Line Avenue does not handle appropriately stormwater volumes and is reliant on open roadside ditches. Stormwater runoff can create travel hazards due to standing collection of water or refreezing during winter months.

The State Line Avenue Corridor Improvement Project presents the best opportunity in more than twenty years to address safety and basic roadway conditions for the primary entrance to Texarkana's downtown and historic district. It also presents an opportunity to include improvements that will help address climate change impacts, while also creating jobs for citizens in and around the community.

Along this roadway, commercial and residential properties could provide much higher tax revenue with adequate investment in infrastructure that supports local, cultural expectations and needs. The plan is in the Texarkana MPO 2044 Metropolitan Transportation Plan (MTP) and is the top ranked project in the Texarkana Regional Active Transportation Master Plan. The need for improved safety for bicyclists and pedestrians is well documented in plans created by both cities.

Progress has been made in improving accessibility on either side of the State Line Avenue. Texarkana, Arkansas, and Texarkana, Texas have worked with both states and federal agencies to improve the IH-30 access ramps, build out the intersection of State Line Avenue with Arkansas Blvd and Texas Blvd with a central landscaped island. Two-way street conversion downtown has been completed recently; the project added 170 additional parking spaces downtown by converting many previous parallel parking spots to angled parking. New crosswalks were installed throughout downtown and brick-patterned crosswalks were implemented around heavily trafficked intersections near the Perot Theatre. Bike sharrows were installed along with decorative stop signs and cultural district sign-toppers. These safety improvements in the three State Line Avenue corridor districts have greatly improved the safety and well-being of multi-modal transportation users.

However, it's become apparent that a connection between these two hotspots is in great need of repair which is why this project is necessary for the prosperity of Texarkana. By connecting the higher traffic counts near the freeway to the arts and historic district in downtown Texarkana, the projects already completed to enhance safety and efficiency for transportation will continue to have positive impacts on tourists and residents alike.

Transportation improvement challenges of State Line Avenue have persisted for many years, in part because of the nature of the roadway, with half of the street in one state and half of the street in the other. This two-state dilemma compounds the challenges as this city street also serves as United States highway, US 71 and US 59. Both Arkansas and Texas are planning to improve the road along the corridor; but, lack additional funding to address the opportunities presented by combining the road improvements within the broader context of other transportation investments. The combined states department of transportation's plan will rehabilitate the pavement and improve the ride along State Line Avenue and improve safety for motorists but would not address

essential elements of a complete street like the placemaking, livability, economic, environmental, and safety aspects of this proposal.

Over the last 10 years, private investment downtown has been over \$79,960,000 and public investment over that same period has been over \$6,509,000. Texarkana, Texas has another \$9,980,000 planned in public infrastructure through the Capital Improvement Plan over the next 5 years. Improving our infrastructure will have a cascading effect on the ecosystem property values and property taxes, giving the cities a stronger basis for maintenance in the future.

Walking from your neighborhood to the grocery store should not be an exercise in bravery. Pedestrians and bicyclists need safe routes to work, school, and other services. Shade and shelter also improve the livability of districts like Texarkana's Urban District downtown. One aspect of this project, the Courthouse Square Initiative, is designed to improve walkability near the Federal Courthouse and Post Office in downtown Texarkana. This iconic landmark located in two states is believed to be the second most photographed courthouse in the U.S. The project included the addition of pedestrian crossings, bike lanes, landscaping, and ADA improvements for visitors to the courthouse. Funding for this project was set aside by the city of Texarkana, Texas. To address climate change, electric charging stations were installed as part of the Courthouse square project and to encourage more people to the Downtown area.

A sense of belonging and ownership, and the resulting care and concern, are apparent when people have the opportunity to participate in the public planning process. Texarkana has learned that this approach leads to better outcomes. Consequently, the public participation component is essential to the success of the State Line Cultural Corridor. Cultural enhancements like shared public spaces at a human scale lend themselves to community interaction. This project will also feature the work of George Tobolowsky from his "Bending the Rules II" exhibition, outdoor sculptures reflect the character of local people. The sculptures will be located at entrances to the three State Line districts. This public art permanent exhibit is a collaboration between the Texarkana Arts & Historic District partners, TRAHC, and the Cities. Texarkana, Texas's 2018 National Endowment for the Arts (NEA) grant will assist with the permanent display costs.

Momentum has been building for the renovation of State Line for some time now and has consequently become a key factor in the success of many projects. Without change along this main corridor, growth will remain stagnant and the work put into downtown Texarkana, USA, and the ramps onto IH 30 will have very little impact.

Multijurisdictional Corridor Overlay District

An essential component of the project for the cities of Texarkana, Arkansas, and Texarkana, Texas is the implementation of a district overlay plan that recognizes existing distinct features and functions of three sections of the State Line Avenue Cultural Corridor known as the Multijurisdictional Corridor Overlay District. See Appendix 6.

The purpose of this district is to provide appropriate design standards for the development of properties within the Multijurisdictional Corridor Overlay District (MCOD) Boundary. These standards recognize the area's unique development character and significance of this State Line boundary as an opportunity to promote growth for a more desirable place to live, work and shop along this corridor. The MCOD provides a set of cohesive standards for an area where the Texarkana, Arkansas, and Texarkana, Texas can vary; this overlay creates a clear-cut plan into what State Line Avenue will be after the implementation of this project (Please see **Appendix 6**).

RAISE Grant Application Narrative

Economic Growth

- Provide State Line Avenue with landscaping, furnishings, and public art to enhance the area as a cultural keystone and provide the district with cohesive design elements that accommodate vehicular, pedestrian, and bicycle traffic.
- Enforce signage standards to reduce the clutter that already exists on State Line Avenue and create a more appealing street view while providing clear identity and information.
- Ensure that the character of both private and public buildings/structures reflect a sense of permanence and develop public pride through prominent locations with high-quality design, landscaping, materials, and construction.
- Identify and protect sceneries that contribute to the district's character by encouraging retail, restaurant, and residential uses with development standards designed to enhance the district's form, character, and function

Environmental Innovation

- Implement rainwater drainage systems using several techniques along State Line Avenue, such as a filter system that removes pollutants.
- Add vegetation along the roadway to create a greener landscape, which will in turn create a more breathable space
- Turn unused green space into parks, creating an opportunity for travelers and citizens to enjoy the outdoors
- Implement Solar Powered traffic management to encourage innovative technology and green energy uses along the corridor
- Encourage the use of the electric charging stations by the Courthouse

Compliance with this plan and all federal, state, and local requirements will be required. All property within the boundaries of the Corridor will adhere to the development standards within three distinct Districts. The use, height, and area regulations as set out are uniform throughout each district. The boundaries of the zoning districts are delineated by the State Line Avenue Site Map with Zoning Districts attached in Appendix 2.

- Commercial, northern section of State Line Avenue, closest to IH 30 ramps.
- Residential, center section of State Line Avenue, connects living, working, and shopping spaces.
- Urban, southern section of State Line Avenue runs into and through downtown connecting to Union Train Station/Amtrak.

III. Grant Funds, Sources and Uses of all Project Funding (See D.2.iii)

Program of Projects Expenses	Cost
<i>Contractual Construction/Engineering Construction (10% Contingency) (see for full budget)</i>	\$45,155,701.72
<i>Construction Engineering and Material Testing (10%)</i>	\$4,105,063.79
<i>Plus Inflation (3%)</i>	\$1,231,519.14
<i>Total Corridor Project Cost</i>	\$50,492,284.65

PROGRAM OF PROJECTS INCOME:

RAISE REQUEST --\$16,987,165.65

RAISE Grant Application Narrative

	Revenue
RAISE REQUEST	\$16,987,165.65
ARDOT	\$12,000,000
TXDOT	\$18,505,119
Local funding (Utilities and Cultural Enhancement)	\$1,847,500.00
TEXARKANA MPO (CAT 2)	\$3,000,000
TOTAL COST	\$52,339,784.65

This budget is based on projections developed in consultation with MTG Engineers and Surveyors, TEC, Inc. (Tatum Excavating Company, Inc.), the State of Arkansas Department of Transportation, the State of Texas Department of Transportation, and the cities of Texarkana, Arkansas and Texarkana, Texas. The states are planning to fund the replacement of the roadway pavement, curb and gutter, and this application specifically asks for the funding to provide the cultural enhancements that will improve public safety, provide more environmentally sensitive treatments, improve stormwater management, increase economic competitiveness and opportunities, and, just as importantly, tie the State Line Cultural Corridor District Overlay plan developed with consultation of Texarkana, USA citizens to the states' planned street improvements.

MTG Engineering and Surveying (MTG) and TEC, Inc. (Tatum Excavating Company, Inc.) provided consultation services as a community service. The budget includes funds for planning, engineering and surveying that will undergo open bidding processes according to federal, state and local rules and regulations.

The Arkansas Department of Transportation has planned to contribute \$12 million to the project, Texas Department of Transportation has pledged \$12 million. The Texarkana Metropolitan Planning Organization has set aside \$3 million, creating a total of \$27 million promised by local government towards this project. The remaining funds, \$17,691,577.24, comprise the RAISE grant request specific to the State Line Avenue corridor project. The remaining \$1,847,500.00 covers the cultural enhancement and some utilities will be funded by both cities.

Additionally, one section of the Urban District includes the Courthouse Square project planned and budgeted by Texarkana, Texas. This section is locally funded and contributes to the value of the roadway. Texarkana, Texas was a recent recipient of National Endowment of the Arts grant which provided for enhancement and new additions of art in the Urban District, adding value to the State Line Avenue area as well.

RAISE Grant Application Narrative

Project Budget

Opinion of
Probable Cost

State Line Improvements

ITEM NO.	QUANTITY	UNIT	TxDOT Item #	DESCRIPTION	UNIT PRICE	NEW UNIT PRICE	TOTAL
1	1	LS	500	Mobilization	\$375,000.00	10%	\$3,800,000.00
2	105	STA	100	Prep ROW	\$3,800.00	\$4,500.00	\$472,500.00
3	24	MO	502	Barricade, Sign, and Traffic Handling	\$7,500.00	\$11,000.00	\$264,000.00
Earthwork							
4	20,000	CY	110	Common Excavation	\$12.00	\$20.00	\$400,000.00
5	14,000	CY	132	Common Embankment	\$15.00	\$30.00	\$420,000.00
6	3,760	CY	132	Select Fill	\$18.00	\$30.00	\$112,800.00
7	3,760	CY	110	Undercut	\$12.00	\$20.00	\$75,200.00
Demolition and Abandonment							
8	68,922	SY	104	Remove Concrete Pavement	\$17.00	\$30.94	\$2,132,446.68
9	6,513	SY	104	Remove Concrete Sidewalk	\$12.00	\$18.44	\$120,099.72
10	10,029	SY	104	Remove Concrete Driveways	\$14.00	\$30.94	\$310,297.26
11	3,537	SY	105	Remove Asphalt Driveways	\$10.00	\$15.00	\$53,055.00
12	29,680	SY	105	Remove Asphalt Pavement	\$10.00	\$15.00	\$445,200.00
13	85	EA	610	Remove Light Pole and Foundations	\$750.00	\$1,000.00	\$85,000.00
14	140	EA	636	Remove Signs	\$50.00	\$75.00	\$10,500.00
15	22	EA	680	Remove Traffic Signal Pole and Foundation	\$3,500.00	\$4,000.00	\$88,000.00
16	22	EA	7124	Remove & Replace Fire Hydrant Assembly	\$3,700.00	\$4,500.00	\$99,000.00
17	14	EA	479	Remove & Replace Sanitary Sewer Manhole	\$3,000.00	\$5,000.00	\$70,000.00
18	16	LF		Remove or Abandon 2" Water Line	\$1.00	\$1.25	\$20.00
19	2,618	LF		Remove or Abandon 4" Water Line	\$1.00	\$1.25	\$3,272.50
20	3,880	LF		Remove or Abandon 6" Water Line	\$1.00	\$1.25	\$4,850.00
21	4,455	LF		Remove or Abandon 8" Water Line	\$1.00	\$1.25	\$5,568.75
22	2,468	LF		Remove or Abandon 10" Water Line	\$1.00	\$1.25	\$3,085.00
23	2,638	LF		Remove or Abandon 12" Water Line	\$1.00	\$1.25	\$3,297.50
24	8	LF		Remove or Abandon 16" Water Line	\$1.00	\$1.25	\$10.00
25	883	LF	7127	Remove or Abandon 6" Sewer Line	\$1.00	\$1.25	\$1,103.75
26	261	LF	7127	Remove or Abandon 8" Sewer Line	\$1.00	\$1.25	\$351.25
27	96	EA		Remove Inlets	\$2,500.00	\$3,000.00	\$288,000.00
28	7,000	LF	472	Remove 18" RCP Culvert	\$15.00	\$25.00	\$175,000.00
29	458	LF	472	Remove 24" RCP Culvert	\$15.00	\$25.00	\$11,450.00
30	204	LF	472	Remove 30" RCP Culvert	\$15.00	\$25.00	\$5,100.00
31	2	EA		Remove Junction Box	\$1,250.00	\$2,000.00	\$4,000.00
32	13	LF	472	Remove 4'X4' Box Culvert	\$45.00	\$75.00	\$975.00
33	5,570	LF	472	Remove 36" RCP Culvert	\$20.00	\$40.00	\$222,800.00
34	100	LF	472	Remove 42" RCP Culvert	\$25.00	\$50.00	\$5,000.00
35	70	LF	472	Remove 4'X3' Box Culvert	\$45.00	\$75.00	\$5,250.00
36	80	LF	472	Remove 6'X3' Box Culvert	\$45.00	\$75.00	\$4,500.00
Street & Storm Construction							
37	13,566	SY	530	Install Concrete Driveways	\$80.00	\$100.00	\$1,356,600.00
38	98,602	SY	360	Install Concrete Pavement	\$90.00	\$120.00	\$11,832,240.00
39	106,640	SY	260	Lime Treated Subgrade	\$4.00	\$8.00	\$853,120.00
40	2,173	TON	260	Lime	\$150.00	\$325.00	\$706,160.00
41	34,511	GAL	310	Asphalt Prime (MC-30)	\$4.75	\$8.00	\$276,085.60
42	21,692	TON	340	Asphalt Pavement Type D	\$115.00	\$193.00	\$4,186,840.92
43	96	EA	465	Install Inlets	\$5,500.00	\$7,000.00	\$672,000.00
44	7,000	LF	472	Install 18" RCP Culvert	\$48.00	\$80.00	\$560,000.00
45	458	LF	472	Install 24" RCP Culvert	\$55.00	\$90.00	\$41,220.00
46	204	LF	472	Install 30" RCP Culvert	\$72.00	\$120.00	\$24,480.00
47	2	EA	465	Install Junction Box	\$8,500.00	\$10,000.00	\$20,000.00
48	13	LF	472	Install 4'X4' Box Culvert	\$400.00	\$650.00	\$8,450.00
49	5,570	LF	472	Install 36" RCP Culvert	\$75.00	\$165.00	\$919,050.00
50	100	LF	472	Install 42" RCP Culvert	\$80.00	\$260.00	\$26,000.00
51	70	LF	472	Install 4'X3' Box Culvert	\$375.00	\$600.00	\$42,000.00
52	80	LF	472	Install 6'X3' Box Culvert	\$550.00	\$880.00	\$52,800.00
53	140	EA	636	Install Signs	\$80.00	\$95.00	\$13,300.00
54	22	EA	680	Install Traffic Signal Pole and Foundation	\$100,000.00	\$130,000.00	\$2,860,000.00
55	367		666	Pavement Marking Symbols & Words	\$275.00	\$275.00	\$100,925.00
56	3,500		666	Pavement Marking (W) 8" SLD	\$0.75	\$1.00	\$3,500.00
57	3,500		666	Pavement Marking (W) 24" SLD	\$15.00	\$20.00	\$70,000.00
58	4,000		666	Pavement Marking (W) (4") BRK	\$0.75	\$1.00	\$4,000.00
59	4,000		666	Pavement Marking (W) (4") SLD	\$0.75	\$1.00	\$4,000.00
60	40,000		666	Pavement Marking (Y) (4") SLD	\$0.75	\$1.00	\$40,000.00
61	2,000	EA	666	Raised Pavement Marker	\$2.60	\$3.00	\$6,000.00
62	1	LS	668	Construction Pav Markings	\$40,000.00	\$50,000.00	\$50,000.00
63	23,333	LF	506	Install Silt Fence/Straw Wattle	\$3.00	\$6.00	\$139,998.00
64	5	EA	506	Install Concrete Washout	\$750.00	\$1,500.00	\$7,500.00
65	96	EA	506	Install Inlet Protection	\$300.00	\$400.00	\$38,400.00
Utilities							
66	85	EA	610	Install Street Light Pole and Fixture	\$3,100.00	\$3,500.00	\$297,500.00

RAISE Grant Application Narrative

Opinion of
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#REF!	67	EA	610	Install Street Light Pole Foundation	\$650.00	\$1,500.00	\$127,500.00
#REF!	64	EA		Install Gate Valves	\$275.00	\$440.00	\$28,180.00
#REF!	16	LF		Install 2" Water Line	\$10.00	\$18.00	\$258.00
#REF!	2,818	LF	5314	Install 4" Water Line	\$18.00	\$45.00	\$117,810.00
#REF!	3,880	LF	5314	Install 6" Water Line	\$18.00	\$40.00	\$155,200.00
#REF!	4,455	LF	5314	Install 8" Water Line	\$21.00	\$50.00	\$222,750.00
#REF!	2,468	LF	5314	Install 10" Water Line	\$24.00	\$55.00	\$135,740.00
#REF!	2,838	LF	5314	Install 12" Water Line	\$30.00	\$80.00	\$158,280.00
#REF!	8	LF	5314	Install 16" Water Line	\$40.00	\$65.00	\$520.00
#REF!	1,164	LF	7017	Install 6" Sewer Line	\$20.00	\$60.00	\$69,840.00
Pedestrian/Bike Facilities							
#REF!	14,600	LF	531	8' Shared Use Path (Both Sides)		\$130.00	\$1,898,000.00
#REF!	284	EA	531	Install Curb Ramps	\$1,750.00	\$2,270.00	\$644,680.00
#REF!	3	EA		Pedestrian Hybrid Beacon System Crossing		\$65,000.00	\$195,000.00
#REF!	150	EA		Pedestrian Ornamental Street Lights (18')		\$5,500.00	\$825,000.00
Cultural Enhancements							
#REF!	5,600	LF		Upgraded Stamped Concrete Cross Walks		\$125.00	\$725,000.00
#REF!	450	EA		Street Banners & Brackets		\$750.00	\$337,500.00
#REF!	2	EA		Colossal Flag (150' Tall)		\$35,000.00	\$70,000.00
#REF!	2	EA		Flag Lighting		\$25,000.00	\$50,000.00
#REF!	2	EA		Columns (16" Masonry Pair)		\$20,000.00	\$40,000.00
#REF!	4	EA		Twin Parks Concept (Allowance per park)		\$45,000.00	\$180,000.00
#REF!	1	EA		Stateline Crossing Experience		\$20,000.00	\$20,000.00
Total Amount of Bid-Items 1 through 83							\$41,050,637.93
Contingency					7%		\$2,744,239.66
Construction Engineering/Material Testing					7%		\$2,744,239.66
Total							\$46,539,077.25

IV. Merit Criteria (See D.2.iv. (1))

Project Benefits

Merit Criteria	Project Benefits
Safety	- The project will provide for separation of modes, automobile, and active modes of transport. - The project will deliver well defined curb cuts and curbs with ADA compliant ones to reduce auto-pedestrian conflicts. - The overall automobile crashes also will see reductions due to the separated modes and the improved speed limit signage with clear striping. - These crash reduction factors will improve safety and reduce vehicle collisions
Environmental Sustainability	- The active transportation will reduce auto-dependence. - Increasing safe provisions to walk and bike will reduce use of fossil fuels and resulting greenhouse gases. - The immediate result of the project will be to mitigate flooding of the roadway for the walking public along the corridor and motorists. - Additionally, the project elements will increase the amount of vegetation along the corridor.
Quality of Life	- The project facilitates access to essential services and the only grocery store in the city and installs infrastructure for active modes of transportation. - The project would benefit households, living close to Stateline and in the surrounding area, they will directly benefit from the project that provides opportunities to access jobs, health care, and other essential services such as groceries and fresh food.
Mobility and Community Connectivity	- The connections to the Historically Disadvantaged Community (HDC) will provide most direct and safe access to grocery stores and other retail uses, including a Urgent Care, banks, restaurants, other shops, the most necessary needs that fulfill the needs of the people living in poverty. - This project will connect more people to our downtown that is currently seeing a growth in redevelopment

RAISE Grant Application Narrative

Economic Competitiveness	- The project will improve reliability of the corridor for vehicular, pedestrian, and bike travelers, increasing connectivity along a major regional thoroughfare. - The separation of wheelchair users, cyclists and pedestrians alone will enhance the overall traffic experience along State Highway 71, benefiting the automobile users with predictability of travel. - The ingress and egress out of the commercial establishments will be further enhanced.
State of Good Repair	- The project will ensure proper maintenance of the roadway, state of good while maintaining the main street appeal for the project area, and - Ensure stormwater mitigation measures that will enhance the life of all public infrastructure in project corridor.
Partnerships and Collaboration	- The City Texarkana, Texas and Texarkana, Arkansas as well as Texas and Arkansas Department of Transportation and the Texarkana Metropolitan Organization propose to collaboratively partner to make the cities safe, and attractive located in a unique place of two States. - Both the Cities are pledging its own resources to assist with the cultural enhancements and the installation of waterlines, gate valves and sewer lines.
Innovation	- The innovative design will connect a neighborhood with services with proper pedestrian amenities. - The funding and implementation will feature innovative low energy technologies and weather calming ideas.

(a) Safety

Crash data from Texarkana, Texas and Texarkana, Arkansas Police Department

State	Total # of Crashes	Total # of Serious Injuries	Total # of Fatalities
Texas	1163	16	3
Arkansas	311	13	3
TOTAL	1474	29	6

In nearly every year since 1995, Texarkana's rate of persons involved in fatal accidents (per 100,000 population) has outpaced that of the State of Texas. In 2022 alone, there were 474 crashes on State Line Avenue with 29 with serious injury: 6 fatalities, one of the fatalities involving a pedestrian². People report that they would like to feel safe walking along this corridor, visiting shops and obtaining essential services; Improving the safety of the and help the Department of Transportation reach their goals with safety targets.

- Increase pedestrian mobility by implementing sidewalks along the entire State Line Avenue corridor allowing it to become a protected alternative mode of transportation.
- Add intersection treatments to aid pedestrians in crossing State Line Avenue.
- Increase lighting along the roadway and sidewalks to make the area safer for pedestrians, bikers, and drivers by providing more visibility while reducing crime.

² Data retrieved from Texarkana, Texas and Arkansas Police Department reports. (TTPD and TAPD).

- Provide bicycle access with the addition of multimodal sidewalks and bike racks interspersed along State Line Avenue.
- Improve the general traffic management of the area which will ensure the safety of all who utilize the facilities along the main corridor.
- Provide for a more compact and integrated mix of land uses and densities that will encourage economic vitality, while maintaining and embracing the integrity of the existing single-family neighborhoods, efficient use of land and city services, and a strong sense of community.

According to the Texas and Arkansas Department of Transportation's Traffic Count Study, Texarkana exhibits an average daily traffic count (ADT) of 27,000 at the entrance to State Line Avenue, coming from the IH 30 ramp and heading south toward downtown. That traffic doesn't make it to downtown as the ADT is only 6,900 at the intersection of State Line and Texas State Hwy 82/ East 7th Street. If the predominant use of the northern section of State Line is where most of the fatal accidents occur, then it becomes apparent that measures should be taken to provide a safer environment for various uses of transportation. As the traffic slows moving south, the safety measures put in place align with this trend, ensuring that all users of this avenue remain protected. The current infrastructure does not entice people to drive, ride or walk in these areas due to hazardous and uncomfortable conditions. Currently, few areas of the street have adequate sidewalks, the lighting is insufficient, there are no shelters for public transportation users, and intersections have no ADA appropriate crosswalk technology deployed to assist persons with disabilities. In the summers the lack of shelter and tree cover creates a heat island affect, making the street unbearably hot for pedestrians or those waiting on the public Transit, T-line. In winter and in the rain, the street has no tree breaks to slow the wind and rain as many intersections flood due to inadequate stormwater management; again, the users of public transportation are at a loss as they are no shelters for protection against unfortunate weather circumstances. This project will rectify those problems, making the street safe for all transportation uses and more livable.

While the project is unlikely to eliminate all future crashes, Federal Highway Administration (FHWA) studies demonstrate that Complete Street projects can slow vehicular traffic, which reduces traffic incidents. Adding sidewalks, bike paths and cross walks with improved lighting will contribute to the overall safety of the corridor. Street repairs and combining of business driveways will reduce turn conflict zones, injury crashes and damage to vehicles.

(b) State of Good Repair

More than thirty years have passed since the last major reimagining of State Line Avenue. In the meantime, the two states and two municipalities have worked on repairing and improving the street in a piecemeal fashion, resulting in inconsistent and often inadequate repairs with no consistent materials or design scheme. Sidewalks are only sometimes available; crosswalks are dangerous if they exist at all and are not ADA suitable for wheelchair pedestrians. Sections of the road fill with water when there are heavy rains. The concrete and asphalt voids then fill with water and can swell and crack during freeze, creating potholes, cracked slabs and a general sense of neglect on this important thoroughfare. Also there are not bike lanes and any cyclist of State Line does so at the risk of their life and some of them do not have another option if they want access to, jobs, foods and medical facilities.

Unsafe conditions on the roadway are created by high traffic volumes, lack of pedestrian accommodations, unsafe intersections, and two major barriers that impede mobility to a majority

of the public amenities. Access to basic retail needs, services, education, medical care, and employment are compromised by poor connectivity within the city. Due to lack of sidewalks and bicycle paths, pedestrians including students, elderly and disabled residents, are unable to safely travel within their own community. Amenities, such as the community center and the elementary school are compliant with ADA requirements, however they are not connected into the wider community. This is further compounded by the community's limited transit services and lack of taxi/ride share options.

It is essential that the State Line Cultural Corridor project proceed as a jointly designed and implemented project. Both states and local government are committed to long term, aesthetically consistent maintenance. The road itself is in dire need of repair; since it is concrete the departments of transportation for both Texas and Arkansas have agreed it is best to completely rehabilitate the avenue, ensuring a higher quality if this grant is awarded. The estimated yearly cost to maintain Stateline Avenue varies per year. The maintenance costs will be reduced by the road renovation and will be maintained with better practices to reduce maintenance costs in the future. If this project is a recipient of grant funding, Stateline Avenue will be managed by the DOTs of Texas and Arkansas. The landscaping added will fall under the city's care.

This project will improve safety and connectivity and boost economic competitiveness for this rural area. Grant funds will be used to construct roadway and intersection improvements, sidewalks and shared-use paths, manage stormwater runoff, and enhance the streetscape. State Line Avenue Cultural Corridor project aligns with the goals to improve infrastructure, address public health and safety, promote connectivity, and facilitate economic development. Our project will create jobs, safer corridors, adopt transformative technology. The project will improve safety by creating pedestrian and biking accommodations to meet ADA requirements. Proposed improvements align with DOT "state of good repair" goals by prioritizing investment on existing infrastructure. RAISE funds will be expended by the September 30, 2030 deadline.

(c) Economic Competitiveness and Opportunities

The Renew Texarkana Comprehensive Plan and State Line Avenue Cultural Corridor conceptual design used an innovative nodal approach to create a plan focused on revitalizing neighborhoods along the corridor and creating activity centers with enhanced education and employment opportunities. Both cities have been successful in working through this approach in downtown. Using local, state, and federal resources to improve infrastructure has attracted private investment and generated partnership opportunities to further improve the area's economic competitiveness. The table below displays the combined private investments, totaling over \$79 million, these improvements have generated:

Table 1: Texarkana State Line & Downtown Development Activity – 10 Previous Years

<i>New Business Name</i>	<i>TX/AR</i>	<i>Investment (approx.)</i>
Silvermoon on Broad	TX	\$4,500,000
Burman Pharr Phase II	AR	\$10,000,000
1894 City Market Lofts	AR	\$4,500,000
Brim Healthcare of Texas	TX	\$26,800,000
Collom & Carney - Pine St	TX	\$1,300,000
Pecan Point Brewing	TX	\$350,000
Berridge Bikes	TX	\$200,000
The Grim Hotel	TX	\$30, 000,000
Mother Kelly's	TX	\$50,000
Bubblecraft Soap Works	TX	\$200,000
Court House square	TX	\$1,600,000
Verona Italian Restaurant	AR	\$150,000
Joes' Pizza & Italian	AR	\$150,000
Johnny B's	AR	\$150,000
Jason Horton Law Firm	TX	\$50,000
Tejas Traders Boutique	TX	\$50,000
Total Investment (5 Years)		\$79,960,000

Texarkana is considered an Opportunity Zone for economic development which makes the State line Avenue project crucially needed to better connect people throughout the area. Even more so, this project is able to reduce transportation costs by providing the opportunity for people to walk or bike using sidewalks or utilize public transportation in a safer more comfortable manner. This reduces the need to drive a car everywhere, which not only reduces costs but also allows those with low income (lower mobility/does not own a vehicle) to be able to participate more in the local economy, as they would be able to access more of State Line and the amenities there.

The State Line Avenue project will increase reliability and long-term efficiency by reviving the road itself and providing better sidewalks and crosswalks which allow more people to choose various forms of transportation instead of being confined to using automobiles. There are over 120 tax paying entities on the Stateline and this corridor sees the highest sales tax revenue in 2022 than any other corridor in the area. We anticipate development over of 3 million dollars over the next 2 years on the Sate Line Avenue corridor and this will open opportunities for more development and redevelopment.

The project is expected to generate over 150 jobs in each of the three years, with a peak of 170 in 2025 and 2026. About 30% of the employment gains can be attributed to indirect and induced effects. This information is based on a study from the Arkansas Economic Development Institute, us the IMPLAN software system.

This project does aid the US economy as Stateline serves as a major thoroughfare into Texarkana

RAISE Grant Application Narrative

for freight movement; by updating this artery we continue the shipping of important goods to and from Texarkana, engaging in the global economy through commerce. Enhancements resulting from the project include increased pedestrian mobility, intersection treatments, roadway/pedestrian lighting, bicycle access, traffic management improvements, innovative stormwater management, redeveloped land uses, and the creation of the State Line Avenue Cultural Corridor, which is an overlay district spanning Arkansas and Texas.

The population of Texarkana, USA now stands at 67,521, consisting of 43% minority residents, with 57% minority in the lowest income census tracts and Opportunity Zones. 56% of the minority population in those areas are African Americans. Conversely in the state of Arkansas, the percentage of the population reporting as minorities is at 26.9% with Texas reporting 59%. The per capital income of \$14,901 in the core of Texarkana is a scant 53% of the national average and median household income is \$25,888, 48% of the national figure. Texarkana's poorest and highest minority populations live in and around Texarkana Opportunity Zones. The revitalization of State line Avenue will improve access for visitors and these population members to key amenities in Texarkana such as jobs, healthcare, food and gasoline.

Table 1: Demographics

Source Listed in Footnotes ^[3]	Bowie Co, TX	Miller Co, AR	TX	AR	USA
Population	92,581	42,649	30,029,572	3,045,637	333,287,557
Unemployment	4.7%	6.9%	4.8%	3.2%	3.8%
Poverty Rate	17.8%	20.4%	14.2%	16.3%	11.6%
Minority	32.9%	29.9%	50.2%	15.4%	36.3%
Med HH Income	\$54,949	\$46,610	\$67,321	\$52,123	\$69,021
African American	24.8%	25.4%	11.90%	15.50%	14%
Public Assist/SNAP	25.9%	25.7%	13.2%	15.7%	13.6%
Not in Labor Force	46.40%	40.30%	35.30%	41.30%	36.30%
Per Capita Income	\$27,095	\$23,729	\$26,999	\$22,798	\$28,155
Children	23.6%	23.3%	25.5%	23.2%	23.30%
Female	49.4%	50.6%	50.1%	50.7%	50.50%
Bach Degree +	22.9%	16.9%	31.5%	24.3%	33.7%

Improving transportation infrastructure so that there is neighborhood cohesion, a sense of pride and walkable streets with convenient public transportation will be essential for this corridor's residents to thrive. By doing so, the project will expand opportunities for all people to have access to essential services such as jobs or healthcare.

(d) Environmental Protection and Sustainability

The State Line Avenue Cultural Corridor conceptual design has several strategies aimed at managing stormwater runoff and increasing environmental protections along the corridor. The plan includes increasing the natural green space along the corridor by adding five-foot buffers, native

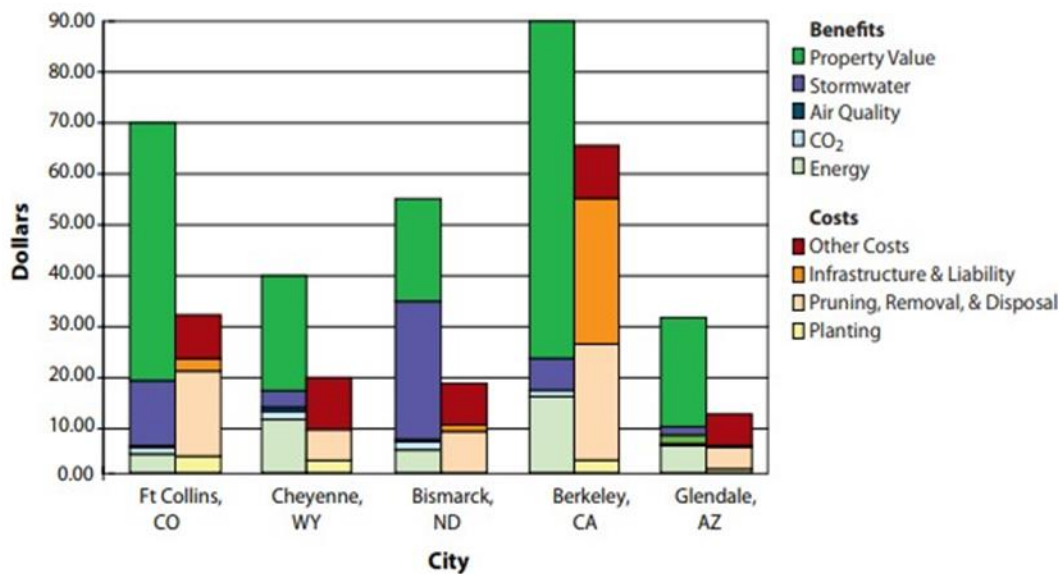
^[3] <https://www.census.gov/quickfacts/fact/table/AR,TX,millercountyarkansas,bowiecountytexas,US/PST045222>

RAISE Grant Application Narrative

landscaping. Boswells, rainwater gardens pilot areas, stormwater filters, and appropriate street trees.

The partnership with Texas A&M forestry service and Arkansas Dept of Agriculture Forestry Division and each year we receive 900 to 1500 seedlings to plant and give to the community. All the seedlings are native trees and trees from this program will get planted on State Line Avenue.

Figure 9: Total Annual Benefits versus Costs (Per Tree)



Net benefits were positive for all five cities, ranging from \$21 per tree in Cheyenne to \$38 per tree in Ft. Collins. Blue and green categories indicate benefits; red, orange, and yellow indicate costs.

As environmental issues, sustainability and resiliency continue to stay at the forefront of what cities must combat; trees will not cease to be a dependable, easy solution to reduce carbon emissions and create a more breathable community. “A 2006 field study found that about 15,000 inventoried street trees in Charleston, South Carolina, were responsible for an annual net reduction of over 1,500 tons of CO₂. These benefits were worth about \$1.50 per tree, based on average carbon credit price”³

“The net benefit of trees has been found to outweigh the cost by as much as three to one. The net annual benefits of street trees have been estimated to range from \$30 to \$90 per tree. The initial cost of planting new trees can be substantial, ranging from \$200 to \$400 per tree,”⁴

McPherson, et al. published a chart, shown above, depicting the increases in property value that seems to soar with the addition of trees, whereas the costs to plant and maintain remain lower than the overall benefits. Storm water management and energy saving benefits seems to rank as second highest benefits, making trees a solution to not just the lack of shade issue, but also in reducing

³ (McPherson, E.G., J.R. Simpson, P.J. Peper, S.L. Gardner, K.E. Vargas, J. Ho, S. Maco, and Q. Xiao. 2006. City of Charleston, South Carolina Municipal Forest Resource Analysis. Center for Urban Forest Research, USDA Forest Service, Pacific Southwest Research Station.)

⁴ (McPherson, E.G., J. R. Simpson, P. J. Peper, S. E. Maco, and Q. Xiao. 2005. Municipal Forest Benefits and Costs in Five US Cities. Journal of Forestry. 103(8):411-416.)

flooding and money spent on air conditioning. For Texas heat, one tree placed near a building could make a difference in hundreds of dollars for business and homeowners by producing savings of up to 56%, according to the USDA Forest service.

By all account's trees seem to be the solution to many issues, they can take on the heat island effect and manage stormwater. Trees reduce carbon emissions and when placed near buildings can lower energy costs. They are affordable, and the maintenance is not overbearing, a practical answer to a city's needs.

These improvements will increase, which reduces idling time, and by adding trees to better filter the stormwater runoff of Stateline this project will reduce the nitrogen oxides in the water and air; thereby reducing the pollution that the major avenue creates. The State Line Avenue project does keep in mind mitigating congestion and the heat island effect, mostly with the addition of trees 5 feet apart on either side of the road which will reap benefits for the transportation users, business owners, and visitors of Stateline Avenue.

(e) Quality of Life

Modeled after the APA's Sustaining Places Initiative, the overall Comprehensive Plan and State Line Avenue Cultural Corridor conceptual design utilized a best practices framework by focusing on creating a livable, healthy community in harmony with nature, creating a resilient local economy, incorporating social equity, and maintaining strong regional ties. The overall vision that serves as the foundation for the plan recommendations is to 'Renew connections and capitalize on opportunities to improve quality of life in Texarkana.' This vision is supported by nine goal themes and fifty-four goals that are linked to each of the action items in the implementation strategy.

The major plan components are organized into two main chapters. The 'Comprehensive City' chapter makes recommendations for how Texarkana can be more sustainable and more equitable through land use decisions, transportation investments, parks and trail amenities, and urban design. The 'Resilient Neighborhoods' chapter presents scenarios for the redevelopment of downtown and gives strategies to revitalize three historic neighborhoods. The implementation chapter identifies priorities, partnerships, and funding mechanisms for implementing those visions.

The average home in Texarkana owns two cars, with almost 88% of people reporting that they drive to work. Less than 1% report utilizing the public transport and only 1.21% reported walking. These numbers may seem outrageous, but without bus shelters, designated stops, and sidewalks why would anyone choose to utilize other transportation when the roadways are designed for only cars in mind. As the section on safety on State Line Avenue demonstrated it is dangerous to walk on State Line Avenue, and utilizing public transport is not a comfortable or accessible choice for many due to the conditions and location of the T-line bus stops. The State Line Avenue project will increase choices by providing sidewalks for the entirety of the avenue and bus shelters with better placement of stops by amenities. This will increase connectivity from people's jobs, to stores, and healthcare services along this road. With this project the hope is decrease car usage and promote healthier lifestyles, thereby increasing quality of life for many. Including providing safer and more attractive transportation alternatives for those who have less social or physical mobility.

(f) Innovation

The State Line Avenue Cultural Corridor conceptual design used an innovative nodal approach to create a plan focused on revitalizing neighborhoods along the corridor and creating activity centers with enhanced education and employment opportunities.

RAISE Grant Application Narrative

Throughout the community engagement and analysis process, existing activity nodes were revealed throughout the corridor. During development of the future land use plan, the major existing community and employment centers were evaluated, and future activity node opportunities were identified to complement those conditions. When implemented, additional development in these defined nodes can enhance and expand on existing conditions and add value in the city. The defined nodes throughout the corridor are ideal locations to add new employment and educational centers that build off existing community amenities.

The identified nodes can create locations for a variety of development opportunities where land use, transportation, recreation, investment, and employment opportunities could be better connected. This planning approach helped define diverse neighborhoods and build a more resilient community. It also helped to prioritize investments and policies to target strategic locations along the roadway.

Innovative Technologies

Innovative technologies to be deployed include solar powered crosswalks signals, public internet access, LED technology, place-making and wayfinding signage, permeable paving technologies, storm-water filtering, and smart intersection technology.

Infiltration/Flow-Through Planters

These are landscape features that are designed to capture and infiltrate runoff. Infiltration is the process through which stormwater runoff penetrates the soil from the ground surface, then flows through planters, which can be located next to a building or near parking areas or sidewalks. The collected runoff during a storm event is then released into the soil. These are especially useful in tight urban spaces that need green space to manage stormwater efficiently and effectively.

Rain gutters created alongside sidewalks can manage stormwater and reduce flooding in nearby green space or impervious spaces. It's a more affordable route that still renegotiates stormwater drainage. (Pictures for explanation purposes).



Cool Pavements

Cool pavements, whether impervious or permeable, create an opportunity to lessen the heat island effect and manage storm water more effectively.

“Cool pavements reflect solar energy, or they may absorb less energy due to a lower mass and moisture characteristics. Cool paving and accompanying strategies can reduce urban temperatures

to achieve energy savings during hot weather. The savings from cool paving have not been separately quantified, but increased reflectivity (albedo) of both paving and roofing by 0.1 is estimated to provide 5 to 7% annual savings. Reflective paving also reduces nighttime lighting requirements, such as streetlights, providing direct energy savings. On parking areas, these pavements may provide improved security through improved illumination” This concept is something that will be discussed to see what other cities that have implemented this.

Innovative Project Delivery

Building support for the State Line Avenue Cultural Corridor conceptual design began with the monthly meetings of the Renew Texarkana Comprehensive Plan Steering Committee; key stakeholders that are involved in implementing the plan were members of the Steering Committee, including the Mayor and a City Council representative. Having these members as part of the Steering Committee fostered support for the plan early in the process and made the implementation process smoother.

Innovative Financing

State Line Avenue links two TIRZ districts with a federally designated Opportunity Zone, and four “Qualified Census Tracts” as designated by HUD because of the percentage of people of Low to Moderate Incomes and the poverty rates of the neighborhoods. The project will leverage multiple sources of transportation and non-transportation financing including RAISE, National Endowment for the Arts (NEA) Art Works, Transportation Alternative Program (TAP) funds, federal transportation maintenance funds, state transportation maintenance funds, local funds using local water infrastructure and local funding from two separate municipalities.

(g) Partnership and Collaboration

Partnerships and close collaboration are essential to the State Line Avenue Cultural Corridor project. To that end, the key partnership organizations have been in place and actively working on this project for almost a decade. Key senior personnel representing their respective agencies in Regional Planning, Engineering, and Public Works make up the core project team which meets on a regular monthly basis as frequently as weekly. The key project organizations include the City of Texarkana, Arkansas, City of Texarkana, Texas, the Texarkana Metropolitan Planning Organization (MPO) and the recently added Southwest Arkansas Planning & Development District (SWAPDD) which serves 12 contiguous counties and 64 municipalities in Southwest Arkansas. The work group brings together the resources needed to apply regional planning, assessment, community engagement, environmental improvement, and redevelopment strategies to the Stateline Cultural Corridor project, traversing the multi- jurisdictional challenges posed by roads, rails, waterways, neighborhoods, and properties that straddle the state line.

Additionally, both the Texas Department of Transportation (TXDOT) and the Arkansas Department of Transportation (ARDOT) are partners in the project as the corridor is considered a U.S. highway maintained by both states. The Arkansas Department of Transportation (ARDOT) is tasked with design of the project based on the State Line Corridor Study which included a nearly yearlong public engagement process the culminated in joint resolutions (Res. 2022-122 Texas and Res. 2022-63 Arkansas) passed by each city council for approval of the plan. The plan also received close coordination with the United States Department of Transportation representatives at the MPO level.

As the project lead, the Texarkana MPO is uniquely positioned to assist the two cities and two states, Texas DOT, and Arkansas DOT, to bring this project to completion. The MPO serves the cities of Texarkana, Arkansas, Texarkana, Nash, and Wake Village, Texas, and portions of Miller and Bowie Counties and is responsible for continuous, comprehensive, and coordinated transportation planning within the MPO Study Area. The MPO study area is comprised of nearly 195 square miles in northeast Texas and southwest Arkansas.

Grant Request Supporters*

Besides from have public meetings and getting feedback from all different stakeholders, we have received letters of support from various officials in both the State of Texas and Arkansas (Please see **Appendix 7**).

This underscores both the critical needs of the community as well as the substantial opportunity to lift neighborhoods out of poverty by providing safe, reliable, and efficient access to multiple modes of transportation to employment, education, health, and other services that will have significant economic impact on the region.

This list of supporters includes:

Members of Congress

U.S. Senator Jimmy Hickey Jr.

U.S. Senator John Cornyn

U.S. Senator John Boozman

U.S. Senator Tom Cotton

U.S. Congressman Bruce Westerman

U.S. Congressman Nathaniel Moran

Local Government

City of Texarkana, Texas and City of Texarkana, Arkansas

State and Local Organizations

Texarkana Metropolitan Organization

Texarkana Urban Transit District (TUTD)

Texas Department of Transportation

(h) Mobility and Community Connectivity

A primary goal of the Stateline Corridor project is to strengthen the individual neighborhoods surrounding the corridor and restore connections between them. By completing this project, we will reinforce our common values and establish a collective sense of place. The future of Texarkana will be rooted in strong and vibrant neighborhoods that balance land use, economic development, mobility, and environmental sustainability. The key to integrating these components is establishing a multi-use corridor that is safe for motorists, pedestrians and bicyclist. The corridor in its current state does not offer true mobility and neighborhood connectivity.

Stateline serves as a connection to several schools within a 1-mile radius, such as Texarkana (Arkansas) Premier High School, a nontraditional high school located in the Stateline corridor with no walkable or bikeable connections to the area. Some students do not have any other mode of transportation other than walking or biking. Some of the City's aging and disabled population ride

electric scooters to get to different places in the area of the proposed project. These improvements (multi-use Pathways) will provide walkable and bikeable access to Schools in the immediate area such as Fairview and Arkansas High. This will also allow patrons to hail a cab or call for Uber in a safe and well-lit location. It will allow a variety of handicap accessible pedestrians to use the facilities as normal pedestrians.

While improving the accessibility of the route along State line by providing sidewalks, bus stops, and pathways, this will also improve the mobility of goods along the corridor. Non-motorized connections enhance mobility and reduce congestion particularly in areas where new development may occur. Improvements to the corridor will provide access and interconnectivity to our communities, Special Generators that are close by like Wadley Regional Hospital, Walmart Super Store, Spring Lake Park, and surrounding neighborhoods.

V. Project Readiness (See D.2. iv. (2) and E.1.ii)

(a) Technical Feasibility

Project resources have been dedicated to planning this project for more than seven years. Feasibility has been established by the Departments of Transportation for both Arkansas and Texas as well as the two Texarkana's public works departments. Relevant highly experienced technical advisors have contributed to the current plans. The design and engineering process is currently underway by the Arkansas Department of Transportation.

(b) Project Schedule

- (1) This project will be ready to begin expending funds as required by the statutory deadline of September 30, 2031, for FY 2023 funds and will run concurrently with Arkansas and Texas DOT State Line road construction. Texarkana expects to begin working on this project as soon as awards are announced following the schedule below:
 - 2024: Complete Design
 - 2024: Contracts, Surveys, and other documents prepared. Public Meetings held.
 - 2025 - 2027: Construction on State Line Avenue moving north from the Courthouse to 24th Street. Construction from 24th Street to 52nd Street/IH 30 ramps begin. Construction from 24th Street to 52nd Street/IH 30 ramps completed.
 - 2029: Close out processes initiated and completed.
 - 2030: No significant activity. All funds expended prior to deadline.
- (2) The project can begin construction quickly. RAISE Transportation funds will be spent prior to the deadline of September 30, 2031.
- (3) No acquisition is necessary to establish right-of-way as referenced by 49 CFR part 24, 23 CFR part 710. This project will be implemented within the current footprint of State Line Avenue's rights of way and public private partnership to decrease driveways as part of this project's plans.

If not awarded funding, project will begin and be completed in phases, if necessary, though it may take longer to complete, but both cities are fully invested in this project.

(c) Required Approvals

- (1) Environmental Permits and Reviews.

(a) NEPA status

Environmental reviews and NEPA clearances have been completed on multiple sections of State Line with other work by federal, state, and local resources. To date, environmental reviews have been routine, and have not posed significant challenges to any State Line projects in the past ten years.

Work on NEPA requirements will begin after the RAISE grant award announcement and before the 2026 obligation period, meaning some planning costs will be absorbed by the collection of projects due to concurrent status of the State Line Avenue Cultural Corridor with planned Arkansas DOT and Texas DOT work on State Line Avenue.

(b) Information on reviews, approvals, and permits by other agencies.

The Texarkana MPO, Texas Department of Transportation, and Arkansas Department of Transportation have committed to improving State Line Avenue and will work with the Texarkana MPO, Texarkana, Texas and Texarkana, Arkansas to complete approvals of planning and funding documents, formal and relevant permits.

State Line Avenue Cultural Corridor Project is a high priority project for this region. It is at the top of the list for the Texarkana MPO's Transportation Infrastructure Plan. The Arkansas Department of Transportation has approved \$12 million for their portion of State Line Avenue. The State of Texas has pledged \$12 million and to collaborate on the project in order to create the most cost effective and esthetically pleasing project.

Permits for the project will be obtained first by the State Departments of Transportation. The MPO and Cities will collaborate with the States to complete permitting as needed.

(c) Environmental studies or other documents

http://texarkanampo.com/documents/program-documents/Title%20VI_TXK_05192021_Signed%20Assurances.pdf

(d) A description of discussions with the appropriate DOT operating administration

The Texarkana MPO and both cities have engaged with the ARDOT and TxDOT to bring plans for improvements to State Line Avenue for many years. After more than five years, a strategy for moving forward has emerged. By allowing the MPO to act as a liaison for the cities and the states, the multi-jurisdictional issues can be overcome. The DOT's have decided that within their portion of the project, ARDOT will lead. If RAISE funds are made available, the project can proceed as envisioned.

RAISE Grant Application Narrative

(d) Public Engagement

This region embarked on strategic planning processes to enhance Texarkana's economy through targeted, community inclusive planning processes. For example, the City of Texarkana, Texas considered the context of creating a new Comprehensive Plan⁵, evaluating and incorporating previous planning for the city and surrounding counties on both sides of the state line. The Metropolitan Planning Organization's Texarkana Urban Transportation Study/Plan (through 2035), the Texarkana Bicycle and Pedestrian Master Plan 2017, the 2017 Sidewalk Inventory and Analysis all address the issues of aging infrastructure, decreased tax base, lack of jobs for residents in these communities, and redevelopment challenges. Other examples of community planning include the Northeast Texas Workforce Development Strategic Plan which explains the need for planning efforts to focus on the transportation corridors and the importance of these efforts to the economy and workforce in the region.



Along with these challenges, residents have identified community opportunities, goals, and priorities.

The community engagement process throughout the development of the corridor plan has been and will continue to be extensive. During the 18-month Comprehensive Plan process, over 30 stakeholder interviews were evaluated, Steering Committee meetings were held monthly, and three interactive public workshops occurred to engage the public at multiple stages throughout the plan development process. At each of the public workshops, students from a local university came to the meetings and provided their input. This was a result of a partnership with Texas A&M University – Texarkana.

The three public engagement workshops had over 300 attendees and the project website had over 6,000 visitors over the course of the project. Another unique engagement effort was the Community Dine on the Line event. Each year, the Main Street Texarkana organization puts on an event that brings together residents of both Texarkana, Texas and Texarkana, Arkansas to have dinner and visit with one another on the state line. During the event in 2016 the project team had a booth and boards which helped solicit input from a variety of citizens from both sides of the state line and educated the public about the future planning effort.

⁵ https://www.ci.texarkana.tx.us/DocumentCenter/View/5051/Texarkana-Comp-Plan_2018-FINAL?bidId=

RAISE Grant Application Narrative

Both cities have followed their required public engagement plans to approve Comprehensive Plans that incorporated the input of the broadest possible input. Our citizens spoke loud and clear:

100%



of respondents want to:

Establish a quality pedestrian environment with streetscape amenities such as: benches, shade trees, wayfinding signage, bike racks, trash receptacles and lighting which creates an energy towards revitalization.

99%



of respondents want to:

Redesign State Line Avenue to create a local treasure, by helping to define bi-state history, connecting Texarkana USA together, promoting new redevelopment and growing our local tourism industry.

99%



of respondents want to:

Promote redevelopment & revitalization of Downtown for the successful enjoyment of all in Texarkana.

In 2021, an additional 9-month long State Line Avenue Corridor plan was completed by MTG Engineers & Surveyors⁶. This ambitious corridor study has utilized the public's input from the very beginning of the study to discuss future objectives and to identify existing key corridor conditions and issues. To keep the community informed, there have been multiple public workshops to discuss the corridor plans and planning process. There were 3 meetings held and each made changes based on the input from those who attended in person or virtually. There was over 500 people that attended all the meetings combined. From there a vision statement was developed and designs and goals were developed from that. A Complete Street concept on State Line Avenue would be for the safety and mobility of the community, as well as using future design features to make the environment more inclusive to the public.

⁶ <http://www.texarkanampo.org/documents/publications/Final%20Corridor%20Plan.pdf>

RAISE Grant Application Narrative



Based on the concept, vision, and goals, two alternatives were developed, and this project reflects ideas from both alternatives.

State and Local Approvals.

Both the Arkansas Department of Transportation and the Texas Department of Transportation have been deeply involved with planning for improvements to the State Line Cultural Corridor along with the Texarkana Metropolitan Planning Organization and the cities of Texarkana, Arkansas and Texarkana, Texas. Relevant approvals have been obtained or will be obtained provided an award for the project is received. Both cities will present this award to their respective City Councils for approval by the duly elected Council Members representing the citizens of both cities before a final contract for the award can be signed by the cities. The Texarkana MPO has authority to move forward with this project as it is in the appropriate planning documents. They will work with a contractor awarded through a competitive bidding process to submit documents on behalf of the MPO as primary applicant for Environmental Clearance and final plan approvals as required by the RAISE grant and both state DOT's.

In both cities, the RAISE grant contract will require approval of the duly elected respective City Councils. This process takes approximately six weeks from start to finish. Texarkana MPO has a Policy Board that will likewise approve acceptance of the award before entering into a mutually binding contract.

Federal Transportation Requirements Affecting State and Local Planning.

The State Line Cultural Corridor Project is included in all relevant State, Regional (Texarkana MPO) and Local planning documents in accordance with federal transportation requirements as appropriate. Each entity is experienced with federal awards and the attendant responsibilities, having managed many federal grant programs over the years.

RAISE Grant Application Narrative

Assessment of Project Risks and Mitigation Strategies

Material Risks to the project include the following categories:

Risk Category	Most Significant Material Risks for This Project	Applicants' Strategy for Mitigation
Environmental Risk	Design changes require additional Environmental analysis	Produce environment analysis for current designs
External Risks	Permits or agency actions delayed or take longer than expected. Or Health Crisis	Keep timeline up to date and provide a buffer for unforeseen circumstances
Design Risk	Incomplete quantity estimates	Ensure quantity estimates are done efficiently and effectively
Engineering Services Risk	Delay due to traffic management and lane closure for geotechnical subsurface exploration	Keep the public informed of all delays and provide alternate routes
Right of Way Risk	Utility relocation requires more time than planned	Keep timeline up to date and provide a buffer for unforeseen circumstances
Construction Risk	Inaccurate contract time estimates	Research and provide accurate contract time estimate and provide a time buffer before project end date
Project Management Risk	Unplanned work that must be accommodated	Utilize time buffer worked into timeline to accommodate new workload
Organizational Risks	Delays in getting approvals, decisions	Work efficiently and effectively towards finishing project, provide time buffer for unforeseen circumstances.

The DOT's represented in this application have advised on the pre-requisite steps to obligate Federal funds to ensure the schedule is reasonable. The project timeline is well within reasonable expectations for completion, even if/when unforeseen risks become apparent. All applicants and two state DOTs' have ample contract/road construction experience. A two-year time buffer was built into the program design to mitigate project delays.

The City of Texarkana, Texas has the capacity to manage the financial and contractual obligations of this project, including insuring that all federal grant requirements are met in a timely manner. Both cities manage approximately \$40,000,000 budgets per year. Both cities also maintain large staffs and can bring more resources to this project to provide the financial, contractual, and reporting obligations.

VI. Benefit Cost Analysis (See D.2.vi. and E.1. iii.)

Benefit Cost Analysis Summary

State Line Avenue has a unique position as a corridor as it also functions as the state line for Texas and Arkansas. It plays a major role in the naming of Texarkana and therefore should be a focal point of the city; after all the city has touted it is “Twice as Nice.” However, as growth spreads outwards, State Line Avenue has been left in limbo; with growth only occurring sporadically and without regulations to create the eyesore we see today. It should be a boulevard into the heart of historic downtown Texarkana, a hub of culture for the area. Instead, it is a conglomerate of commercial, residential, and urban with a dwindling safety resources and accessibility for visitors. State Line Avenue is in desperate need of an overhaul to become a main corridor, growth hot spot, eco-friendly, job-creating, and cultural center that it should be.

Benefit-Cost Ratio

The total value of benefits that would be accrued if the proposals for State Line Avenue were put in place is \$424,156,570.41. The total sum costs were \$ \$48,948,907.58. By using the benefit-cost ratio we receive a ratio of $\$424,156,570.41 / \$48,948,907.58 = 8.66$. The BCR is incredibly high, which means that the project has a plethora of benefits to outweigh the costs. This ratio represents that not only does the project have the potential to succeed in renovating State Line Avenue into a more positive experience, but it could transform the area into a prized cultural corridor.

Please see Appendix 1 for the Benefit Cost Analysis

Appendix

Appendix 1: Benefit Cost Analysis.

Baseline

The current state of State Line Avenue is a 4-lane main corridor with a major intersection with IH 30 and is a main route into the historic downtown of Texarkana Texas and Arkansas. State Line Avenue encompasses commercial, residential, and urban aspects along a 3-mile route, allowing for an abundance of opportunities for growth, though in many areas this has become stagnate over the years. Consistent commercial growth rallies around the IH 30 intersection, where travelers can exit for easy access. Because of this, the traffic is most heavy around the IH-30 intersection and lessens as the Avenue reaches downtown Texarkana. There are too many signaled intersections which slow traffic considerably during rush hours. Due to its lack of sidewalks and crosswalks, pedestrian and bicyclists face many safety issues while traveling on State Line Avenue. The traffic signs along the entire stretch only address vehicles, and because of this a “free-for-all” attitude about crossing State Line Avenue has ensued - a hazard for the pedestrians and cars alike. State Line Avenue has become a public safety concern in this regard. Recorded accidents for 2016 and 2017 show a cluster in the urban downtown area as being the most popular for collisions with minor injuries. However, this crash data does not represent the abundance of curb cuts on State Line Avenue, which makes turning and maneuvering especially difficult during high traffic hours. Though many bus stops are located along the main corridor for the Texarkana Public Transportation, T-line, there are few marked areas to wait; this creates dangerous situations for patrons of this service and traffic as a whole. The commercial area close to IH-30 benefits from a few better-landscaped areas, but these decline increasingly as State Line Avenue becomes residential and then urban. This increases environmental concerns regarding storm water runoff and pollution through emissions, which is not well managed by a lack of filtration systems and an abundance of impervious surfaces. As a main corridor of Texarkana, Texas and Arkansas it has been badly unkept, resulting in growing maintenance and operational costs that need to be addressed now while the economic climate is currently in a better state than in past years. State Line Avenue has suffered from loss of public interest due to growth moving eastward, resulting in an increasing loss in revenue, tourism, visitor dollars and tax revenue for the area. The local economy could be blamed for such a decline, especially in the recent recession, but State Line Avenue has failed to meet community needs for much longer. If the project is unable to be funded, this state of State Line Avenue will only continue, creating adverse effects for the local community and Texarkana as a whole. See Appendix 5 for photographs illustrating the current state of State Line Avenue.

Alternative

The proposed changes to State Line Avenue are to decrease lane widths to incorporate a more pedestrian and biker friendly atmosphere. The corridor would have six lanes for the commercial area in the north and maintain its four lanes the urban area in the south, with a center turn lane setup.

In addition, a buffer zone would be introduced with a brand-new sidewalk to accompany the entire State Line Avenue. The buffer zone would include added vegetation and trees; this will not only provide much needed shade for the Texas heat, but aid in stormwater management and emission reduction. Filtration systems will be added for stormwater management as well, helping to make State Line Avenue more nature friendly.

RAISE Grant Application Narrative

Bus Stops with benches and awnings will be introduced to provide cover for shade or unforeseen weather, while marking the spot where the T-line buses would be expected to stop for passengers. Crosswalks will be placed at all major intersections to create a safer way for pedestrians and bikers to cross one of the busiest roads in Texarkana. New signals will be set up in order to make pedestrians, bikers, vehicles and buses all travel smoothly together. The removal of 3 traffic lights along State Line Avenue will speed up traffic by twelve minutes, which will attract people to choose this route as an alternative and create better travel times during rush hours. The overarching goal is to improve quality of life on State Line Avenue; in turn, this will increase property values, and attract people to the historic downtown. As one of the main corridors of Texarkana is renovated to a more attractive, safe and dynamic space, the hope would be that it becomes the yellow brick road to an incredible cultural hot spot in downtown Texarkana, Texas and Arkansas.

Costs and Benefits

In order to perform a Cost-Benefit Analysis the costs of the proposed project must be outlined as well as the benefits. The costs of the proposed project are listed in Table 1 and the benefits in Table 2. The costs involve the technical work of redoing the lane widths, adding over 3 miles of sidewalks, and the addition of much needed safety upgrades. The benefits showcase how these costs will have a positive effect on Texarkana economically, naturally, culturally and aid in prosperity.

RAISE Grant Application Narrative

Opinion of
Probable Cost

State Line Improvements

ITEM NO.	QUANTITY	UNIT	TxDOT Item #	DESCRIPTION	UNIT PRICE	NEW UNIT PRICE	TOTAL
1	1	LS	500	Mobilization	\$375,000.00	10%	\$3,800,000.00
2	105	STA	100	Prep ROW	\$3,800.00	\$4,500.00	\$472,500.00
3	24	MO	502	Baricade, Sign, and Traffic Handling	\$7,500.00	\$11,000.00	\$264,000.00
Earthwork							
4	20,000	CY	110	Common Excavation	\$12.00	\$20.00	\$400,000.00
5	14,000	CY	132	Common Embankment	\$15.00	\$30.00	\$420,000.00
6	3,760	CY	132	Select Fill	\$18.00	\$30.00	\$112,800.00
7	3,760	CY	110	Undercut	\$12.00	\$20.00	\$75,200.00
Demolition and Abandonment							
8	68,922	SY	104	Remove Concrete Pavement	\$17.00	\$30.94	\$2,132,448.68
9	6,513	SY	104	Remove Concrete Sidewalk	\$12.00	\$18.44	\$120,099.72
10	10,029	SY	104	Remove Concrete Driveways	\$14.00	\$30.94	\$310,297.28
11	3,537	SY	105	Remove Asphalt Driveways	\$10.00	\$15.00	\$53,055.00
12	29,680	SY	105	Remove Asphalt Pavement	\$10.00	\$15.00	\$445,200.00
13	85	EA	610	Remove Light Pole and Foundations	\$750.00	\$1,000.00	\$85,000.00
14	140	EA	636	Remove Signs	\$50.00	\$75.00	\$10,500.00
15	22	EA	680	Remove Traffic Signal Pole and Foundation	\$3,500.00	\$4,000.00	\$88,000.00
16	22	EA	7124	Remove & Replace Fire Hydrant Assembly	\$3,700.00	\$4,500.00	\$99,000.00
17	14	EA	479	Remove & Replace Sanitary Sewer Manhole	\$3,000.00	\$5,000.00	\$70,000.00
18	16	LF		Remove or Abandon 2" Water Line	\$1.00	\$1.25	\$20.00
19	2,616	LF		Remove or Abandon 4" Water Line	\$1.00	\$1.25	\$3,272.50
20	3,880	LF		Remove or Abandon 6" Water Line	\$1.00	\$1.25	\$4,850.00
21	4,455	LF		Remove or Abandon 8" Water Line	\$1.00	\$1.25	\$5,568.75
22	2,468	LF		Remove or Abandon 10" Water Line	\$1.00	\$1.25	\$3,085.00
23	2,638	LF		Remove or Abandon 12" Water Line	\$1.00	\$1.25	\$3,297.50
24	8	LF		Remove or Abandon 16" Water Line	\$1.00	\$1.25	\$10.00
25	883	LF	7127	Remove or Abandon 6" Sewer Line	\$1.00	\$1.25	\$1,103.75
26	281	LF	7127	Remove or Abandon 8" Sewer Line	\$1.00	\$1.25	\$351.25
27	96	EA		Remove Inlets	\$2,500.00	\$3,000.00	\$288,000.00
28	7,000	LF	472	Remove 18" RCP Culvert	\$15.00	\$25.00	\$175,000.00
29	458	LF	472	Remove 24" RCP Culvert	\$15.00	\$25.00	\$11,450.00
30	204	LF	472	Remove 30" RCP Culvert	\$15.00	\$25.00	\$5,100.00
31	2	EA		Remove Junction Box	\$1,250.00	\$2,000.00	\$4,000.00
32	13	LF	472	Remove 4'X4' Box Culvert	\$45.00	\$75.00	\$975.00
33	5,570	LF	472	Remove 36" RCP Culvert	\$20.00	\$40.00	\$222,800.00
34	100	LF	472	Remove 42" RCP Culvert	\$25.00	\$50.00	\$5,000.00
35	70	LF	472	Remove 4'X3' Box Culvert	\$45.00	\$75.00	\$5,250.00
36	60	LF	472	Remove 6'X3' Box Culvert	\$45.00	\$75.00	\$4,500.00
Street & Storm Construction							
37	13,566	SY	530	Install Concrete Driveways	\$80.00	\$100.00	\$1,356,600.00
38	98,602	SY	360	Install Concrete Pavement	\$90.00	\$120.00	\$11,832,240.00
39	108,640	SY	260	Lime Treated Subgrade	\$4.00	\$8.00	\$869,120.00
40	2,173	TON	260	Lime	\$150.00	\$325.00	\$706,160.00
41	34,511	GAL	310	Asphalt Prime (MC-30)	\$4.75	\$8.00	\$276,065.60
42	21,692	TON	340	Asphalt Pavement Type D	\$115.00	\$193.00	\$4,186,840.92
43	96	EA	485	Install Inlets	\$5,500.00	\$7,000.00	\$672,000.00
44	7,000	LF	472	Install 18" RCP Culvert	\$48.00	\$80.00	\$560,000.00
45	458	LF	472	Install 24" RCP Culvert	\$55.00	\$90.00	\$41,220.00
46	204	LF	472	Install 30" RCP Culvert	\$72.00	\$120.00	\$24,480.00
47	2	EA	485	Install Junction Box	\$8,500.00	\$10,000.00	\$20,000.00
48	13	LF	472	Install 4'X4' Box Culvert	\$400.00	\$650.00	\$8,450.00
49	5,570	LF	472	Install 36" RCP Culvert	\$75.00	\$165.00	\$919,050.00
50	100	LF	472	Install 42" RCP Culvert	\$80.00	\$280.00	\$28,000.00
51	70	LF	472	Install 4'X3' Box Culvert	\$375.00	\$600.00	\$42,000.00
52	60	LF	472	Install 6'X3' Box Culvert	\$550.00	\$880.00	\$52,800.00
53	140	EA	636	Install Signs	\$850.00	\$950.00	\$133,000.00
54	22	EA	680	Install Traffic Signal Pole and Foundation	\$100,000.00	\$130,000.00	\$2,860,000.00
55	367		666	Pavement Marking Symbols & Words	\$275.00	\$275.00	\$100,925.00
56	3,500		666	Pavement Marking (W) 8" SLD	\$0.75	\$1.00	\$3,500.00
57	3,500		666	Pavement Marking (W) 24" SLD	\$15.00	\$20.00	\$70,000.00
58	4,000		666	Pavement Marking (W) 4" BRK	\$0.75	\$1.00	\$4,000.00
59	4,000		666	Pavement Marking (W) 4" SLD	\$0.75	\$1.00	\$4,000.00
60	40,000		666	Pavement Marking (Y) 4" SLD	\$0.75	\$1.00	\$40,000.00
61	2,000	EA	666	Raised Pavement Marker	\$2.60	\$3.00	\$6,000.00
62	1	LS	668	Construction Pav Markings	\$40,000.00	\$50,000.00	\$50,000.00
63	23,333	LF	506	Install Silt Fence/Straw Wattle	\$3.00	\$8.00	\$186,664.00
64	5	EA	506	Install Concrete Washout	\$750.00	\$1,500.00	\$7,500.00
65	96	EA	506	Install Inlet Protection	\$300.00	\$400.00	\$38,400.00
Utilities							
66	85	EA	610	Install Street Light Pole and Fixture	\$3,100.00	\$3,500.00	\$297,500.00

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RAISE Grant Application Narrative

Opinion of Probable Cost									
#REF!	67	85	EA	610	Install Street Light Pole Foundation	\$650.00	\$1,500.00	\$127,500.00	
#REF!	64	EA			Install Gate Valves	\$275.00	\$440.00	\$26,160.00	
#REF!	16	LF			Install 2" Water Line	\$10.00	\$18.00	\$258.00	
#REF!	2,818	LF	5314		Install 4" Water Line	\$16.00	\$45.00	\$117,810.00	
#REF!	3,880	LF	5314		Install 6" Water Line	\$18.00	\$40.00	\$155,200.00	
#REF!	4,455	LF	5314		Install 8" Water Line	\$21.00	\$50.00	\$222,750.00	
#REF!	2,468	LF	5314		Install 10" Water Line	\$24.00	\$55.00	\$135,740.00	
#REF!	2,838	LF	5314		Install 12" Water Line	\$30.00	\$60.00	\$158,280.00	
#REF!	8	LF	5314		Install 16" Water Line	\$40.00	\$65.00	\$520.00	
#REF!	1,164	LF	7017		Install 8" Sewer Line	\$20.00	\$60.00	\$69,840.00	
Pedestrian/Bike Facilities									
#REF!	14,800	LF	531		8' Shared Use Path (Both Sides)		\$130.00	\$1,898,000.00	
#REF!	284	EA	531		Install Curb Ramps	\$1,750.00	\$2,270.00	\$644,680.00	
#REF!	3	EA			Pedestrian Hybrid Beacon System Crossing		\$65,000.00	\$195,000.00	
#REF!	150	EA			Pedestrian Ornamental Street Lights (18')		\$5,500.00	\$825,000.00	
Cultural Enhancements									
#REF!	5,800	LF			Upgraded Stamped Concrete Cross Walks		\$125.00	\$725,000.00	
#REF!	450	EA			Street Banners & Brackets		\$750.00	\$337,500.00	
#REF!	2	EA			Colossal Flag (150' Tall)		\$35,000.00	\$70,000.00	
#REF!	2	EA			Flag Lighting		\$25,000.00	\$50,000.00	
#REF!	2	EA			Columns (16' Masonry Pair)		\$20,000.00	\$40,000.00	
#REF!	4	EA			Twin Parks Concept (Allowance per park)		\$45,000.00	\$180,000.00	
#REF!	1	EA			State Line Crossing Experience		\$20,000.00	\$20,000.00	
Total Amount of Bid-Items 1 through 83									\$41,050,637.33
						Contingency	7%	\$2,744,219.66	
						Construction Engineering/Material Testing	7%	\$2,744,219.66	
Total									\$46,539,077.25

Table 2. Benefits of the Alternatives with Assessed Values

Benefits	Value
Value of Travel Time Savings (North State Line Avenue)	\$75,923.85
Value of Travel Time Savings (Middle State Line Avenue)	\$61,922.76
Value of Travel Time Savings (South State Line Avenue)	\$43,267.65
Safety Benefits	\$388,573,650.60
Emission Reduction	\$90,096.00
Property Value Increase	\$4,027,975.88
Reliability	Qualitative*
Light Pole, Fixture, and Foundation	\$425,000.00
Sidewalks and Ramps	\$9,758,820.00
New Traffic Signals	\$2,860,000.00
Bus Stop Benches and Aprons	\$180,000.00
Cultural Enhancements	\$1,422,500.00
Tourism	\$5,347,927.00
Trees and Landscaping	\$566,666.67
Local Businesses	Qualitative*
Planned Development	\$10,722,820.00
Total	\$424,156,570.41

*Some of the benefits are not able to be measured and instead tend to be better described qualitatively. This causes a hole in the quantified benefits to which every person will assign meaning to differently. The value

of State Line Avenue and how it has defined cultural growth of Texarkana gives value to what cannot be monetized. Look below for more information on Reliability and Property Value Increases.

The computations for Benefits are listed below in order of Table 2.

Value of Travel Time

The MPO's 2021 Traffic Counts conducted for city of Texarkana showed that for North State Line Avenue 25,421 vehicles per a year were used. For the middle, residential area of State Line Avenue, 20,863 vehicles per a year were utilized. The southern urban area of State Line Avenue had a traffic count of 14,571 vehicles per a year. These counts were conducted by a tube laid across the road; when a vehicle drives over the tube, the number of axles is counted and divided by two. This can produce error if a car has an odd number of axles or has a trailer hitched where the computer might believe it to be more cars than in actuality. Three stoplights will be removed who were deemed unnecessary for the flow of traffic. The cycle of stoplights allows for travel south down State Line Avenue to be 12 minutes faster. Due to this change, we expect an increase in usage for the North of State Line Avenue to be 30,000 vehicles, middle State Line Avenue to be 22,000 and Southern State Line Avenue to be 15,500. This is due to the average traffic counts of the area and the growth that area is forecasted to have. According to the USDOT, the value of time for all purposes of vehicle travel is \$14.80 per an hour.

North State Line Avenue: VTT (existing) = 14.80/hr. x 0.2 hr. x 25,421 trips per year =

\$75,246.16 VTT (new) = 14.80/hr. x .02 hr. x 0.5 x 4,579 trips per year = \$677.69

VTT = \$75,246.16 + \$677.69 = \$75,923.85

Middle State Line Avenue: = VTT (existing) = 14.80/hr. x 0.2 hr. x 20,863 trips per year =

\$61,754.48

VTT (new) = 14.80/hr. x .02 hr. x 0.5 x 1,137 trips per year = \$168.28 VTT = \$61,754.48

+\$168.28 = \$61,922.76

South State Line Avenue: = VTT (existing) = 14.80/hr. x 0.2 hr. x 14,571 trips per year =

\$43,130.16

VTT (new) = 14.80/hr. x .02 hr. x 0.5 x 929 trips per year = \$137.49 VTT = \$43,130.16

+\$137.49 = \$43,267.65

Safety Benefits

State Line is one of the more dangerous corridors in Texarkana, with car collisions happening daily due to a lack of many safety considerations that are included in our proposed plan. It's incredibly important to make State Line Avenue a safer and more accessible corridor for visitors and residents. According to TxDOT and MPO Texarkana crash data, there were 6,862 total car crashes on State Line Avenue. Due to the improvements, we are making to State Line Avenue in the form of crosswalks, new safety signals, sidewalks and other improvements, the reduction of risk is close to 50%. Over half of the wrecks included no Injury which relates to \$3,200 in benefits as suggested by USDOT. The rest were, incapacitating, which is \$459,000.

Table A. Crash Data with KABCO Levels and Monetized Values

KABCO Level	No Injury	Possible Injury	Non-Incapacitating	Incapacitating	Killed	Total
# Of Crashes	4,074	1,546	936	213	48	6,817
% Of Total Crashes	0.598	0.227	0.137	0.031	0.007	1.00
USDOT Monetized Value	3,200	63,900	125,000	459,100	9,600,000	-

Reduction Benefit = 6,862 crashes/year x 50% risk reduction x (0.598 x 3,200 + 0.227 x 63,900 + 0.137 x 125,000 + 0.031 x 459,100 + 0.007 x 9,600,000)

The total benefits were \$388,573,650.60

Emission Reduction

By increasing the speed of traffic, which reduces idling time, adding trees, and helping to better filter the stormwater runoff of State Line Avenue, we will reduce the nitrogen oxides in the area by 12 short tons. The USDOT suggests that the monetized value for one short ton is \$7,508 for Nitrogen Dioxides. Nitrogen Dioxides Reduction Benefit = 12 short tons x 7,508/short tons
Nitrogen Dioxides Reduction Benefit = \$90,096

Property Value Increase

State Line Avenue contains many parcels, all of which have buildings of varying value that are anywhere on the spectrum of low to high. With the proposed changes, assessed values for these parcels will increase according to a study commissioned by the Robert Wood Johnson Foundation-Active Living Research (Ewing and Shoup 2010), “complete, compact, and connected communities” increase land values about 5-12%. This is a one-time additional value for the property, the value of a walkable network put in place by the plan for State Line Avenue will average 7%. It is no surprise that the higher in value land assets are located around the commercial center at the IH 30 intersection. This area, reaching from the interstate intersection to 32nd street is valued at \$34,894,000. This would mean the property values for the areas would increase by 7% or \$2,442,580 after the addition of the buffer, sidewalks and improved transportation networks to make the area much more interconnected and less of an eyesore. The urban area, which begins at 20th street intersection and ends on Front Street, has parcels that combined value around \$18,500,000, which grow by \$1,300,000 (7%). This area especially would benefit from the cosmetic and safety features proposed, allowing the possibility of more business to fill the empty buildings and overturn the season of neglect in downtown Texarkana. The residential middle area of State Line Avenue is valued at \$4,077,084 and will grow by \$285,395.88 (7%). This project would increase property values by adding more transportation opportunities, adding appealing landscaping and providing easier access to the homes in the neighborhoods beyond State Line Avenue. It would be an effective facelift for neighborhoods who fell into decline. With the

proposed changes in place, State Line Avenue is set to inherit a sizeable property value increase which will not only benefit the parcel owners but also the city of Texarkana. The total property value increase is (Commercial) \$2,442,580 + (Urban) \$1,300,000 + (Residential) \$285,395.88 = \$4,027,975.88.

Reliability

This is a benefit that though incredibly important to the daily lives of the people who live in Texarkana cannot be quantified. Reliability deals with how dependable the traffic patterns are on the State Line Avenue corridor. The patterns here tend to stay consistent with other city's major corridors, large crowds during mealtime hours and heavier traffic during rush hours. However, State Line Avenue has a tendency towards heavier traffic near the IH 30 intersection and then a gradual fade of frenzy towards the urban downtown area. The reliability is high, people who frequent the area can expect the same amount of traffic at the same time of day, excluding construction or collisions. This aspect of life will change only slightly with the implementation of changes for State Line Avenue, mostly in a positive way. It will increase the traffic, increasing economic gain for the area. Commercial growth will continue, and more people will frequent the area as a result. The reliability of the area will not change drastically, in fact, residents of State Line Avenue will have new opportunities to travel on bikes or walk to destinations. The addition of these transportation options along with bus stops for the T-line will balance out the additional vehicle traffic, keeping the reliability of State Line Avenue in check.

Cultural Enhancements

Cultural Enhancements include all transportation related improvements such as lighting, crosswalks, signage, public transport shelters, environmental protection, and stormwater management that are sensitive to the local culture and reflect that in design. These will be able to enhance State Line Avenue's already historic past and encourage cultural place-making along the corridor. The cost of the culturally sensitive functional safety additions is \$1,422,500, though not adding the qualitative feeling of having a cultural corridor that represents the residents of Texarkana which is priceless. This portion of the project will be covered by both cities as part of this overall project.

Tourism

State Line Avenue is a main route into the heart of downtown Texarkana, a cultural district with deep historic routes. Tourism plays a major role in the upkeep of the southern aspects of State Line Avenue and will only continue to be profitable if changes are made to attract more people down the corridor. In a 2016 study performed by the Texarkana Planning and Community Development Department, the importance and influence on the local community of the Arts and Historic District was showcased. 99,812 people attended cultural events in downtown Texarkana, and the total average cost of attending the Perot Theatre, a well-preserved historic icon, was \$53.58 per a person. This average includes hotel rooms, childcare, tickets, and other costs. The grand total of assets gained by were \$5,347,927, all of which aided in growing the local community economically. State Line Avenue plays a generous role in transportation to the Perot Theatre and the cultural district, so by enhancing State Line Avenue, tourism will grow benefitting the historic Texarkana, Texas and Arkansas. With better tourism opportunities, the city will receive more tourism dollars, which can be put back into making State Line Avenue a true cultural avenue.

Trees and Landscaping

In the proposed plan trees would be placed around at increments of 8 feet along the entire corridor in the buffer space provided, which would mean close to 4,000 trees are needed to cover the stretch. The benefit of trees to an area is close to a benefit of almost \$100 per a tree, according to a study performed by Houston Advanced Research Center which investigated decreasing the heat island Effect in Dallas. The value of placing a tree in an area with an abundance of impervious surfaces, which State Line Avenue has an abundance of, is quite high due to the services trees can provide such as storm water management, reduction of toxins and emission pollutants, and shade protection which reduces the heat island effect effectively.

Local Businesses

The state that State Line Avenue is in currently limits growth, and is unappealing for new businesses to move in. With the proposed changes, the corridor would be much easier to navigate and introduce two new forms of transportation which would make accessibility to business better overall. It would create more opportunities for local businesses, allowing people to be better equipped to travel to their locations. The commute on State Line Avenue would be quicker and much more enjoyable than the present state. The proposed changes would attract more visitors off IH 30 which would increase growth for business along State Line Avenue. Local businesses would clearly benefit from the proposed changes, bringing more consumers and creating better accessibility for the corridor. Quantifying this benefit is nearly impossible, since we have no way of knowing what the local business might become, its revenue annually, or the impact on the community. However, local businesses create a stronger sense of community and do encourage cultural pride in an area which in time can develop to positive economic results.

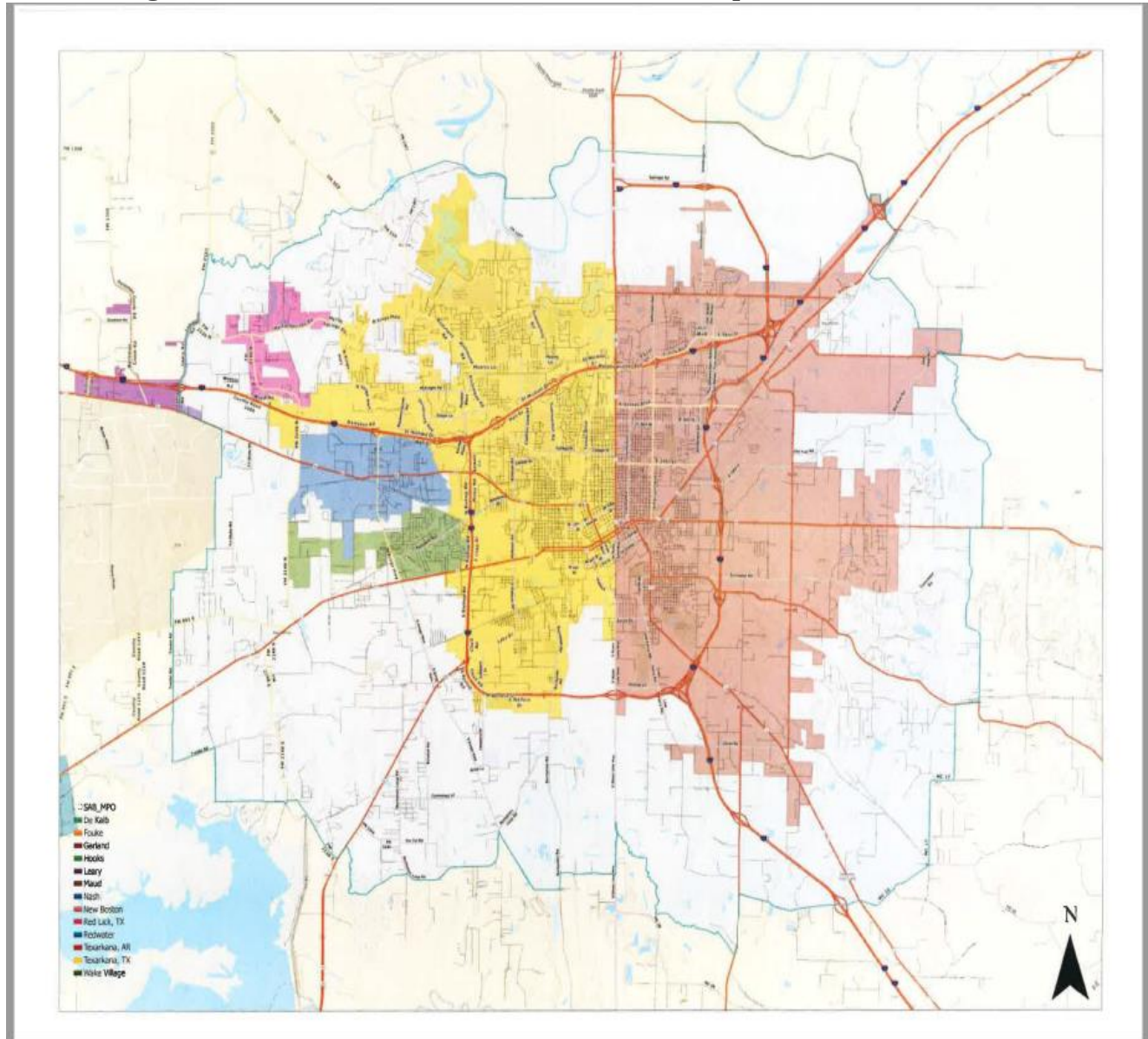
Planned Development

The City of Texarkana has four public investment projects in progress that could be jeopardized if the proposed work for State line Avenue is unable to be fulfilled. The Courthouse, a historic icon of Texarkana that is built on the State Line of Texas and Arkansas and serves both states, is getting a facelift in the square that surrounds it. This will enable the location to become even more of a destination, this project is \$1,600,000 and is CIP funded 2017. Many of the street's downtown are one-way and have become hazardous because of visitors who may lack directional knowledge of the area and street smarts. The conversion to two-streets and on-street parking has been completed to provide a safer and more accessible downtown to everyone, this project is also CIP funded at \$130,000. The historic Perot Theatre is being renovated to better serve future generations, it one of the major symbols of Texarkana downtown and is essential to the preservation of cultural district. The Perot renovation is CIP funded at \$4,600,000. The improvements to the courthouse square, with the addition of electric charging stations at \$742,820. Lastly, the Art Block, a new space for culture and innovation to be presented will increase activity downtown and create more an appealing space for visitors. This last is CIP and is also \$4,600,000. State Line Avenue is a direct line to all these projects that will be soon be underway, if the main corridor is not renovated into less of an eye sore these investments may fall to the wayside or fall through entirely. However, if State Line Avenue undergoes the proposed changes, becoming a focal point of Texarkana as it should have been then these projects will be able to flourish.

$$\begin{aligned}\text{Total Planned Development} &= \$650,000 + \$130,000 + \$4,600,000 + \$4,600,000 + \$742,820 \\ &= \underline{\underline{\$10,722,820}}\end{aligned}$$

Appendix 2: Maps and Images

Figure 1: Texarkana Urbanized Area Overview Map



RAISE Grant Application Narrative

Figure 2: State Line Avenue Cultural Corridor Project Location and Overview



RAISE Grant Application Narrative

Below are photographs of State Line Avenue, divided by three districts – Commercial, Residential, and Urban - illustrating its current state.

Commercial

RAISE Grant Application Narrative

Residential



RAISE Grant Application Narrative

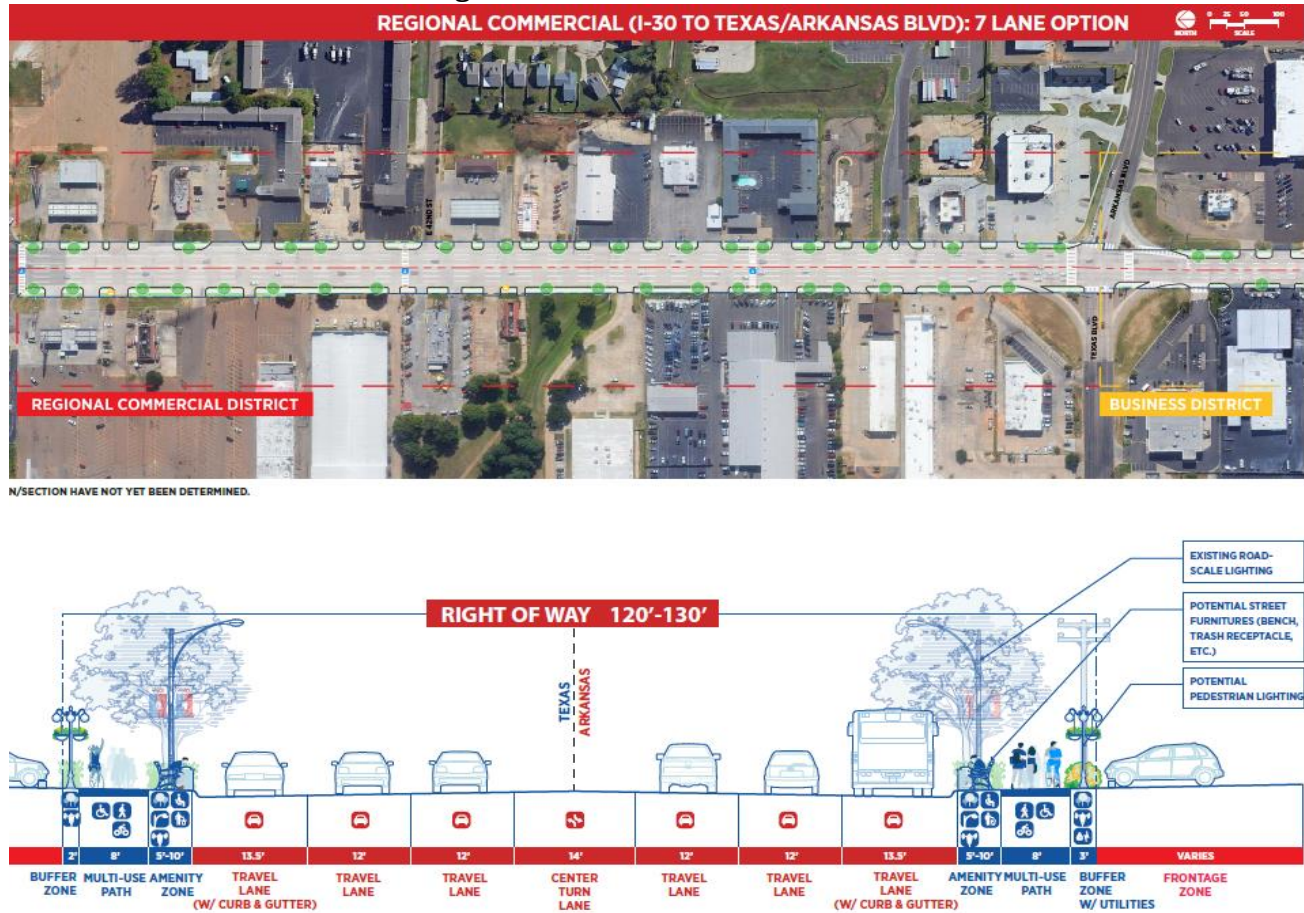
Urban



RAISE Grant Application Narrative

See the following pages. All are conceptual and subject to change to better fit state and federal regulation. These designs are from the Texarkana Metropolitan Planning Organization 2021 State Line Avenue Corridor Study.

Figure 4: Commercial District



RAISE Grant Application Narrative

Figure 5: Business District

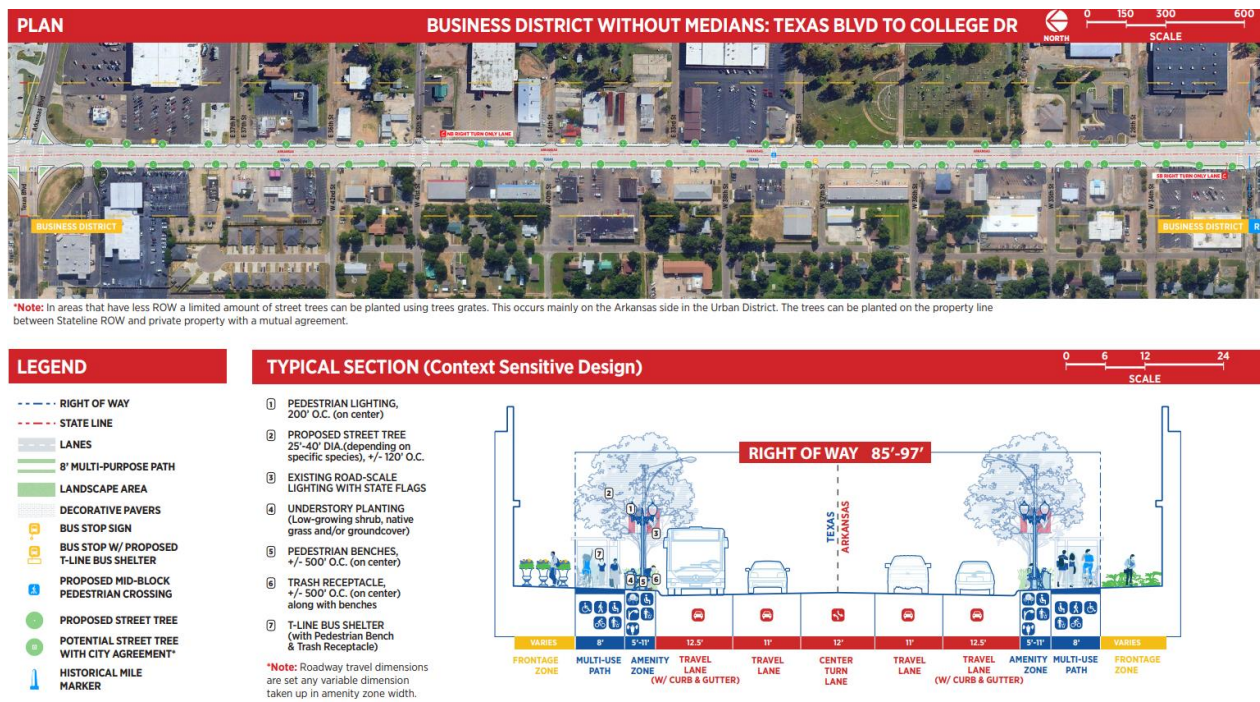
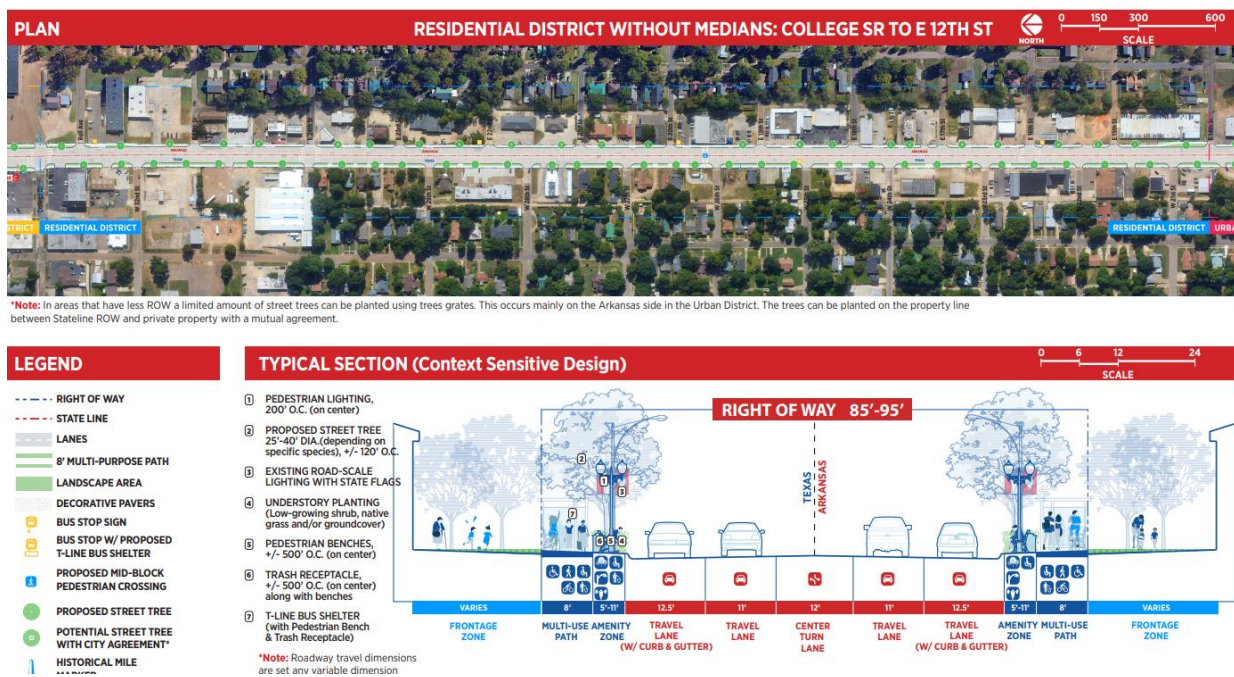
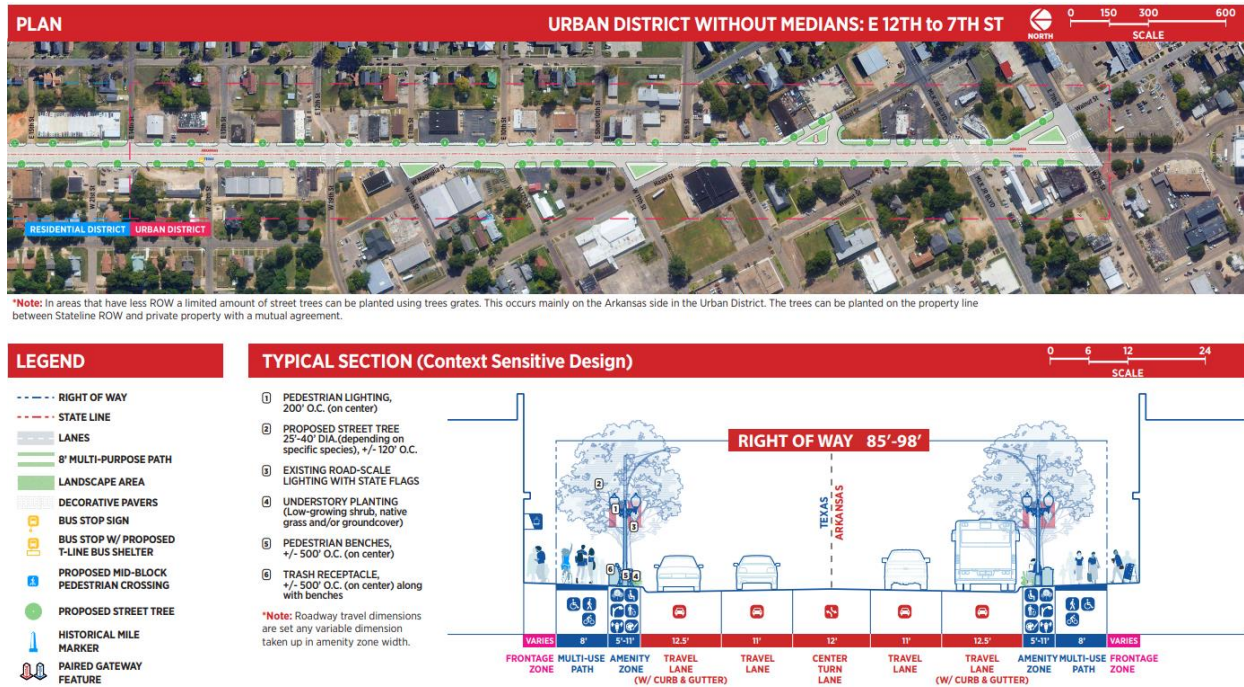


Figure 6 Residential District



RAISE Grant Application Narrative

Figure 7: Urban District



RAISE Grant Application Narrative

Appendix 3: State Line Corridor 2021 Study Public Engagement meetings



TEXARKANA STATELINE AVENUE PUBLIC MEETING

METROPOLITAN PLANNING ORGANIZATION

WE NEED CITIZEN INPUT FOR THIS CORRIDOR STUDY! YOUR OPINION MATTERS!

29 JUN 2021, TUES
6:00 - 8:00 PM

HOLIDAY INN (CORVALLIS, ARKANSAS)
5000 CONVENTION PLAZA DRIVE,
TEXARKANA, AR 72203

CANNOT MAKE THIS MEETING IN PERSON?
There will be an online platform that allows you to provide feedback virtually.

stateinccorridor.com

TEXARKANA STATELINE

TEXARKANA STATELINE This meeting is sponsored by

STATELINE AVENUE CORRIDOR STUDY

METROPOLITAN PLANNING ORGANIZATION

PUBLIC MEETING

WE NEED CITIZEN INPUT FOR THIS CORRIDOR STUDY! YOUR OPINION MATTERS!

9 SEPT 2021, THURS
6:00 - 8:00 PM

TEXARKANA CONVENTION CENTER
2015 CONVENTION CENTER DRIVE
CORVALLIS, AR 72203

CANNOT MAKE THIS IN PERSON?
Please access the online platform through the link below to provide feedback virtually.

stateinccorridor.com

TEXARKANA STATELINE This meeting is sponsored by

STATELINE AVENUE CORRIDOR STUDY

METROPOLITAN PLANNING ORGANIZATION

PUBLIC MEETING

PROVIDE THE FINAL INPUT FOR THIS CORRIDOR STUDY! YOUR OPINION MATTERS!

4 NOV 2021, THURS
5:30 - 6:30 PM

TRAHC BUILDING
800 S. STATELINE AVENUE, SUITE 200
CORVALLIS, AR 72203

CANNOT MAKE THIS IN PERSON?
Please access the online platform through the link below to provide feedback virtually.

stateinccorridor.com

Appendix 4: Cultural Enhancement Ideas

Cultural Enhancements include all transportation related improvements such as lighting, crosswalks, signage, public transport shelters, environmental protection, and stormwater management that are sensitive to the local culture and reflect that in design. Below are examples of culturally functional designs that aim to create safer transportation environments.

EXHIBIT A: Cultural Crosswalks



Example from Arden Park and Recreation District in Sacramento, District

EXHIBIT B: Downtown Avenue Lighting



RAISE Grant Application Narrative

Current lamp posts in Texarkana Arts and Historic District which will create a more classic avenue feel when added further up State Line Avenue.

EXHIBIT C: Wayfinding Signs

Photos of current Texarkana Arts in Historic District signage which will continue up State Line denoting safety features and wayfinding suggestions.

RAISE Grant Application Narrative

EXHIBIT D: Bus Shelters

Examples from Tracy, California and Palm Beach, Florida Bus Shelters

EXHIBIT E: Stormwater Management: Rain Garden

Texas A&M University, College Station Texas Rain Collection garden using Texas native plants.

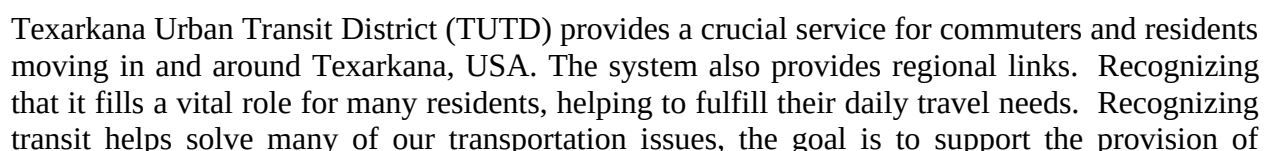
EXHIBIT F: State Emblems

Left – Example of Bristol, Tennessee/Virginia’s Metal Street Emblem



Right – Arts and Historic District Emblem Design

These improvements (multi-use Pathways) will provide walkable and bikeable access to Schools in the immediate area such as North Heights and College Hill. This will also allow patrons to hail a cab or call for Uber in a safe and well-lit location. It will allow a variety of handicap accessible pedestrians to use the facilities as normal pedestrians.



RAISE Grant Application Narrative

efficient, safe, and convenient bus services that helps address local and regional travel needs. The successfulness of TUTD helps offset congestion, improve air quality, and helps stimulate economic development. Improvements to transit stops, providing curbs and sidewalks may encourage more widespread acceptance of transit as a viable alternative to the automobile.

By connecting neighbors and local destinations with sidewalks and pathways reduces vehicle miles traveled, improves congestion, safety, and promotes active lifestyles.



YEARLY RIDERSHIP 191,079

The Mobility and Connectivity principle and goals are consistent with Texas Department of Transportation (TxDOT), Arkansas Department of Transportation (ARDOT), and Texas Transportation Institute (TTI), the mobility plan analysis determined the potential funding required for maintaining the current level of mobility through 2030. The goals identified in the plan included:

- Relieve Congestion
- Improve Safety
- Improve Air Quality
- Improve Quality of Life
- Improve Opportunities for Economic Development
- Enhance Infrastructure Maintenance
- Streamline Project Delivery
- Incorporate TxDOT & ARDOT Plans

Identified in the 2045 MTP are the following 10 factors which helped guide the design and scope of work for State line Avenue.

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness.
2. Increase the Safety of the transportation system for motorized and non-motorized users.
3. Increase the security of the transportation system for motorized and non-motorized users.
4. Increase accessibility and mobility of people and freight.
5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns.
6. Enhance the integration and connectivity of the transportation system across and between modes, people, and freight.
7. Promote efficient system management and operation.

RAISE Grant Application Narrative

8. Emphasize the preservation of the existing transportation system.
9. *Improve resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation, and
10. *Enhance travel and tourism.

**New Factors introduced by the FAST Act*

Another factor in mobility and connectivity is Freight and the Economy. The movement of goods, is an important part of the economy, serving as a vital link in regional, state, and national supply chains. Two of the top ten occupations by employment in the Texarkana area are 1) Heavy and Tractor-Trailer Truck Drivers and 2) Laborers and Freight, Stock, and Material Movers. Approximately 36% of all non-agricultural employment in the Texarkana area is in freight-dependent industries. In the Texarkana area, 22% of employment is in the Trade, Transportation, and Utilities industries, which is the largest industry sector in terms of employment in this region.

Freight-Dependent Industry (NAICS Classifications)	
Agriculture, Forestry, Fishing, and Hunting	Manufacturing
Mining, Quarrying, and Oil and Gas Extraction	Wholesale Trade
Utilities	Retail Trade
Construction	Transportation and Warehousing

Major freight infrastructure in the Texarkana region includes three interstates, four US Highways, two Class I railroads, and a short line railroad. The Texarkana Airport is also located within a few miles of the Stateline corridor.

Major highways that support freight truck traffic include IH30 (north begin of the project) IH 369, IH49, US 59, US 67, US71, and US 82. I H 30 experiences the highest amount of truck traffic in the area and provides key connections to major national freight hubs such as Dallas/Fort Worth, TX and Memphis, TN.

These roadways provide access to and from sites or facilities that produce relatively large amounts of freight truck traffic or are potential freight generators (e.g., the airport and surrounding area) which are important assets to the freight roadway system. Roadways such as IH 30, US 71/Stateline, Arkansas Boulevard, and Airport drive assist in providing the last mile in the network.



RAISE Grant Application Narrative

	Inbound			Outbound		
	2020 Cargo Tonnage	2040 Cargo Tonnage	% Change	2020 Cargo Tonnage	2040 Cargo Tonnage	% Change
Agriculture	295,951	316,271	7%	146,335	184,294	26%
Oil and Gas / Other Mining	1,752,251	2,420,248	38%	117,760	134,249	14%
Nonmetallic Minerals	1,761,209	1,866,601	6%	1,775,730	3,064,920	73%
Food	253,307	292,312	15%	296,767	282,132	-5%
Consumer Manufacturing	7,623	7,701	1%	4,646	4,415	-5%
Non-Durable Manufacturing	38,080	43,565	14%	26,273	23,604	-10%
Lumber	159,318	166,270	4%	148,217	134,882	-9%
Durable manufacturing	205,751	271,628	32%	121,846	110,833	-9%
Paper	45,869	49,199	7%	309,927	277,927	-10%
Chemicals	85,165	87,104	2%	495,396	444,168	-10%
Petroleum	591,577	556,207	-6%	37,720	30,176	-20%
Clay, concrete, glass	450,836	444,569	-1%	420,654	381,667	-9%
Primary Metal product	84,353	100,942	20%	19,850	17,905	-10%
Secondary and Misc.	278,567	326,384	17%	488,134	475,707	-3%
Total	6,009,856	6,949,002	16%	4,409,255	5,566,879	26%

Inbound/Outbound Cargo Shipment: 2020-2040: TX and AR Travel Demand Models

Figure 4: Top 5 Value Added Industry Sectors; Freight Transportation System Performance Investment Scenario; IMPLAN

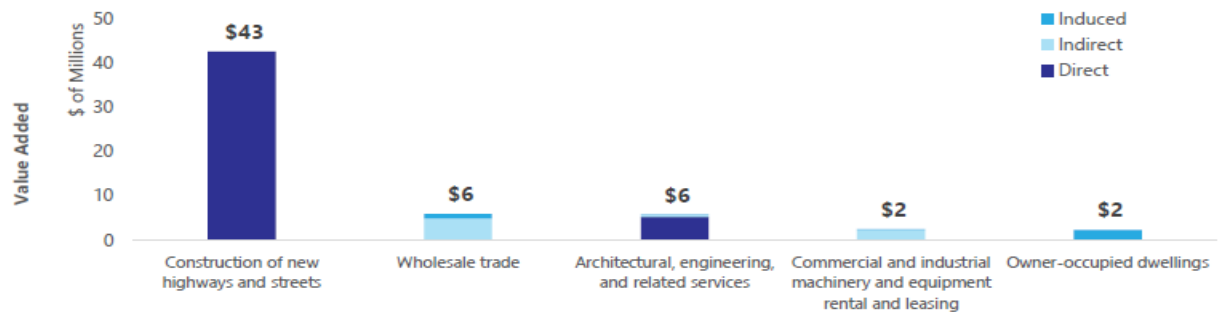
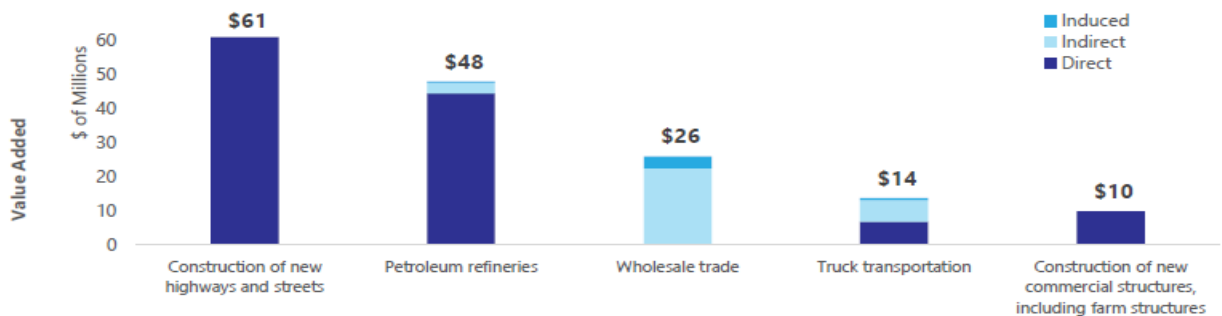


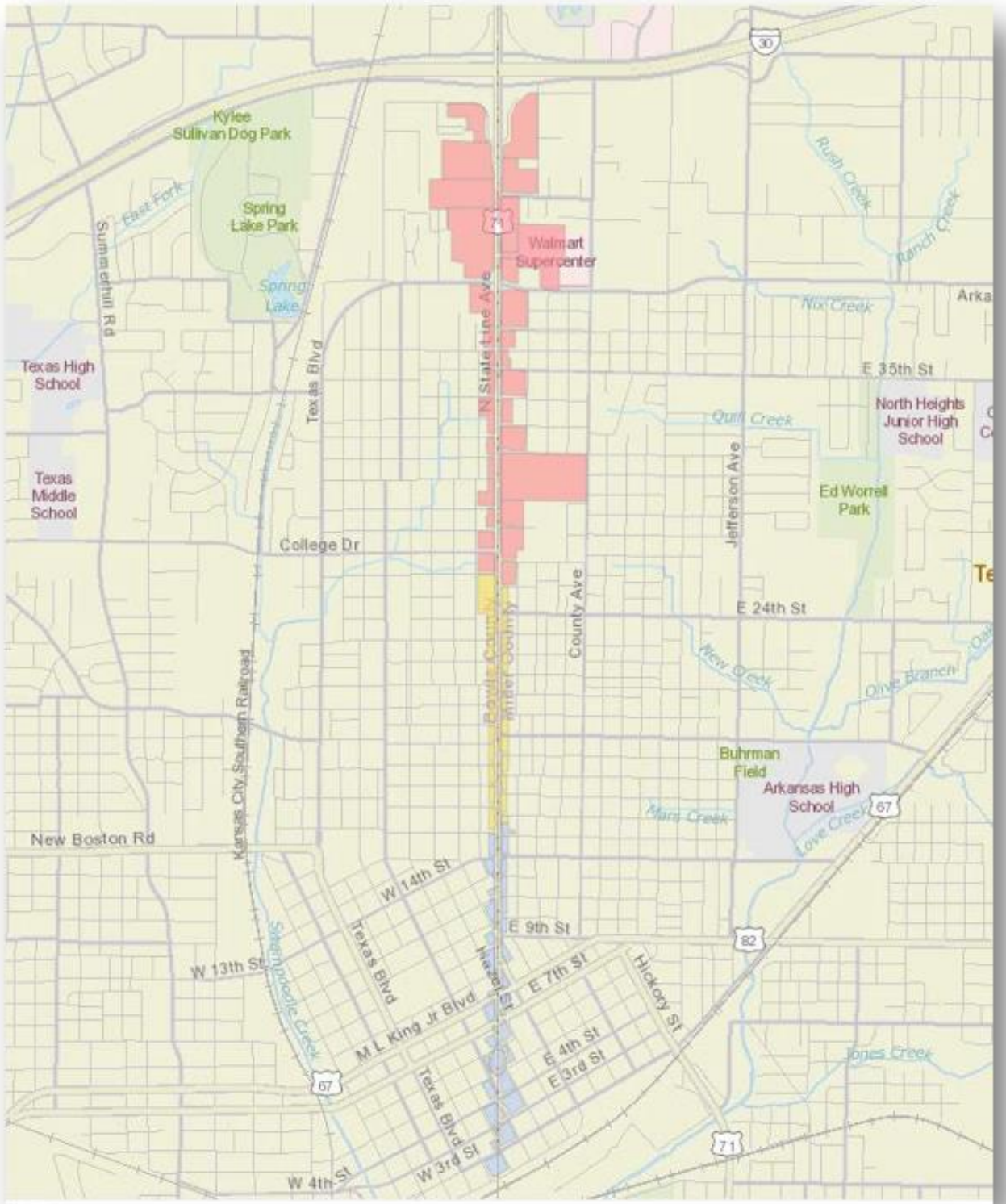
Figure 5: Top 5 Value Added Industry Sectors; Strategic Economic Growth Investment Scenario; IMPLAN



Value Added Industry Sectors; Freight Transportation System Performance Investment Scenario; IMPLAN.

RAISE Grant Application Narrative

Appendix 6: Corridor and District Overlay and Detail Map



Appendix 7: Letters of Support and Resolutions

TEXARKANA, USA



Twice as Nice

January 22, 2024

Secretary Pete Buttigieg
US Department of Transportation
1200 New Jersey Avenue SE
Washington DC, 20590

Re: Texarkana Metropolitan Planning Commission 2024 RAISE Grant Application State Line Corridor Improvements

Dear Secretary Buttigieg:

In response to the U.S. Department of Transportation's Notice of Funding Opportunity for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program, we are writing to you to provide our support for Texarkana's State Line Corridor project.

Furthermore, it is our understanding that the project is currently in design by ARDOT and can be moved to construction ready documents rapidly if funding for the construction is made available for the program. We also understand the project has financial support already from both states and both local municipalities. It supports the goals of both cities and both the Texas Department of Transportation as well as the Arkansas Department of Transportation by providing safe, efficient, and intelligent transportation infrastructure improvements.

In conclusion, we believe that this project demonstrates a valuable contribution to both cities continuing efforts towards building and maintaining pedestrian, bicycle, transit amenities in our community and improving the gateway of Texarkana, USA.

Thank you for your consideration of funding for this project proposal.

Sincerely,

Allen Brown

Bob Bruggeman

Mayor of Texarkana, Arkansas

Mayor of Texarkana, Texas

Attachment: 2024-014 ATTH 02 Joint City Letter of Support (4166 : 2024-014 Jt. RES Supporting MPO FY2024 RAISE Grant application)

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:

Texarkana, Texas: Resolution No. 2024-014

Texarkana, Arkansas: Resolution No. 2024-7

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND BOARD OF DIRECTORS OF THE CITY OF TEXARKANA, ARKANSAS, SUPPORTING THE FISCAL YEAR 2024 RAISE GRANT APPLICATION FOR THE STATE LINE CORRIDOR IMPROVMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the U.S. Department of Transportation's Notice of Funding Opportunity for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program is open; and

WHEREAS, the Metropolitan Planning Organization is applying for the RAISE grant maximum request allowed; and

WHEREAS, the two cities and the Metropolitan Planning Organization have a shared interest; and

WHEREAS, this project demonstrates a valuable contribution to both cities continuing efforts towards building and maintaining pedestrian, bicycle, transit amenities in our community, and improving the gateway of Texarkana, USA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AND THE BOARD OF DIRECTORS OF THE CITY OF TEXARKANA, ARKANSAS:

SECTION 1: That the City Council of the City of Texarkana, Texas, and the Board of Directors of the City of Texarkana, Arkansas, hereby approve the support of the Texarkana Metropolitan Planning Organization 2024 RAISE Grant Application for State Line Corridor Improvements.

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

Texarkana, Texas: PASSED AND APPROVED in Regular Council Session this 22nd day of January, 2024.

Texarkana, Arkansas: PASSED AND APPROVED on this the 29th day of January, 2024.

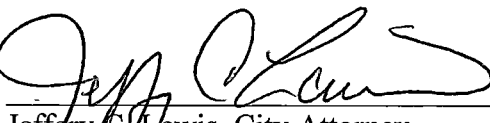
TEXARKANA, TEXAS:


 Bob Bruggeman, Mayor

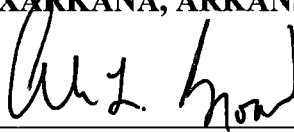
ATTEST:


 Jennifer Evans, City Secretary

APPROVED:


 Jeffery C. Lewis, City Attorney

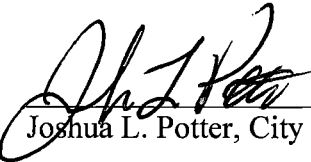
TEXARKANA, ARKANSAS:


 Allen L. Brown, Mayor

ATTEST:


 Heather Soyars, City Clerk

**APPROVED:**


 Joshua L. Potter, City Attorney

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/17/2024 4:02 PM

Lead Department: Parks, Recreation & Health **Action Officer:** Keith Beason,
Resolution No. 2024-015 authorizing the City Manager to approve a purchase
from Richardson Fence and Patio Inc. (TIPS Buy Board account #23010402)
for the removal of an existing fence and the installation of a new fence for the
George Dobson Baseball Field with funds budgeted in the 2023 Bond Fund
Subject: (Fund 426).

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

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

(January 22, 2024):
NOT APPLICABLE

Executive Summary and Background Information:

The Parks and Recreation Staff requests the purchase of a new fence at George Dobson Field in Spring Lake Park. The contractor that provided the attached quote of \$63,185.09 is Richardson Fence and Patio Inc., which were identified from the TIPS Buy Board.

Potential Options:

- Approve
- Deny

Fiscal Implications:

\$63,185.09 from the 2023 Bond Fund (Fund 426)

Staff Recommendation:

Staff recommend approval of this request.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

City of Texarkana, Texas

- a. 2024-015 RES Authorize City Manager to approve purchase of a fence for George Dobson Baseball Field (DOCX)
- b. 2024-015 EXH A Proposal (PDF)
- c. 2024-015 Goals & Perspectives (DOCX)
- d. 2024-015 RES G. Dobson Field Fence signed (PDF)

Staff Coordination

Parks, Recreation & Health	Completed	Robby Robertson	Department Head Review	
			01/17/2024 10:52 AM	
Finance Department	Kristin Peebles	Finance Review	Completed	01/17/2024
4:02 PM				
City Manager	David Orr	City Manager Review	Completed	01/19/2024
10:41 AM				
City Council	Jennifer Evans	Meeting	Completed	01/22/2024
6:00 PM				

Meeting History

RESOLUTION NO. 2024-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH RICHARDSON FENCE & PATIO INC. IN AN AMOUNT NOT TO EXCEED SIXTY-THREE THOUSAND ONE HUNDRED EIGHTY-FIVE DOLLARS AND NINE CENTS (\$63,185.09), TO BE PAID WITH FUNDS BUDGETED IN THE 2023 BOND FUND (FUND 426); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the fence at George Dobson field is in need of an upgrade and this is a budgeted project in the 2023 Bond Fund (Fund 426); and

WHEREAS, the project will consist of removal of existing chain link fencing that wraps around the foul lines, installation of green vinyl chain link fencing, with green slats and yellow safety caps to brace for strength and durability; and

WHEREAS, Richardson Fence and Patio Inc. submitted a proposal with a total cost of **sixty-three thousand one hundred eighty-five dollars and nine cents (\$63,185.09)** through the TIPS Buy Board Purchasing Cooperative; and

WHEREAS, the proposal from Richardson Fence and Patio Inc. is attached as **Exhibit “A”**.

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

SECTION 1: The City Manager be and is hereby authorized to execute a contract with Richardson Fence and Patio Inc. through the TIPS Buy Board Purchasing Cooperative in an amount not to exceed **sixty-three thousand one hundred eighty-five dollars and nine cents (\$63,185.09)**.

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

RICHARDSON FENCE & PATIO, INC.
3418 NEW BOSTON RD.
TEXARKANA, TX 75501
(903) 838-7595 PHONE
(903) 832-5806 FAX
www.richardsonfence-patio.com

January 2, 2024

Dobson Field
Spring Lake Park
Texarkana, TX.
Ross Cowling 903-824-6991

PROJECT: 8' Green Vinyl 6ga. Chain Link with Green Slats & Yellow Safety Cap

Scope of Work:

1. Remove and haul away 425 Lin. ft of metal fence from the existing chain link that wraps around to the foul lines.
2. Furnish and install 425 Lin. ft of 8' green vinyl chain link 6ga. wire that will consist of 2 3/8-line post 40wt. and 3" 40wt. post for the ends.
3. All ends will be braced for strength and durability.
4. Chain link will require green slats to be added along with a yellow round safety cap to match the center field.
5. Tear down will require excavator and skid steer for faster removal.

Materials: \$31,038.56
Equipment: \$3,646.53
Labor: \$28,500.00

TOTAL COST: \$63,185.09

1. Work priced for normal working hours between 8 am to 5 pm
2. Sales tax exempted
3. Payment terms due upon completion
4. Prices good for 15 days
5. Richardson Fence & Patio uses Texas One Call to locate underground utilities to minimize the possibility of any public utility lines being cut. It is your responsibility to inform us about private utility lines. Richardson Fence & Patio will not be responsible for underground lines not marked.

INSURANCE: Certificates available upon request
TIPS #23010402

I appreciate the opportunity to quote this project for you. If you have any questions, please feel free to call.

Sincerely,
Curtis Wells, Estimator

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2024-015

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

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:18 p.m.

Attachment: 2024-015 RES G. Dobson Field Fence signed (4167 : 2024-015 RES Auth. CM to purchase a fence from TIPS Buy Board Vendor for

2024-015 EXH "A"

RICHARDSON FENCE & PATIO, INC.
 3418 NEW BOSTON RD.
 TEXARKANA, TX 75501
 (903) 838-7595 PHONE
 (903) 832-5806 FAX
www.richardsonfence-patio.com

January 2, 2024

Dobson Field
 Spring Lake Park
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 Ross Cowling 903-824-6991

PROJECT: 8' Green Vinyl 6ga. Chain Link with Green Slats & Yellow Safety Cap

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3. All ends will be braced for strength and durability.
4. Chain link will require green slats to be added along with a yellow round safety cap to match the center field.
5. Tear down will require excavator and skid steer for faster removal.

Materials: \$31,038.56
 Equipment: \$3,646.53
 Labor: \$28,500.00

TOTAL COST: \$63,185.09

1. Work priced for normal working hours between 8 am to 5 pm
2. Sales tax exempted
3. Payment terms due upon completion
4. Prices good for 15 days
5. Richardson Fence & Patio uses Texas One Call to locate underground utilities to minimize the possibility of any public utility lines being cut. It is your responsibility to inform us about private utility lines. Richardson Fence & Patio will not be responsible for underground lines not marked.

INSURANCE: Certificates available upon request
 TIPS #23010402

I appreciate the opportunity to quote this project for you. If you have any questions, please feel free to call.

Sincerely,
 Curtis Wells, Estimator

Attachment: 2024-015 RES G. Dobson Field Fence signed (4167 : 2024-015 RES Auth. CM to purchase a fence from TIPS Buy Board Vendor for

City of Texarkana, Texas

Version: B

Update Date: 1/19/2024 9:19 AM

Briefing Sheet

Lead Department: Parks, Recreation & Health **Action Officer:** Keith Beason,
Subject: Resolution No. 2024-017 authorizing the City Manager to negotiate a lease
agreement with Mid America League for the George Dobson Baseball Field.

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

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

(January 22, 2024):
 NOT APPLICABLE

Executive Summary and Background Information:

The Parks and Recreation Staff requests authorization for the City Manager to approve negotiations to enter into a lease agreement with Mid America League for George Dobson Field at Spring Lake for operations of a franchise team to use from May 23, 2024, to August 10, 2024, and potentially thereafter.

Potential Options:

- Approve
- Deny

Fiscal Implications:

N/A

Staff Recommendation:

Staff recommend approval of this request.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2024-017 RES Lease Agrmt Mid America Dobson Field (DOCX)
- b. 2024-017 ATTH 01 Field Lease Agreement final (3) (DOCX)

City of Texarkana, Texas

- c. 2024-017 Goals & Perspectives (DOCX)
- d. 2024-017 RES Mid America Dobson Field Lease Agrmt signed (PDF)

Staff Coordination

Parks, Recreation & Health	Completed	Robby Robertson	Department Head Review	
		01/17/2024 3:51 PM		
Finance Department	Kristin Peebles	Finance Review	Completed	01/17/2024
4:06 PM				
City Manager	David Orr	City Manager Review	Completed	01/19/2024
10:42 AM				
City Council	Jennifer Evans	Meeting	Completed	01/22/2024
6:00 PM				

Meeting History

RESOLUTION NO. 2024-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE A LEASE AGREEMENT WITH MID AMERICA LEAGUE NIL BASEBALL FOR OPERATIONS AT GEORGE DOBSON BASEBALL FIELD IN SPRING LAKE PARK; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Mid America League has expressed interest in securing a baseball team in Texarkana, Texas for its new NIL branded summer baseball league founded by Ventura Sports Group and National Sports Services; and

WHEREAS, this agreement would be in effect from May 23, 2024 to August 10, 2024 and potentially thereafter at George Dobson Field; and

WHEREAS, Mid America League acknowledges that Texas A&M University-Texarkana has certain rights to use George Dobson Field pursuant to an agreement between the City and Texas A&M University-Texarkana; and

WHEREAS, the field lease agreement with Mid America League is attached as **ATTH 01** - Field Lease Agreement.

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

SECTION 1: The City Manager be and is hereby authorized to negotiate a lease agreement for George Dobson Field at Spring Lake Park with Mid America League.

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

GEORGE DOBSON FIELD LEASE AGREEMENT

BY AND BETWEEN

CITY OF TEXARKANA, TEXAS

AND

MID AMERICA LEAGUE, LLC

This George Dobson Field Lease Agreement (the “Agreement”) is entered into on this the ____ day of _____, 2024 by and between the City of Texarkana, Texas, a home-ruled municipality with an address of 220 Texas Blvd, Texarkana, Texas (the “City”), and The Mid America League, LLC (“TEAM”), a limited liability company organized under the laws of the State of Kansas and authorized to transact business in the State of Texas, with an address of 1479 Legends Circle, Lawrence, KS 66049.

RECITALS

WHEREAS, the members of TEAM are securing a franchise (“Team”) in the new NIL branded summer baseball league founded by Ventura Sports Group and National Sports Services (the “League”) to begin play in May of 2024; and

WHEREAS, TEAM and League desire that Team play at George Dobson Field (“Stadium”) owned by City and located at 4303 N. Park Road, Texarkana, Bowie County, Texas 75503 beginning with the 2024 League season which dates are May 23, 2024 through August 10, 2024; and

WHEREAS, City desires to have the Team play at the Stadium for the League’s inaugural 2024 season, and potentially thereafter; and

WHEREAS, TEAM and City are entering into this Agreement for the purpose of TEAM leasing the Stadium for use during the 2024 League season and for certain terms thereafter; and

WHEREAS, TEAM acknowledges that Texas A&M University – Texarkana (“TAMUT”) has certain rights to use the Stadium pursuant to an agreement between the City and TAMUT; and

WHEREAS, TEAM and City desire to enter into this Agreement for the Team’s use of the Stadium, subject to TAMUT’s rights, under the following terms and conditions;

NOW, THEREFORE, in consideration of the Recitals set forth above, which are incorporated herein by reference, and the mutual covenants set forth herein, the Parties agree as follows:

1. **Premises.** TEAM shall have the right to use the Stadium for League games, subject to the priority rights of TAMUT to use the Stadium, including all areas within the area known as George Dobson Field owned by the City, as well as ancillary parking lots, located on approximately 4 acres of land, described more accurately in Exhibit “A” attached and made a part hereto (the “Premises”).

2. **Term.** This Lease Agreement shall begin on the 15th day of May, 2024 and run for a five (5) year term which shall expire on August 20, 2028 (the “Initial Term”). As long as TEAM is in compliance with all terms of this Agreement, TEAM may have the option to extend such Term for an additional five (5) year period upon giving a minimum of three months’ written notice to City of TEAM’ desire to extend said Term.
3. **TAMUT Priority Scheduling.** TEAM acknowledges that Texas A&M University – Texarkana (“TAMUT”) currently has an agreement with City for use of the Stadium. TAMUT has practice and fall games beginning September 1 through December 5th of each year. Additionally, TAMUT begins Spring practice on or about January 6th, with games starting January 27 through May 15th of each year. TAMUT’s timeframe is additionally contingent upon qualification for the National tournament. TAMUT shall have priority scheduling during these annual time frames set forth herein (“TAMUT Priority Scheduling Period”).
4. **TEAM Priority Scheduling.** TEAM shall have priority scheduling for TEAM’s home games during the time period of May 15 through August 20th of each year (“TEAM Priority Scheduling Period”). All scheduling shall be coordinated through the City Department of Parks & Recreation.
5. **Premises.** The Premises shall consist of the Stadium and surrounding area including, but not limited to, the playing field, seating bowl, picnic areas, batting cages, building and structures, restrooms, concessions, press box, ticket booth and hospitality area. TEAM shall also be permitted to use adjacent parking areas owned by City at the site.
6. **Rent and Contribution.** TEAM agrees as consideration for use of the Stadium, to invest no less than Fifty Thousand and No/Dollars (\$50,000) in City approved improvements to the stadium, Team operations and the fan experience during Team’s first season of operation. Such improvements are anticipated to include, but shall not be limited to: premium seating, tents, picnic tables, directional signage, ticketing system, p.o.s. system, food and beverage equipment). All such expenditures shall be approved by the City prior to such improvements or expenditures being made. Additionally, TEAM shall pay the sum of One Hundred and No/Dollars (\$100) per game for use of the Stadium. City will use reasonable efforts to fund a new scoreboard for the Stadium prior to Team’s 2024 season.
7. **Team.** TEAM agrees to provide a Team in good standing as a member of the League during the Initial Term of this Agreement and any Additional Term.
8. **Field Maintenance.** TEAM acknowledges that all field maintenance is performed by TAMUT. TEAM shall enter into an agreement with TAMUT for such maintenance.

9. **Cleaning**. TEAM shall be responsible for providing cleaning and janitorial services for the Stadium, including the seating areas, concourse, rest rooms, clubhouses, parking lots, and any areas lying within the fenced area surrounding the Stadium during its Term and use. Cleaning shall include, but not be limited to, items such as garbage removal, sweeping of concourse and patron walkways and pressure washing as needed.
10. **Utilities**. City shall be responsible for providing Stadium utilities (electricity, water, sewer, and trash disposal service).
11. **Ticketing**. TEAM may utilize the existing ticketing structure at the Stadium with which TEAM may sell tickets to Team events. TEAM shall be responsible for all costs relating to Team's ticketing system, including licensing fees, per ticket printing fees, sales taxes, payroll and payroll taxes for Team events.
12. **Concessions**. TEAM shall have the exclusive right to all food and beverage sales at the Stadium for Team's home games and events held by TEAM. TEAM may procure a liquor license through the Texas Alcohol Beverage Commission ("TABC") for the sale of beer and wine at its home games and events held by TEAM. TEAM shall be responsible for all costs, responsibilities, and liabilities for all provision of food and beverage services for Team's games including, but not limited to, labor, storage, product cost, taxes, insurance and licenses.
13. **Pouring Rights**. TEAM shall have the right to procure pouring rights agreements for alcoholic and non-alcoholic beverages at the Stadium during its Term and use.
14. **Sponsorship**. TEAM shall have the ability to obtain Stadium sponsorships and advertising at the Premises ("Sponsorship Elements"). This may include items such as outfield wall signs, concourse and other stadium banners, ticket booths, stadium entrances, parking areas, field level signs, dugout tops, interior dugout walls, concession menu boards, concession stands, program stands, retail store, table tops, beer garden, picnic areas and group areas. No Sponsorship Elements may conflict with TAMUT's use or rights. All proposed sponsorships and advertising shall be submitted to the City's Park & Recreation Department for approval prior to placement of any Sponsorship Elements.
15. **Scoreboard**. After training of TEAM personnel by City or designee on the proper use of the Stadium scoreboard, such scoreboard may be used by TEAM during the Term for its events. TEAM shall be responsible for repairing any and all damage to the Stadium scoreboard which occurs during or as a result of TEAM's use thereof.
16. **Locker Rooms**. TEAM acknowledges there are no locker rooms on the Premises. The parties agree to work towards a solution to attempt to add locker rooms to the Stadium.

17. **Broadcasting.** TEAM shall retain all revenue or benefits from Team's broadcasting, cable casting, internet transmission or telecasting for any of Team's games played at the Stadium. Any production expenses associated with the broadcasting, cable casting, internet transmission or telecasting of Team's games shall be the sole responsibility of TEAM.
18. **Parking.** City shall maintain the parking area ("Stadium Parking") adjacent to the Stadium, including providing the appropriate number of designated handicap parking spaces to comply with applicable Federal, State and local laws. All costs associated with Stadium Parking for Team events including, but not limited to, payroll, payroll taxes, worker's compensation, insurance, and supplies, are the responsibility of TEAM.
19. **Security.** TEAM shall be responsible for providing appropriate security and safety for its events held at the Stadium, including providing a minimum of one security officer at each event. Compensation of all security personnel is the responsibility of TEAM.
20. **Stadium Operations.** For all Team games, TEAM shall be responsible for the scheduling and training of all personnel ("TEAM Employees") necessary to effectively and safely operate the Stadium including, but not limited to, ticket sellers, ticket takers, ushers, concessions, merchandise, press box, and on field personnel. All wages, payroll taxes, and worker's compensation insurance for TEAM Employees shall be the sole responsibility of TEAM. No employee's or personnel of TEAM or used by TEAM shall at any time be construed to be an employee of City. TEAM shall indemnify and hold City harmless from any and all claims, losses, costs and liabilities, including without limitation attorney's fees, incurred by City in any way relating to TEAM's employees, wages, payroll taxes and worker's compensation insurance for TEAM employees.
21. **Maintenance & Repairs.** City shall be responsible for maintenance or repair of currently intact and useable permanent Stadium fixtures including, but not limited to, the scoreboard, plumbing, electrical, HVAC, mechanical, Stadium lighting, audio system, buildings and structures, pedestrian traffic surfaces, seating, playing field, back stop netting and adjacent parking lot. TEAM shall be responsible for any maintenance, repairs or replacement caused by the willful misconduct or negligence of Team, its players, employees, agents or invitees.
22. **Alternations and Improvements.** With prior, written approval of City, TEAM may make alterations, additions, and improvements to the Stadium. Any alternations and improvements provided by TEAM that do not become fixtures of the Stadium shall remain the property of TEAM. City shall not be responsible for damage or loss to any of TEAM's property. Alterations, additions and improvements by either Party becoming fixtures shall become property of City.

23. **Authority.** Both parties warrant they have the requisite authority to enter into this Agreement, and to perform the obligations set forth herein.
24. **Insurance.** TEAM shall at its own expense maintain in effect during the Term of this Agreement the following insurance limits or greater:
- a. General Liability (including automobile) and Liquor Liability in minimum limits of \$1,000,000 each occurrence and \$2,000,000 general aggregate, with a combined single limit of \$1,000,000 bodily injury and \$1,000,000 property damages and \$2,000,000 general aggregate.
 - b. City shall be named as an Additional Insured and be given a 30-day notice of cancellation, non-renewal or significant change of coverage.
 - c. A Certificate evidencing such coverage shall be furnished to City prior to the beginning of the Initial Term, and thereafter shall be furnished prior to each renewal of such coverage, but not less often than annually.
25. **Indemnification.** TEAM agrees that it will indemnify and hold harmless City, including individually and collectively, its officers, agents, employees, staff, and council members, from any loss, cost, damage, claim, expense, attorney's fees, or any other liability by reason of bodily injury, property damage, or both, of whatsoever nature or kind, arising out of, or as a result of the negligent act or negligent failure to act, or the performance of this Agreement by TEAM or any of its agents or employees.
26. **Default.** If either Party shall default in the performance of any obligations of said Party to be performed under this Agreement, and such default shall continue for a period of thirty (30) days after written notice of such default shall be given to the defaulting Party by the non-defaulting Party, the non-defaulting Party shall be entitled to terminate this Agreement and exercise all other remedies at equity and law. In any action brought to enforce any material term of this Agreement, the prevailing Party in such action shall be entitled to have all of its litigation costs, including without limitation attorneys' fees, paid by the non-prevailing party.
27. **Reentry.** In addition to the remedies set forth above in Paragraph 26, in the event of default by TEAM and after expiration of any period to cure, in addition to any other remedies at equity and law that City may have, City shall have the immediate right of re-entry and removal of all persons and property from the Premises without any liability or responsibility of any kind to TEAM.

28. **Termination.** Either party may terminate this Lease in the event of default. In such an event, the non-defaulting party shall provide thirty (30) days' written notice to the defaulting party. The defaulting party shall have the thirty (30) day period to cure said default. In the event that the defaulting party fails to cure during the thirty (30) day period, the non-defaulting party may terminate this lease.
29. **Termination for Convenience or Non-Funding.** In the event appropriate funding is not allocated for the City's fiscal year, or City finds this program to not be in the City's best interest, City may terminate this Agreement at the end of the TEAM's current season by giving written notice to TEAM.
30. **Force Majeure.** The Parties shall not be liable for failure of performance under this Agreement if occasioned by declared or undeclared war, flood, fire, embargo, governmental orders, regulations, interruptions of transportation facilities, labor strikes, public health emergency, terrorist event and disputes, or any other causes beyond the control of the Parties.
31. **Entire Agreement.** This Agreement supersedes all previous contracts or agreements between the Parties with respect to the same subject matter and constitutes the entire Agreement between the Parties hereto.
32. **Waiver of Breach.** The waiver by either Party of a breach or violation of any provision of this Agreement shall not operate as, nor be construed to be, a waiver of any subsequent breach hereof.
33. **Governing Law.** This Agreement shall be construed and governed by the laws of the State of Texas, and venue shall be in Bowie County, Texas.
34. **Severability.** In the event that any provision hereof is found invalid or unenforceable pursuant to judicial decree or decision, the remainder of this Agreement shall remain valid and enforceable according to its terms.
35. **Interpretation.** The Parties hereto acknowledge and agree that (i) each Party has reviewed the terms and provisions of the Agreement; (ii) the rule of construction to the effect that any ambiguities are resolved against the drafting Party shall not be employed in the interpretation of this Agreement; and (iii) the terms and provision of this Agreement shall be construed fairly to all Parties hereto and not in favor or against any Party, regardless of which Party was generally responsible for the preparation of this Agreement.
36. **Amendments.** This Agreement may only be amended in writing signed by both parties.

2024-017 ATTH 01

37. **Notices.** Notices or communications herein required or permitted shall be provided to the respective Parties by registered or certified mail (said notices being deemed given as of the date of mailing) or by hand delivery at the following addresses, unless either Party shall otherwise designate its new address by written notice, or by email (delivery and read receipt attached):

To TEAM: Mid America League, LLC
1479 Legends Circle
Lawrence, KS 66049
Attn: Matt Perry
Email:matt@nsssports.com

To City: City of Texarkana, Texas
Parks and Recreation
Attn: Robby Robertson, CPRP
220 Texas Blvd
Texarkana, Texas 75501
Email: rrobertson@texarkanatexas.gov

38. **Execution.** This Agreement and any amendments thereto may be executed in duplicate copies on behalf of TEAM and City. Each duplicate copy shall be deemed an original, but both duplicate originals together constitute one and the same instrument.

2024-017 ATTH 01

Executed by:

MID AMERICA LEAGUE, LLC (“TEAM”)

By: Matt Perry, President**CITY OF TEXARKANA, TEXAS**

Dr. David Orr, City Manager

ATTESTED TO BY:

Jennifer Evans, City Secretary

Attachment: 2024-017 ATTH 01 Field Lease Agreement final (3) (4169 : 2024-017 Lease Agrmt w/ Mid America League at Dobson Baseball Field)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2024-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE A LEASE AGREEMENT WITH MID AMERICA LEAGUE NIL BASEBALL FOR OPERATIONS AT GEORGE DOBSON BASEBALL FIELD IN SPRING LAKE PARK; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Mid America League has expressed interest in securing a baseball team in Texarkana, Texas for its new NIL branded summer baseball league founded by Ventura Sports Group and National Sports Services; and

WHEREAS, this agreement would be in effect from May 23, 2024 to August 10, 2024 and potentially thereafter at George Dobson Field; and

WHEREAS, Mid America League acknowledges that Texas A&M University-Texarkana has certain rights to use George Dobson Field pursuant to an agreement between the City and Texas A&M University-Texarkana; and

WHEREAS, the field lease agreement with Mid America League is attached as **ATTH 01** - Field Lease Agreement.

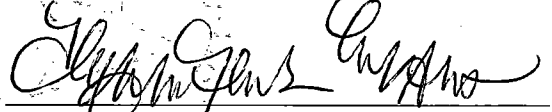
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

SECTION 1: The City Manager be and is hereby authorized to negotiate a lease agreement for George Dobson Field at Spring Lake Park with Mid America League.

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

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:31 p.m.

**GEORGE DOBSON FIELD LEASE AGREEMENT
BY AND BETWEEN**

CITY OF TEXARKANA, TEXAS

AND

MID AMERICA LEAGUE, LLC

This George Dobson Field Lease Agreement (the "Agreement") is entered into on this the 25th day of JANUARY, 2024 by and between the City of Texarkana, Texas, a home-ruled municipality with an address of 220 Texas Blvd, Texarkana, Texas (the "City"), and The Mid America League, LLC ("TEAM"), a limited liability company organized under the laws of the State of Kansas and authorized to transact business in the State of Texas, with an address of 1479 Legends Circle, Lawrence, KS 66049.

RECITALS

WHEREAS, the members of TEAM are securing a franchise ("Team") in the new NIL branded summer baseball league founded by Ventura Sports Group and National Sports Services (the "League") to begin play in May of 2024; and

WHEREAS, TEAM and League desire that Team play at George Dobson Field ("Stadium") owned by City and located at 4303 N. Park Road, Texarkana, Bowie County, Texas 75503 beginning with the 2024 League season which dates are May 23, 2024 through August 10, 2024; and

WHEREAS, City desires to have the Team play at the Stadium for the League's inaugural 2024 season, and potentially thereafter; and

WHEREAS, TEAM and City are entering into this Agreement for the purpose of TEAM leasing the Stadium for use during the 2024 League season and for certain terms thereafter; and

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located on approximately 4 acres of land, described more accurately in Exhibit "A" attached and made a part hereto (the "Premises").

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TEAM's property. Alterations, additions and improvements by either Party becoming fixtures shall become property of City.

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- a. General Liability (including automobile) and Liquor Liability in minimum limits of \$1,000,000 each occurrence and \$2,000,000 general aggregate, with a combined single limit of \$1,000,000 bodily injury and \$1,000,000 property damages and \$2,000,000 general aggregate.
 - b. City shall be named as an Additional Insured and be given a 30-day notice of cancellation, non-renewal or significant change of coverage.
 - c. A Certificate evidencing such coverage shall be furnished to City prior to the beginning of the Initial Term, and thereafter shall be furnished prior to each renewal of such coverage, but not less often than annually.
25. **Indemnification.** TEAM agrees that it will indemnify and hold harmless City, including individually and collectively, its officers, agents, employees, staff, and council members, from any loss, cost, damage, claim, expense, attorney's fees, or any other liability by reason of bodily injury, property damage, or both, of whatsoever nature or kind, arising out of, or as a result of the negligent act or negligent failure to act, or the performance of this Agreement by TEAM or any of its agents or employees.
26. **Default.** If either Party shall default in the performance of any obligations of said Party to be performed under this Agreement, and such default shall continue for a period of thirty (30) days after written notice of such default shall be given to the defaulting Party by the non-defaulting Party, the non-defaulting Party shall be entitled to terminate this Agreement and exercise all other remedies at equity and law. In any action brought to enforce any material term of this Agreement, the prevailing Party in such action shall be entitled to have all of its litigation costs, including without limitation attorneys' fees, paid by the non-prevailing party.
27. **Reentry.** In addition to the remedies set forth above in Paragraph 26, in the event of default by TEAM and after expiration of any period to cure, in addition to any other remedies at equity and law that City may have, City shall have the immediate right of re-

entry and removal of all persons and property from the Premises without any liability or responsibility of any kind to TEAM.

28. **Termination.** Either party may terminate this Lease in the event of default. In such an event, the non-defaulting party shall provide thirty (30) days' written notice to the defaulting party. The defaulting party shall have the thirty (30) day period to cure said default. In the event that the defaulting party fails to cure during the thirty (30) day period, the non-defaulting party may terminate this lease.
29. **Termination for Convenience or Non-Funding.** In the event appropriate funding is not allocated for the City's fiscal year, or City finds this program to not be in the City's best interest, City may terminate this Agreement at the end of the TEAM's current season by giving written notice to TEAM.
30. **Force Majeure.** The Parties shall not be liable for failure of performance under this Agreement if occasioned by declared or undeclared war, flood, fire, embargo, governmental orders, regulations, interruptions of transportation facilities, labor strikes, public health emergency, terrorist event and disputes, or any other causes beyond the control of the Parties.
31. **Entire Agreement.** This Agreement supersedes all previous contracts or agreements between the Parties with respect to the same subject matter and constitutes the entire Agreement between the Parties hereto.
32. **Waiver of Breach.** The waiver by either Party of a breach or violation of any provision of this Agreement shall not operate as, nor be construed to be, a waiver of any subsequent breach hereof.
33. **Governing Law.** This Agreement shall be construed and governed by the laws of the State of Texas, and venue shall be in Bowie County, Texas.
34. **Severability.** In the event that any provision hereof is found invalid or unenforceable pursuant to judicial decree or decision, the remainder of this Agreement shall remain valid and enforceable according to its terms.
35. **Interpretation.** The Parties hereto acknowledge and agree that (i) each Party has reviewed the terms and provisions of the Agreement; (ii) the rule of construction to the effect that any ambiguities are resolved against the drafting Party shall not be employed in the interpretation of this Agreement; and (iii) the terms and provision of this Agreement shall be construed fairly to all Parties hereto and not in favor or against any Party, regardless of which Party was generally responsible for the preparation of this Agreement.

36. **Amendments.** This Agreement may only be amended in writing signed by both parties.

37. **Notices.** Notices or communications herein required or permitted shall be provided to the respective Parties by registered or certified mail (said notices being deemed given as of the date of mailing) or by hand delivery at the following addresses, unless either Party shall otherwise designate its new address by written notice, or by email (delivery and read receipt attached):

To TEAM: Mid America League, LLC
1479 Legends Circle
Lawrence, KS 66049
Attn: Matt Perry
Email:matt@nsssports.com

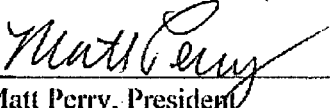
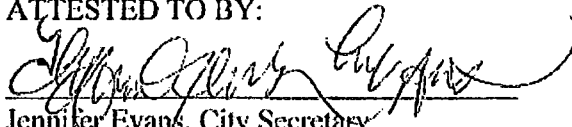
To City: City of Texarkana, Texas
Parks and Recreation
Attn: Robby Robertson, CPRP
220 Texas Blvd
Texarkana, Texas 75501
Email: rrobertson@texarkanatexas.gov

38. **Execution.** This Agreement and any amendments thereto may be executed in duplicate copies on behalf of TEAM and City. Each duplicate copy shall be deemed an original, but both duplicate originals together constitute one and the same instrument.

2024-017 ATTH 01

Executed by:

MID AMERICA LEAGUE, LLC ("TEAM")


By: Matt Perry, President**CITY OF TEXARKANA, TEXAS**
Dr. David Orr, City Manager**ATTESTED TO BY:**
Jennifer Evans, City Secretary

City of Texarkana, Texas

Version: A

Update Date: 1/19/2024 11:17 AM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Dusty Henslee,
Resolution No. 2024-010 approving Amendment No. 4 to the City's Agreement
Subject: with Waste Management of Texas, Inc. (including changes to residential waste
and bulky waste collection).

Briefing: 2/12/2024 **Public Hearing:** 2/12/2024 **Council Vote:** 2/12/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Waste Management contacted the City in Summer 2023 about the possibility of moving to automated side load vehicles (ASLs) for residential collection as the City's contract, per WM, is the last of the company's contracts that has not moved to these types of vehicle. ASLs differ from rear-load vehicles as they are designed to not require an extra person riding on the back of the vehicle to load trash manually. Although the contract documents do not expressly prohibit WM from utilizing these vehicles, WM wanted the City's support for this change implemented a pilot program in Fall 2023. In connection with discussions regarding ASLs, City staff addressed with WM other contract changes with the main goal of keeping costs as low as possible for Texarkana residents. The proposed changes are as follows:

- Residential Polycart – restricting customer placement / WM collection obligation of “residential waste” anywhere other than within a WM-issued Polycart;
- Residential Bulky Waste - changing to monthly pickup of up to four cubic yards per month per customer (currently weekly pickup of one cubic yard per week per customer), clarifying placement of such waste, and clarifying WM has no obligation to collect construction debris generated and located at the customer's residence that was produced by a commercial service provider hired by the customer;
- Greenwaste – clarifying that WM shall deliver Greenwaste for composting to the Texas-side wastewater treatment facility on S. State Line Ave.;
- CPI adjustment – WM will forego its right to seek a CPI Adjustment and Fuel Adjustment on October 1, 2024;
- 30-yard Roll-Off Bin hauls for City projects - reducing roll-off bins from 100 to 75, and allowing for City substitution for hauls by City trucks; and

City of Texarkana, Texas

- \$10,000 annual donation - WM agrees to a \$10,000 donation to the City for Keep Texarkana Beautiful or a similar City program on October 1, 2024 and a like payment due on October 1 of each year thereafter.

If approved, these contract changes would take effect on May 1, 2024, and WM commits to work with the City on a transition period to ensure residents would be made aware of these changes.

Ryan Frazier with WM will attend the Council meeting to discuss these proposed changes.

Potential Options:

Approve or decline approval of the proposed amendments

Fiscal Implications:

No fiscal implications

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

- 2024-010 RES Amending WM Contract (DOCX)
- 2024-010 EXH 'A' Amendment No 4(DOC)
- 2024-010 ATTH 01 - WM Presentation (PDF)
- 2024-010 Goals & Perspectives (DOCX)

Staff Coordination

Public Works Department	Completed	Dusty Henslee	Department Head Review
		01/11/2024 1:07 PM	
Finance Department	Kristin Peeples	Review	Completed 01/11/2024
3:52 PM			
City Attorney	Jeffery C. Lewis	Review	Completed 01/12/2024
9:22 AM			
City Manager	David Orr	City Manager Review	Completed 01/19/2024
10:40 AM			
City Council	Jennifer Evans	Meeting	Completed 01/22/2024
6:00 PM			

City of Texarkana, Texas

Meeting History

RESOLUTION NO. 2024-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING AMENDMENT NO. 4 TO THE CITY’S AGREEMENT WITH WASTE MANAGEMENT OF TEXAS, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS FOR SUCH AMENDMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City and Waste Management of Texas, Inc. (“WM”) have executed a Municipal Solid Waste Collection and Transportation Agreement and three amendments thereto, authorized by City Council resolutions (respectively, Res. No. 2016-132 [December 12, 2016], Res. No. 2017-040 [April 24, 2017], Res. No. 2017-109 [October 9, 2017], and Res. No. 2021-006 [February 8, 2021]); and

WHEREAS, in connection with a recently implemented pilot program by WM deploying automated side load vehicles for residential collection, the City and WM discussed contract changes to keep costs as low as possible for Texarkana residents; and

WHEREAS, City staff and WM have negotiated, for the City Council’s consideration, contract amendments as set forth in the proposed Amendment No. 4 attached to this Resolution as **Exhibit “A”** and incorporated herein by reference for all purposes, which, if approved, would take effect on May 1, 2024, with WM committing to work with the City on a transition period to ensure residents would be made aware of these changes:

- Residential Polycart – restricting customer placement / WM collection obligation of “residential waste” anywhere other than within a WM-issued Polycart;
- Residential Bulky Waste – changing to monthly pickup of up to four cubic yards per month per customer (currently weekly pickup of one cubic yard per week per customer), clarifying placement of such waste, and clarifying WM has no obligation to collect construction debris generated and located at a customer’s residence that was produced by a commercial service provider hired by that customer;
- Greenwaste – clarifying that WM shall deliver Greenwaste for composting to the Texas-side wastewater treatment facility located at S. State Line Ave.;
- CPI adjustment – WM will forego its right to seek a CPI Adjustment and Fuel Adjustment on October 1, 2024;
- 30-yard Roll-Off Bin hauls for City projects – reducing roll-off bins from 100 to 75, and allowing for City substitution for hauls by City trucks; and
- \$10,000 annual donation – WM shall donate annually \$10,000 to the City for Keep Texarkana Beautiful or a similar City program, beginning on October 1, 2024, and a like payment due on October 1 of each year thereafter.

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

SECTION 1: Amendment No. 4 to the Agreement with Waste Management of Texas, Inc., is hereby approved, and the City Manager is authorized to execute the necessary documents to enter into such Amendment under the terms and conditions set forth therein.

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

PASSED AND APPROVED in Regular Council Session on this the **12th day of February, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-010 RES Amending WM Contract (4162 : 2024-010 RES Amending contract with Waste Management)

Amendment No. 4 to Municipal Solid Waste Collection And Transportation Agreement

The City of Texarkana, Texas (“**City**”) and Waste Management of Texas, Inc. (“**Contractor**”), both acting by and through their duly authorized representatives, desire to amend, as more particularly set forth below, the Municipal Solid Waste Collection and Transportation Agreement between the City and Contractor, which took effect on March 1, 2017, as modified by Amendment #1 effective May 3, 2017, Amendment #2, signed on October 10, 2017, and Amendment #3 effective on February 10, 2021 (collectively, the “**Agreement**”).

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, and pursuant to Section 23 of the Agreement, the parties agree to amend the Agreement as follows:

1. This Amendment shall take effect on May 1, 2024.
2. Section 5.01(a)(i) of the Agreement entitled “Residential/Commercial Hand Collect Collection” is hereby modified as follows:

Contractor shall collect Residential Waste generated at a Residential Unit and placed in that Residential Unit’s Polycart one (1) time per week during the term of this Agreement. Customers shall not place any Residential Waste for collection outside or on top of the Polycart and Contractor has no obligation to collect any Residential Waste placed outside the Polycart or on top of the Polycart during this once per week regular collection. Contractor agrees to partner with the City on a mutually agreeable transition period.

3. Section 5.01(b) of the Agreement entitled “Bulky Waste Collection” is hereby modified as follows:

Contractor shall provide a once per month collection service to Residential Units for collection of Bulky Waste. Contractor agrees to collect up to, but not to exceed, four (4) cubic yards of Bulky Waste once per month from each Residential Unit. Contractor shall have no obligation to collect any Bulky Waste in excess of the above volumes, or any Construction Debris produced by a Commercial Service Provider hired by a Customer and generated and located at that Residential Unit. Bulky Waste shall be placed within three (3) feet of the curb, swale, paved surface of the roadway, closest accessible roadway, or other location agreed to by Contractor and Customer, which will provide safe and efficient accessibility to Contractor's collection crew and vehicle. Contractor agrees to partner with the City on a mutually agreeable transition period.

4. The second to last sentence of Section 5.01(c) of the Agreement entitled “Greenwaste Collection” is hereby modified as follows:

Greenwaste Collection: Contractor shall deliver the Greenwaste to the City's facility on South State Line Avenue for composting so long as that facility remains operational and delivery of such Greenwaste remains at no charge to Contractor.

5. Contractor agrees that it shall forego its right to seek a CPI Adjustment and Fuel Adjustment on October 1, 2024 as provided in sections 9.01 and 9.02 of the Agreement

6. Section 5.08(iii)(a) of the Agreement as amended by Amendment #3 is hereby modified as follows:

(a) Contractor shall provide the City up to 75, 30-yard Roll-Off Bin hauls annually for house demolition, neighborhood clean-ups, or other City projects. In lieu of 30-yard Roll Off Bins hauled by Contractor, City may substitute hauls by City trucks and count those hauls as part of the 75total.

(b) In addition, Contractor agrees to donate \$10,000 to the City for Keep Texarkana Beautiful or a similar program each calendar year on October 1, 2024 and a like payment due on October 1st of each year thereafter.

7. Nothing contained herein shall be deemed to amend or modify the Agreement, except as expressly set forth herein. In the event of a conflict between the terms of the Agreement and this Amendment No. 4, the terms of this Amendment No. 4 shall control.

Signed and agreed to on the date indicated below.

CITY:

CONTRACTOR:

Texarkana, Texas

Waste Management of Texas, Inc.

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



City of Texarkana

WM Contract Enhancements
Effective: May 1, 2024



8.1.c

Attachment: 2024-010 ATTH 01 - WM Presentation (4162 : 2024-010 RES Amending

Agenda

WM Contract Enhancements

Effective: May 1, 2024

Proposed Changes

- Investment: New WM Equipment (ASL Trucks)
- Enhancement: Bulk Collection
- Education: Marketing Campaign
- Partnership: Annual \$10k Donation to KTB
- Financial: FY '25 CPI Deferral

Investment

- WM is **upgrading** its fleet with brand new (ASL) Automated Sideload collection trucks
- A **modernized** approach to Trash and Recycle collection

Key benefits:

- Safer For Residents and Drivers
- More Efficient and Reliable
- Investing today for a better tomorrow



CONFIDENTIAL AND PROPRIETARY
INFORMATION OF WM

Enhancement

Enhanced bulk collection services for Residents

Current:

- Limited to (1) bulk item per week

New:

- Up to (4-cubic yards) of bulk material per month

Key benefits:

- **Defined monthly collection**
- **Greater Curb Appeal**
- **Less Litter for Cleaner Streets**



8.1.c

Attachment: 2024-010 ATTH 01 - WM Presentation (4162 : 2024-010 RES Amending

CONFIDENTIAL AND PROPRIETARY
INFORMATION OF WM

Education

- Communication is key!
- WM will partner with the City of Texarkana to create a suite of Educational Material to drive a successful rollout
- Agreeable transition period

Key benefits:

- Customized material
- Multiple touch points
- Transition period

Important Reminders about your Trash and Recycling Service.

Dear Groomtown Residents,

Your waste and recycling are serviced by trucks with automatic lifting arms, making collection efficient and safe. Please place your waste in bags inside the waste cart to ensure collection. (Don't bag your recyclables - empty them directly into the recycling cart).

All materials must be contained in a WM cart - no extra trash, bags, materials outside the cart, or resident-owned containers will be collected.

Please see below for proper cart placement and the back side of this postcard for important information about optional bulk item pickup.

Proper cart placement for automated collection

Remember to place your carts at least 3 feet apart and 3 feet away from any obstacles (trees, cars, mailboxes, etc.) to allow the automatic arm to lift and empty the carts.



Place wheels of cart toward house.



Trash carts are not to be placed on lawns or grass.



Recycling carts are to be placed on your rear break down cart. No other placement.



Have your cart out before or after the collection time.

Disposal of water heaters: (Dishwasher/water heater must be drained.)

- **Bed frame, box spring or mattress:** Mattresses and box springs must be wrapped in plastic and secured with duct tape to be collected.

- **Grills:** Propane tank removed; push lawn mowers drained of oil and/or gas.

- **Sink or Toilet:** Tank detached from bowl.

Non-acceptable bulk items include:

- **Electronics:** TVs, computer monitors.
- **Cement:** Concrete, dirt, rocks, soil, stones or stumps.
- **Propane tanks:** Regardless of size.

• **Appliances:** Dishwashers, washing machines and dryers must be wrapped in plastic secured with duct tape.

- **Furniture:** Upholstered items must be wrapped in plastic secured with duct tape.

- **Storm doors and windows:** Glass removed. Glass will only be collected if placed in a hard container or small box, taped shut, and marked "Broken Glass".

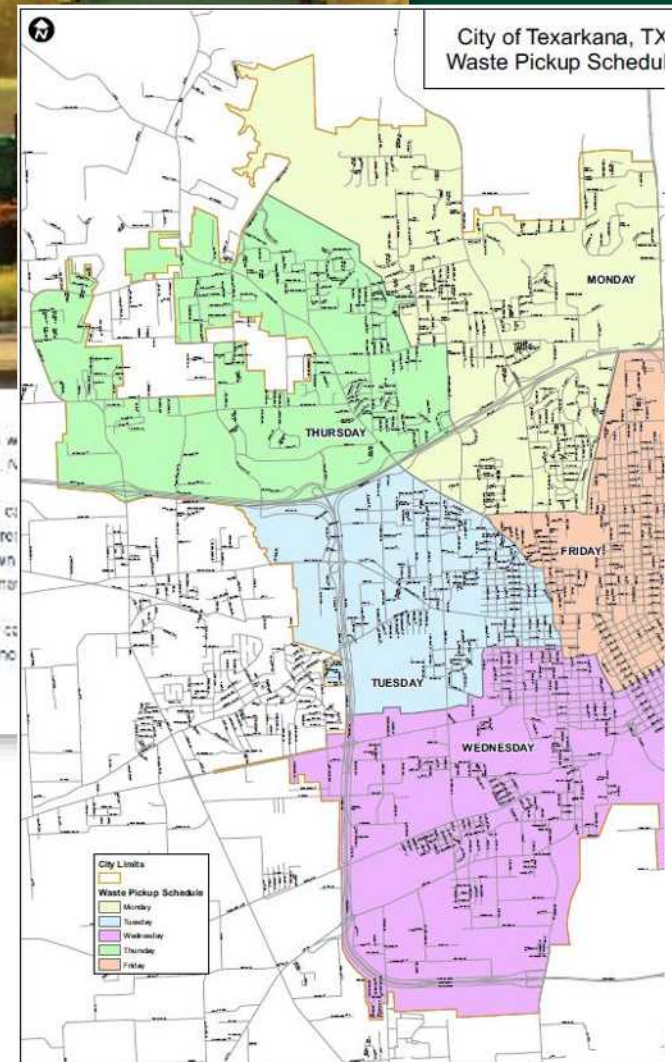
• **Construction Materials:** Drywall, shingles, lumber or other building or remodeling debris.

- **Hazardous waste:** Paint, pesticides, motor oil, solvents or refrigerant items.



Need an extra trash cart?

For just \$5.00 per month, you can rent an additional trash cart. Call Waste Management at (866) 797-9018.



Partnership

- WM is a proud of its partnership with the City of Texarkana
- 75 (free) Rolloff Hauls annually
- To continue its support and build upon our partnership, WM will **Donate \$10,000** (annually) to Keep Texarkana Beautiful (KTB) or a similar organization



Financial

- WM proposes to withhold its scheduled October 1, 2024, Annual Rate Adjustment (CPI) for Fiscal Year 2025

Key benefits:

- **No rate adjustment to Residents for FY '25**





Questions?

Thank you.



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/13/2024 9:48 AM

Lead Department:	<u>Planning & Zoning</u> <u>Commission</u>	Action Officer:	<u>Laura Puckett, Zoning</u> <u>Administrator</u>
Subject:	<u>Ordinance No. 2024-011 amending PD-01-10 for site plan approval on Lot 1, Texarkana Shopping Center Subdivision located at 4110 St. Michael Drive. Suzanne Russo for Home Depot, owner and Cassie Permenter, agent.</u>		
Briefing:	<u>2/12/2024</u>	Public Hearing:	<u>2/12/2024</u>
		Council Vote:	<u>2/12/2024</u>

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Suzanne Russo for Home Depot, owner, and Cassie Permenter, agent for site plan approval on Lot 1, Texarkana Shopping Center Subdivision, located at 4110 St. Michael Drive. The current zoning is Planned Development-Commercial. This site is currently Home Depot and will add square footage to the existing building.

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

The adjacent zoning is Planned Development-Commercial and General Retail to the east, I-30 to the south, General Retail to the west, and Planned Development-General Retail to the north. The adjacent land use is vacant property and restaurant to the east, I-30 to the south, retail to the west and retail to the north.

The site plan consists of the following:

1. The construction of 119,188 sq ft addition to the current building.
2. The access driveway will be off St. Michael Drive.
3. There will be 524 parking spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A rental placard sign will be on site
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. Screened dumpster site.

Staff recommends for approval of the site plan with stipulations.

City of Texarkana, Texas

The applicant should also be aware that if this site plan approval item is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

Potential Options:

Approved

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval with stipulations

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

Attachments

- a. 2024-011 ORD site plan approval 4110 St. Michael Drive (DOCX)
- b. 2024-011 EXH 'A' (Site Plan)(PDF)
- c. 2024-011 ATTH 01 (Maps) (PDF)
- d. 2024-011 ATTH 02 (Rental Equipment) (PDF)
- e. 2024-011 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Vicky Coopwood	Reviewer	Skipped
01/19/2024 9:32 AM			
Public Works Department	Dusty Henslee	Reviewer	Completed
01/19/2024 9:33 AM			
City Manager	David Orr	Reviewer	Completed 01/19/2024
10:40 AM			
City Council	Jennifer Evans	Meeting	Completed 01/22/2024
6:00 PM			

Meeting History

Amendment to PD-01-10 (C)

ORDINANCE NO. 2024-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-01-10 (C) FOR SITE PLAN APPROVAL ON LOT 1, TEXARKANA SHOPPING CENTER SUBDIVISION, LOCATED AT 4110 ST. MICHAEL DRIVE, 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, Texarkana Shopping Center Subdivision, located at 4110 St. Michael Drive** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-Commercial [PD-01-10 (C)], and approval of the site plan (**Exhibit ‘A’**) would constitute an amendment to PD-01-10 (C); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-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 this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously by a vote of five (5) to zero (0) to recommend for approval of the petition for a site plan (Exhibit ‘A’)** to the City Council of the City of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that the approval of the site plan for the above-described property is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the site plan (**Exhibit ‘A’**) on **Lot 1, Texarkana Shopping Center Subdivision, located at 4110 St. Michael Drive** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-01-10 (C).

Attachment: 2024-011 ORD site plan approval 4110 St. Michael Drive (4163 : 2024-011 ORD Amendment to PD-01-10 site plan approval at 4110

SECTION 2: PD-01-10 (C) is hereby amended by approval of the site plan (**Exhibit ‘A’**), incorporated herein by reference for all purposes and includes the following:

1. The construction of a 119,188 sq ft addition to the current building.
2. The access driveway will be off St. Michael Drive.
3. There will be 524 parking spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A rental placard sign will be on site.
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. Screened dumpster site.

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.

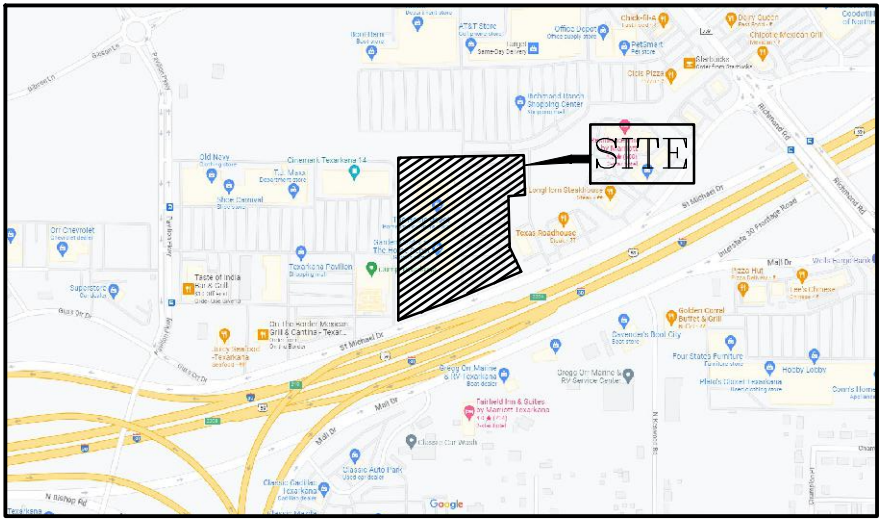
SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **12th day of February, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION

HOME DEPOT SITE DATA	
HOME DEPOT PARCEL AREA	509,915 SF (11.706 AC)
APN:	49345
ZONE:	C (COMMERCIAL)
JURISDICTION:	COUNTY OF BOWIE
LAND USE:	COMMERCIAL
HOME DEPOT BUILDING AREAS	
EXISTING HOME DEPOT AREA	96,183 SF
EXISTING GARDEN CENTER AREA	+ 24,241 SF
TOTAL HD AREA	120,424 SF
PARKING REQUIRED PER CITY CODE	
HOME DEPOT (@1/200 SF) GFA	481 STALLS
GARDEN CENTER (@1/200 SF) GFA	+ 121 STALLS
TOTAL HD PARKING REQUIRED	602 STALLS
HOME DEPOT PARKING PROVIDED	
FRONT FIELD PARKING	418 STALLS
SIDE FIELD PARKING	62 STALLS
REAR FIELD PARKING	+ 13 STALLS
TOTAL HD PARKING PROVIDED	493 STALLS
INCLUDED WITHIN PARKING PROVIDED	
ACCESSIBLE PARKING (8 REQ AT 301-400)	16 STALLS
PRO PARKING	12 STALLS
NOT INCLUDED WITHIN PARKING PROVIDED	
EQUIPMENT RENTAL	10 STALLS
THD TRUCK RENTAL	8 STALLS

TRC SITE PLAN

DATE: 07/25/2023
REVISION DATES: 09/01/2023

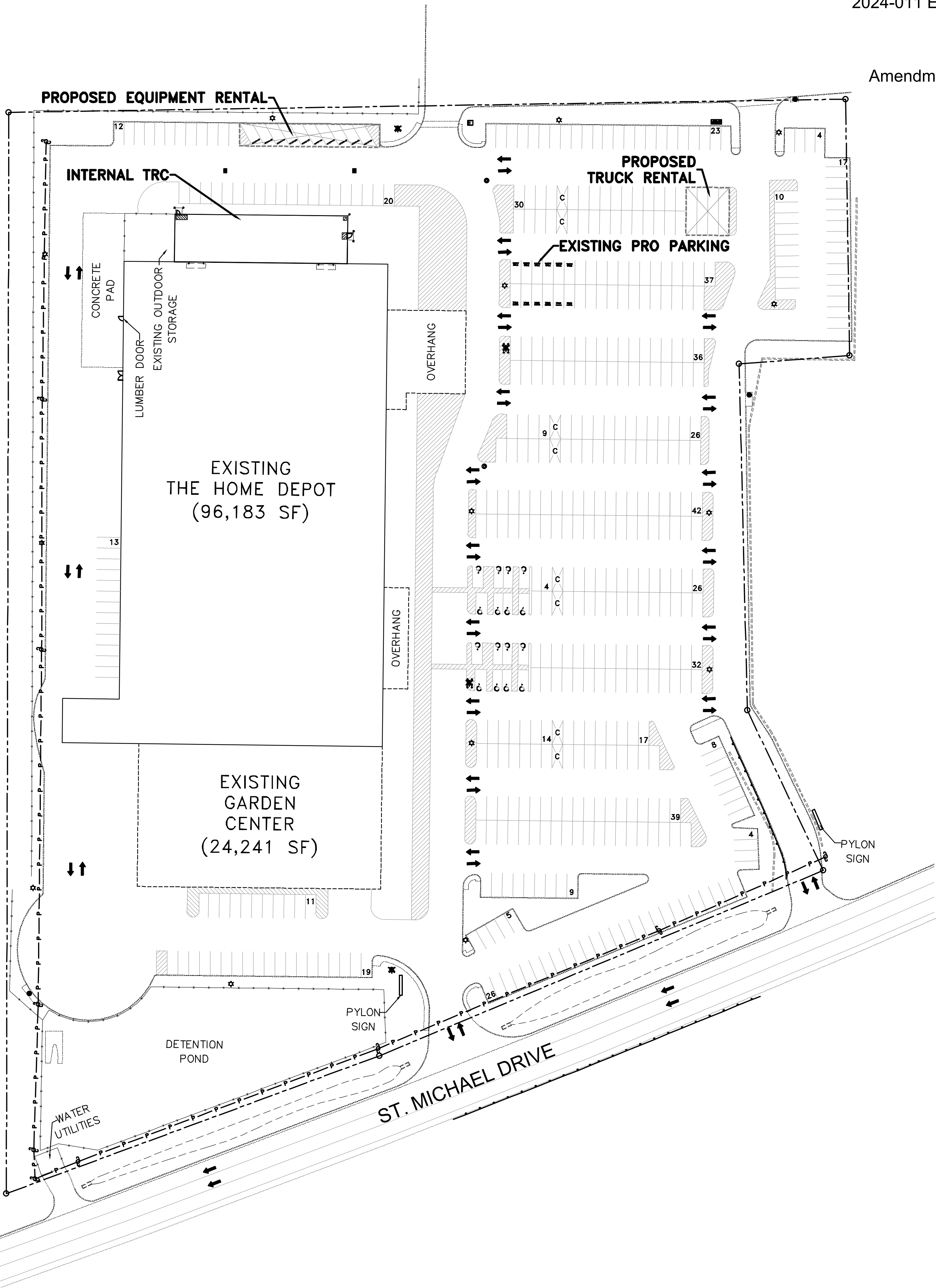
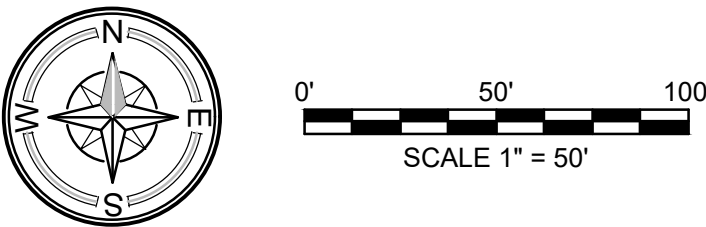
SITE PLANNER ZACHARY MANN
SITE DEV. COORDINATOR CASSIE PERMENTER



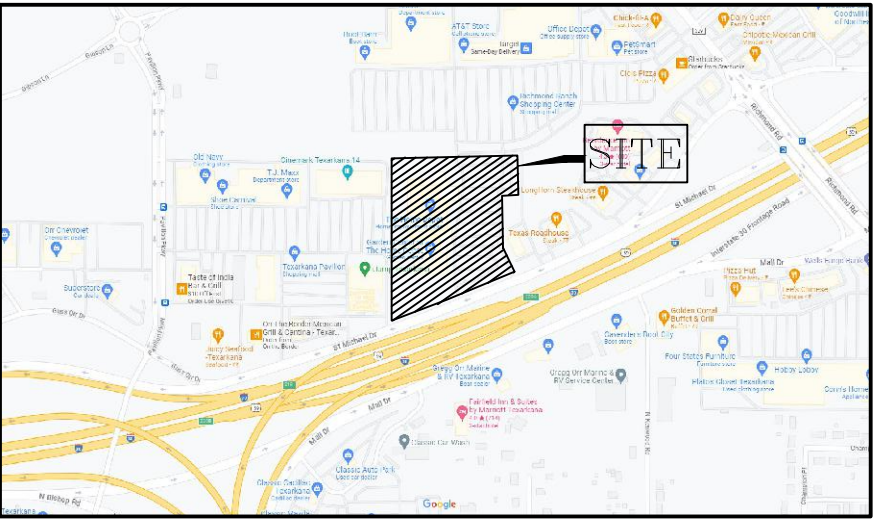
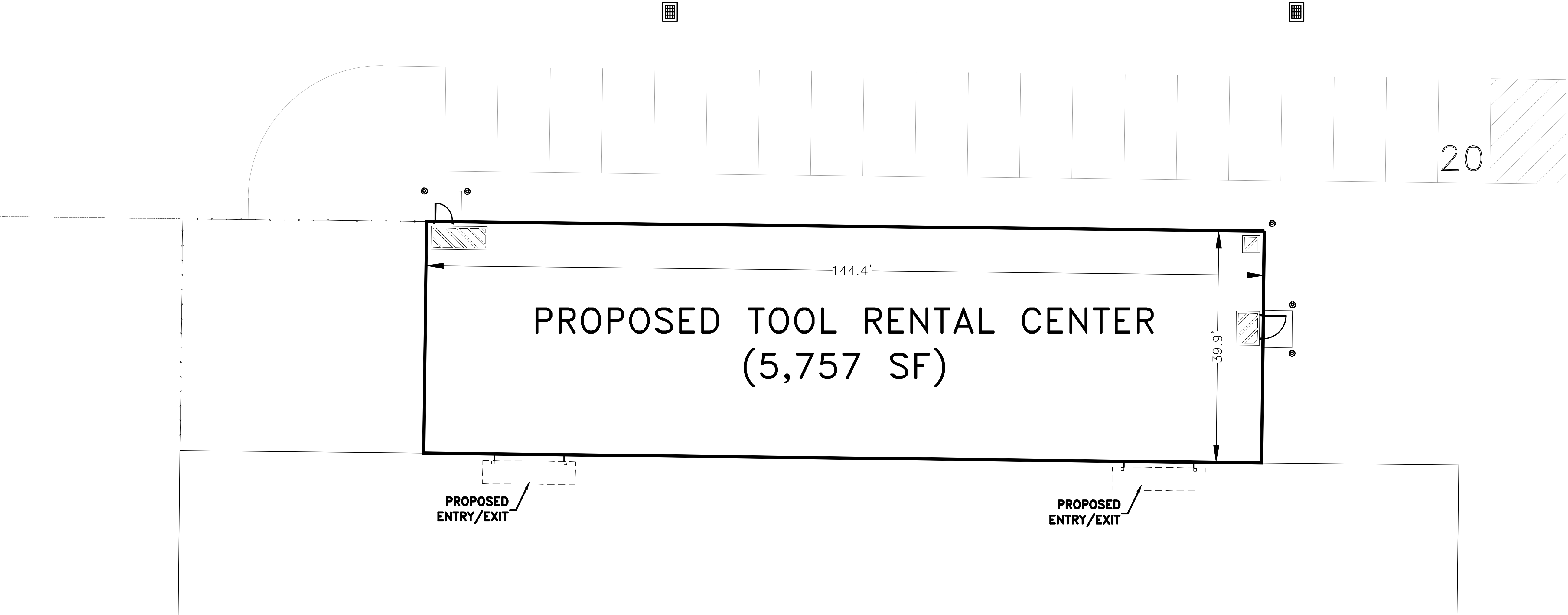
TX - TEXARKANA
STORE # 6580

ADDRESS: 4110 SAINT MICHAEL DRIVE,
TEXARKANA, TX 75503

LA PROJECT NUMBER 22074.00



2024-011 EXH 'A'
Amendment to PD-01-10



VICINITY MAP
NOT TO SCALE

TRC SITE PLAN

DATE: 07/25/2023
REVISION DATES: 09/01/2023

SITE PLANNER ZACHARY MANN
SITE DEV. COORDINATOR CASSIE PERMENTER

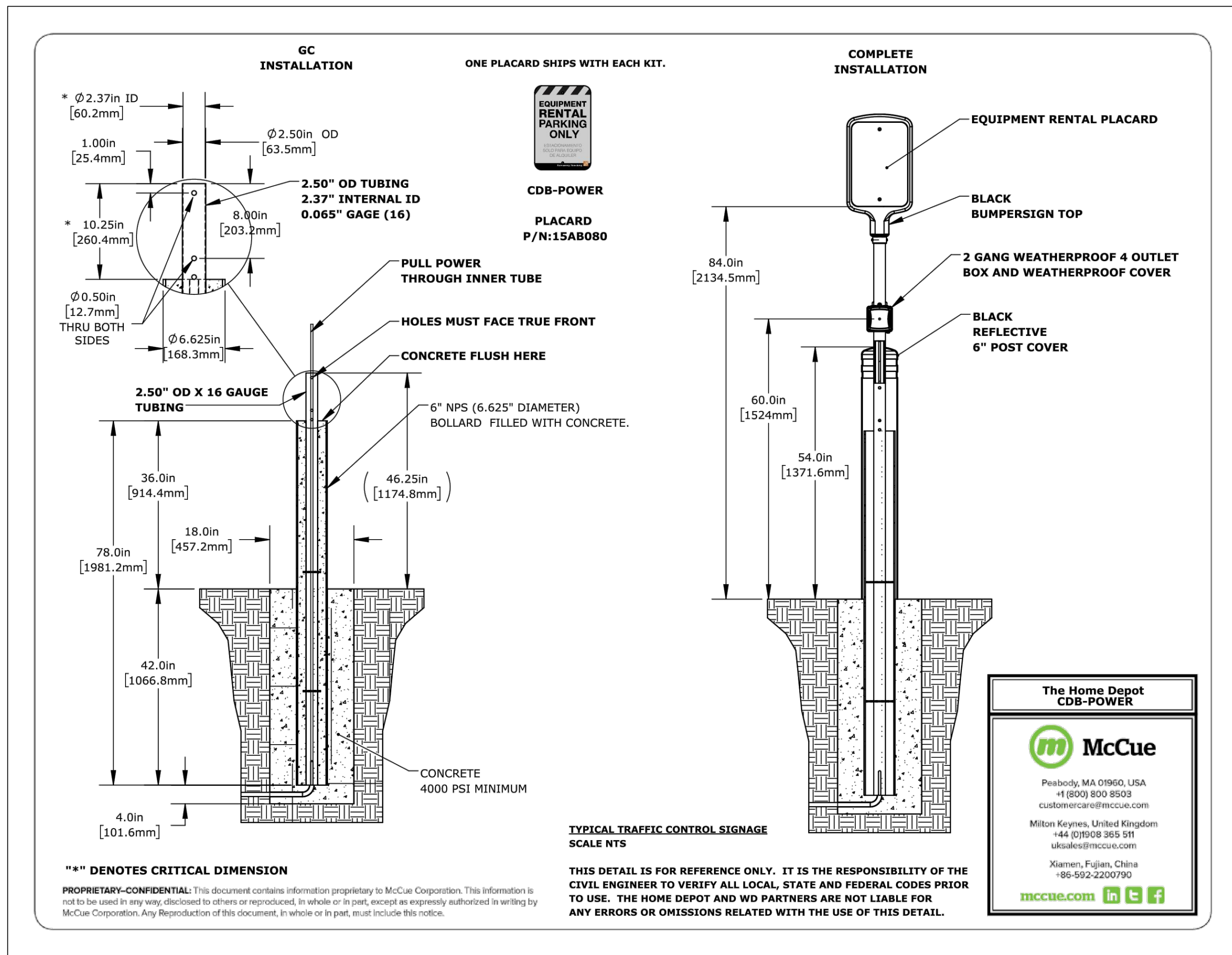


**TX - TEXARKANA
STORE # 6580**

ADDRESS: 4110 SAINT MICHAEL DRIVE,
TEXARKANA, TX 75503

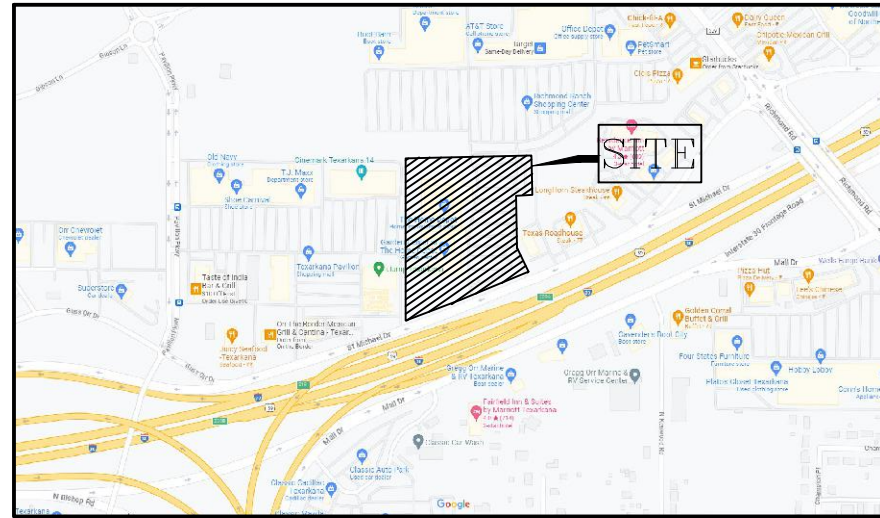
LA PROJECT NUMBER 22074.00



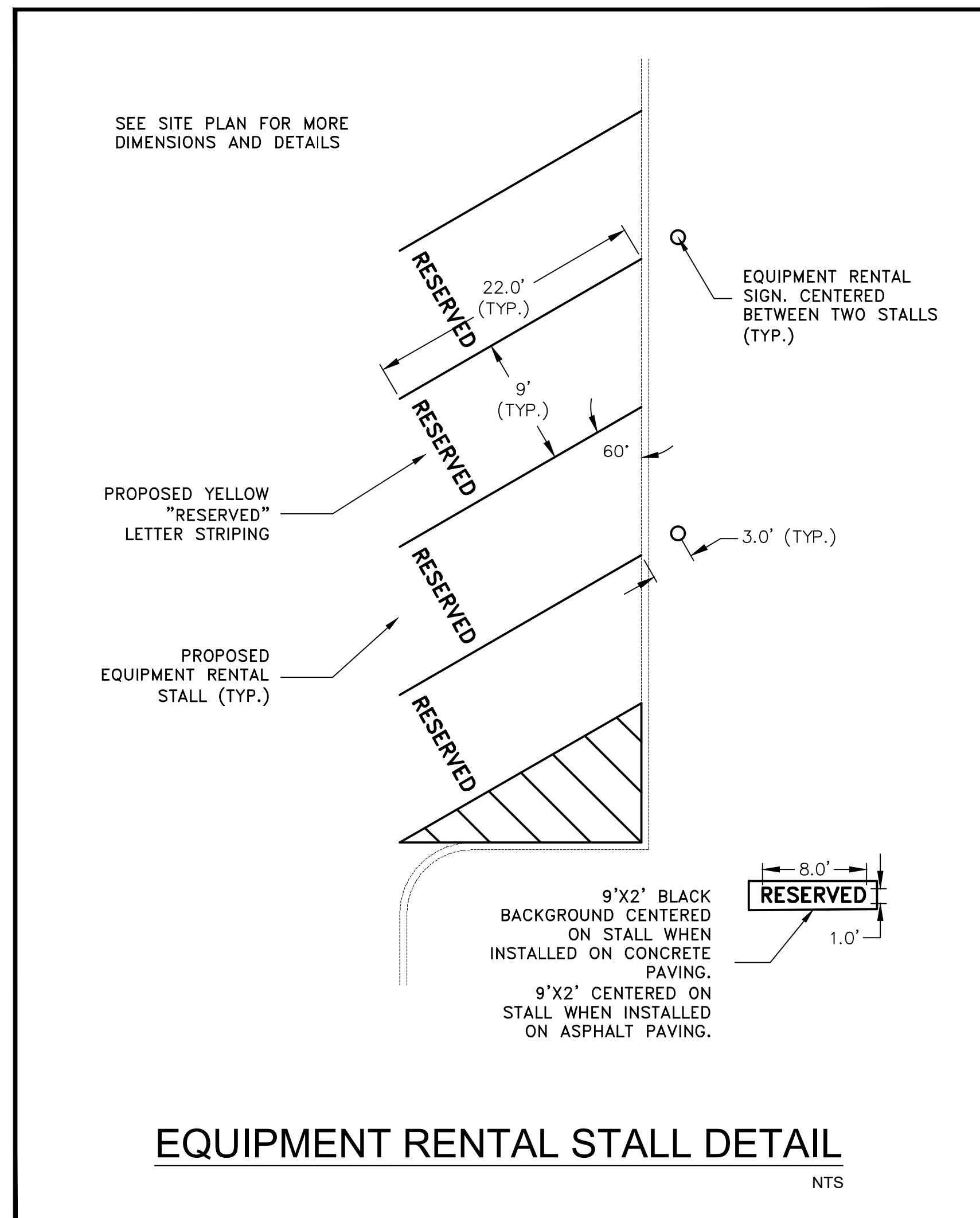


2024-011 EXH 'A'

Amendment to PD-01-10

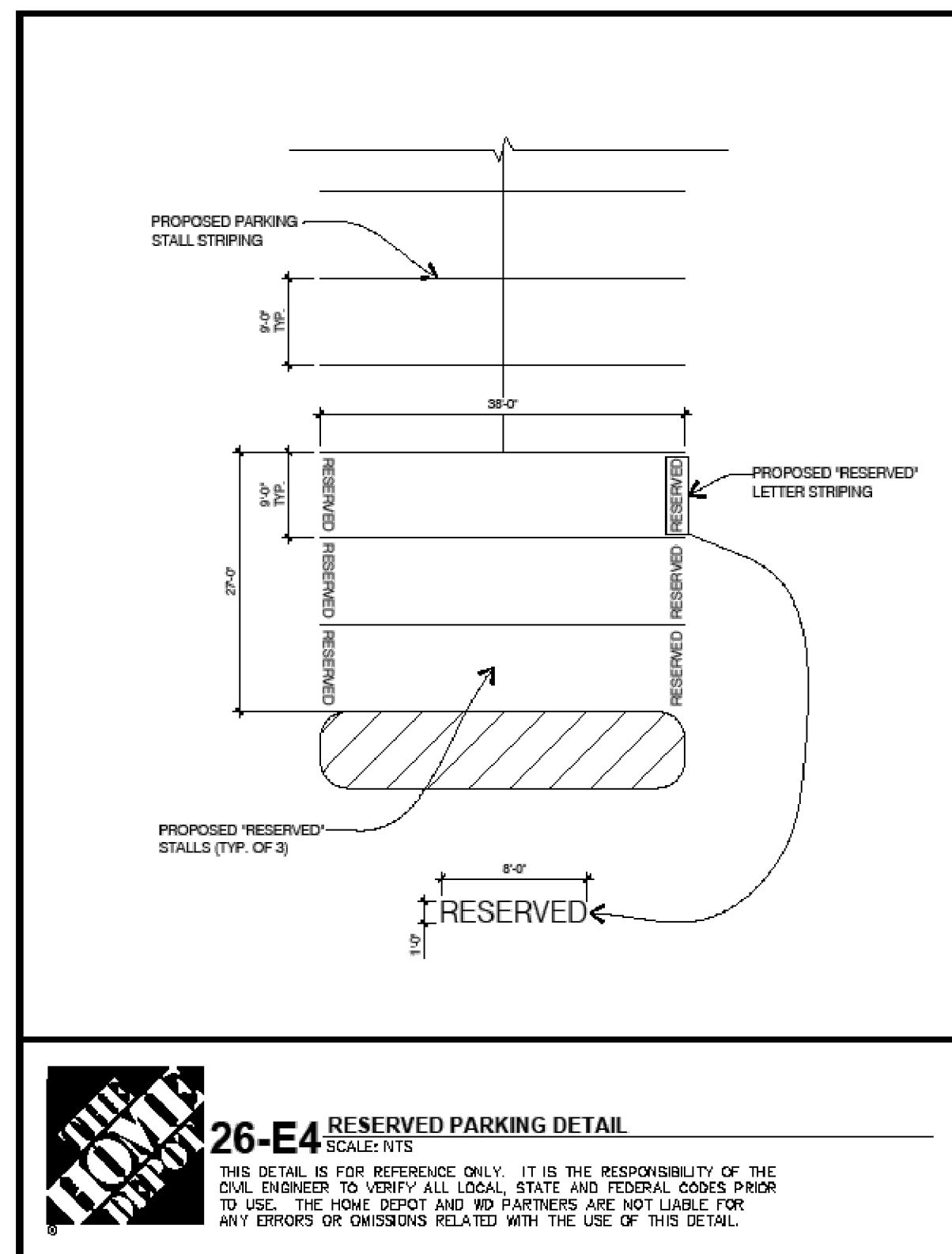


VICINITY MAP
NOT TO SCALE



Section 7: CIVIL DRAWING REQUIREMENTS

Figure 26-E4

SECTION 7
Page 22

DESIGN CRITERIA MANUAL – 10/17/16 Edition
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DETAILS

DATE: 07/25/2023

REVISION DATES: 09/01/2023

SITE PLANNER	ZACHARY MANN
SITE DEV. COORDINATOR	CASSIE PERMENTER



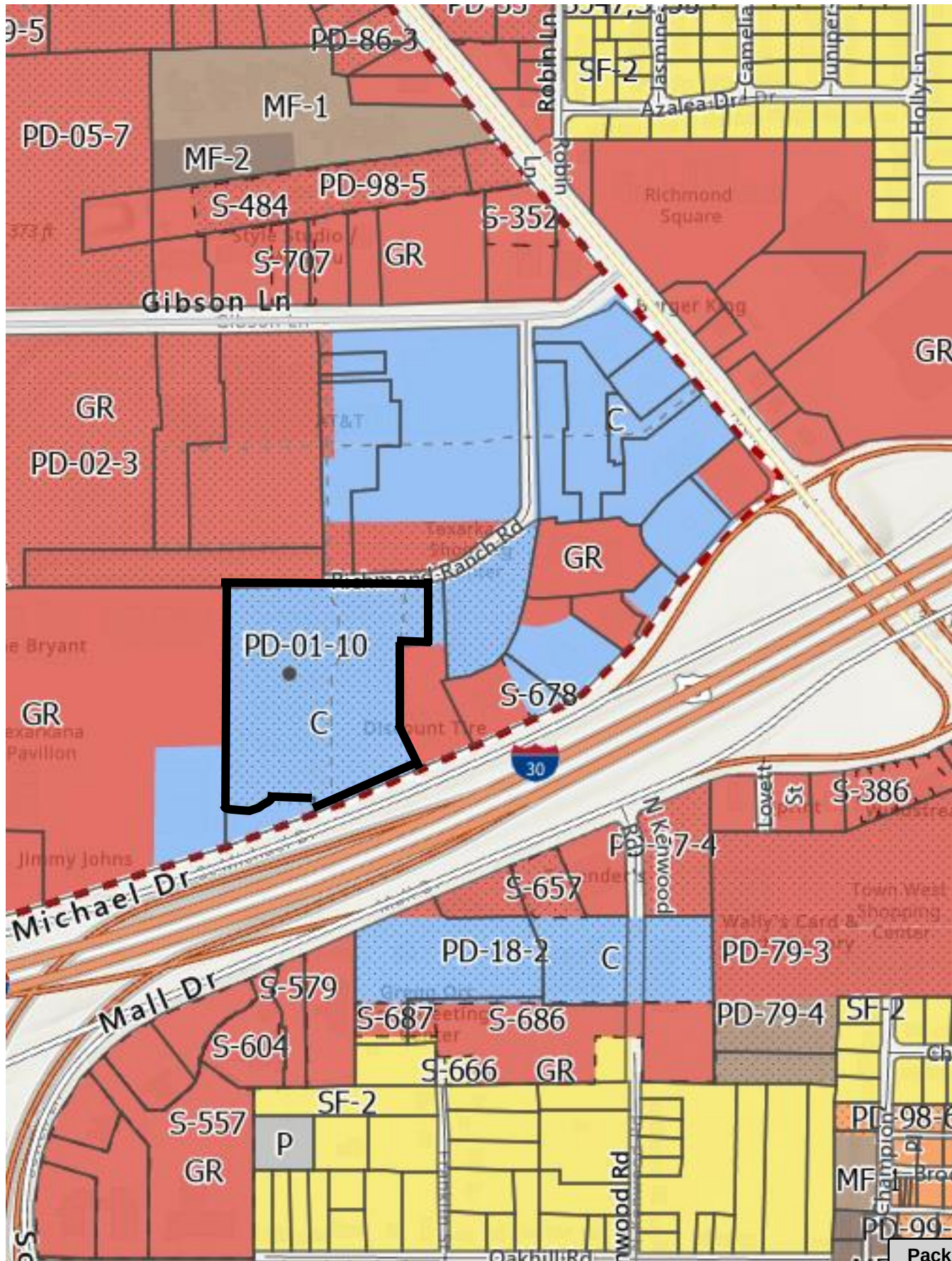
TX - TEXARKANA
STORE # 6580

ADDRESS: 4110 SAINT MICHAEL DRIVE,
TEXARKANA, TX 75503

LA PROJECT NUMBER 22074.00

SHEET 3 OF 3

4110 St. Michael Drive



4110 St. Michael Drive



Compact Power Rental Equipment**Tractor Loader Backhoe**

- Used for loading, carrying, and transporting materials
- Electrical, plumbing, and irrigation installation or repairs
- Grading and leveling

Skid Steer

- Grading and leveling
- Load, carry and spread materials
- Landscaping, construction and property improvement
- Light demolition work

Mini Excavator

- Property improvement and landscape projects
- Irrigation installation and drainage projects
- Plumbing and electrical installation or repairs

Aerial Equipment

- Tree care and maintenance
- Facility maintenance, painting, HVAC, electrical
- Sign and lighting repair

Light Tower

- Job site illumination
- Sports activities
- Event setups

Material Handling

- Transport concrete, stone, materials and aggregate
- Construction and demo site clean up



8.2.d

Attachment: 2024-011 ATTH 02 (Rental Equipment) (4163 : 2024-011 ORD Amendment to PD-01-10 site plan approval at 4110 St. Michael Dr.)

Dump Trailer

- Demolition removal and yard maintenance
- Carrying landscape materials
- Hauling aggregate



Tree Care (Chipper Rental/Stump Grinder)

- Tree care and maintenance
- Landscaping and property improvements



Mini Skid Steer

- Load, carry and spread materials
- Landscape and property improvement
- Grading and leveling



Trencher

- Installing irrigation and drainage projects
- Landscape and property improvement



Tractor Loader Backhoe

- Load, carry and transport materials
- Electrical, plumbing, and irrigation installation or repairs
- Grading and leveling



Skid Steer

- Grading and leveling
- Load, carry and spread materials
- Landscaping, construction and property improvement
- Light demolition work



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/13/2024 9:49 AM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator
Subject: Ordinance No. 2024-012 amending PD-20-6 for site plan approval on Lot 1, Richmond-Moores Subdivision, located at 5605 Richmond Road. GVH Moores, LLC, owner and Kayla Wood, MTG Engineers and Surveyors, agent.

Briefing: 2/12/2024 **Public Hearing:** 2/12/2024 **Council Vote:** 2/12/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by GVH Moores, LLC, owner, and Kayla Wood, MTG Engineers and Surveyors, agent for site plan approval on Lot 1, Richmond-Moores Subdivision, located at 5605 Richmond Road. The current zoning is Planned Development-General Retail. The property is currently vacant property. The proposed use is a convenient store and gas station.

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

The adjacent zoning is Planned Development General Retail to the north and south, General Retail to the east, and office to the west. The adjacent land use is a car wash to the north, retail to the south and east, and vacant land to the west.

The site plan consists of the following:

1. The construction of 5,978 sq ft building.
2. The access driveway will be off Richmond Road and Moores Lane.
3. There will be 21 parking spaces and includes 2 handicapped spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A 6'X8' monument style sign. No Electronic messaging will be allowed.
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. Meet Ordinance regarding sidewalk along Richmond Road.
7. A Fire Lane may be required due to the most remote part of the building being more than 150 feet away from the public street.
8. Screened dumpster site.

Staff recommends for approval of the site plan with stipulations.

City of Texarkana, Texas

The applicant should also be aware that if this site plan approval item is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

Potential Options:

Approved

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

Attachments

- a. 2024-012 ORD site plan approval 5605 Richmond Road (DOCX)
- b. 2024-012 EXH 'A' (Site Plan)(PDF)
- c. 2024-012 ATTH 01 (Maps) (PDF)
- d. 2024-012 ATTH 02 (Elevations) (PDF)
- e. 2024-012 ATTH 03 (Site Drawing) (PDF)
- f. 2024-012 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Vicky Coopwood	Reviewer	Skipped
01/19/2024 9:31 AM			
Public Works Department	Dusty Henslee	Reviewer	Completed
01/19/2024 9:33 AM			
City Manager	David Orr	Reviewer	Completed 01/19/2024
10:41 AM			
City Council	Jennifer Evans	Meeting	Completed 01/22/2024
6:00 PM			

Meeting History

ORDINANCE NO. 2024-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-20-6 (GR) FOR SITE PLAN APPROVAL ON LOT 1, RICHMOND-MOORES SUBDIVISION, LOCATED AT 5605 RICHMOND ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting the approval of a **site plan (Exhibit ‘A’)** on **Lot 1, Richmond-Moores Subdivision, located at 5605 Richmond Road** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-20-6 (GR)], and approval of the site plan (**Exhibit ‘A’**) would constitute an amendment to PD-20-6 (GR); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously by a vote of five (5) to zero (0) to recommend for approval of the petition for a site plan (Exhibit ‘A’)** to the City Council of the City of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that the approval of the site plan for the above described property is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the site plan (**Exhibit ‘A’**) on **Lot 1, Richmond-Moores Subdivision, located at 5605 Richmond Road** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-20-6 (GR).

SECTION 2: PD-20-6 (GR) is hereby amended by approval of the site plan (**Exhibit ‘A’**), incorporated herein by reference for all purposes and includes the following:

1. The construction of a 5,978 sq ft building.
2. The access driveway will be off Richmond Road and Moores Lane.
3. There will be 21 parking spaces and includes 2 handicapped spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A 6’X8’ monument style sign. No Electronic messaging will be allowed.
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. Meet Ordinance regarding sidewalk along Richmond Road.
7. A Fire Lane may be required due to the most remote part of the building being more than 150 feet away from the public street.
8. Screened dumpster site.

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.

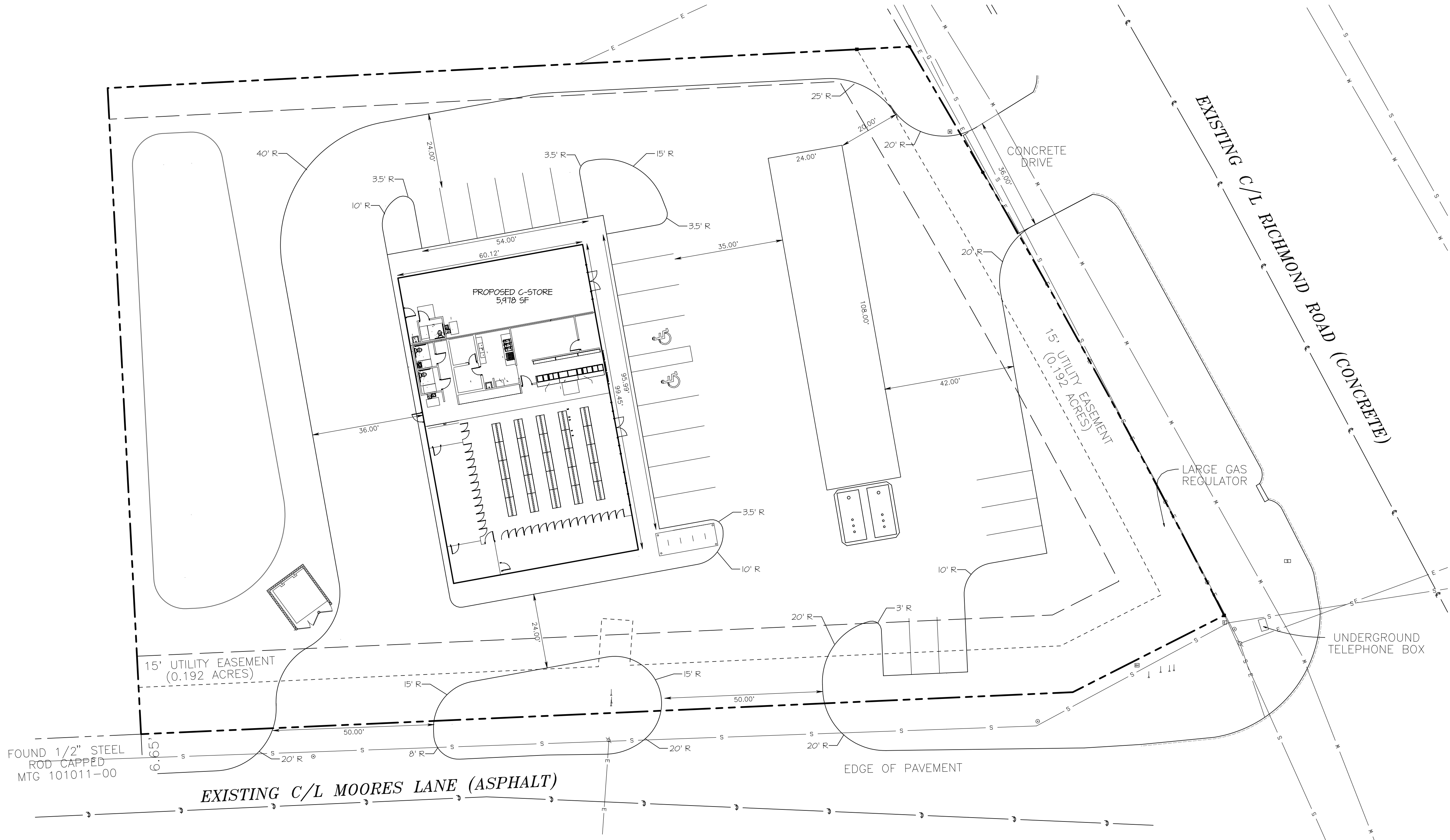
SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **12th day of February, 2024.**

ATTEST:

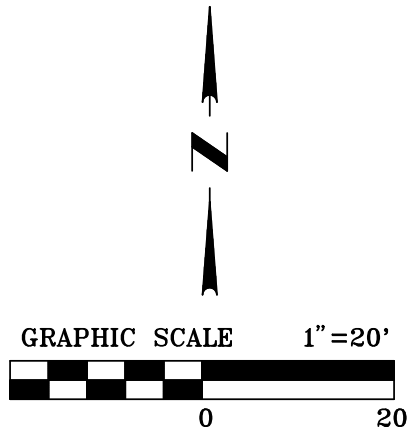
JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



2024-012 EXH 'A'

Amendment to PD-20-6

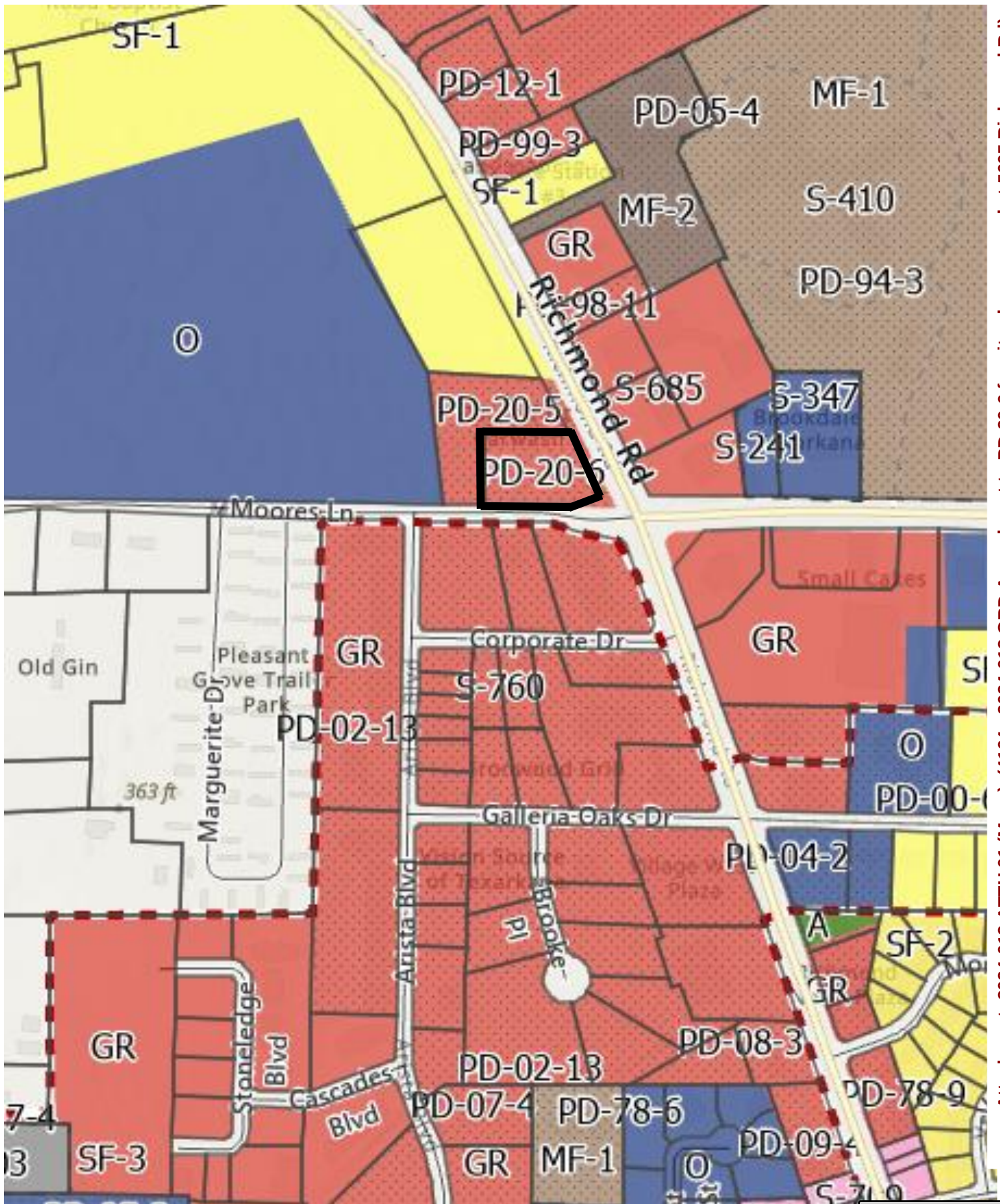


LEGEND	
	PROPERTY LINE
	CURB AND GUTTER
	BUILDING EDGE
	EDGE OF PAVEMENT
	EASEMENT
	BUILDING LINE OFFSET
	TOE OF DITCH/SLOPE
	TOP OF BANK
	OVERHEAD POWER LINE
	WATER MAIN
	SANITARY SEWER MAIN
	TELEPHONE LINE
	PROPOSED CONTOUR INT.
	EXISTING CONTOUR INT.
	SILT FENCE
	STORM DRAIN
	FIRE LANE
	SPOT ELEVATION
	POWER POLE
	WATER METER
	WATER VALVE
	CLEAN OUT
	SANITARY SEWER MANHOLE
	STORM DRAIN MANHOLE
	SIGN (TYPICAL)
	HANDICAP PARKING SYMBOL (PAINTED)
	FIRE HYDRANT
	LIGHT POLE
	GAS REGULATOR
	IRRIGATION CONTROL VALVE
	SPRINKLER HEAD
	ROOF DRAIN
	TELEPHONE JUNCTION BOX
	ELECTRIC JUNCTION BOX
	GUY WIRE
	TREE

Required Parking: Gasoline Service Station - Minimum of 6 spaces
Required Parking: Retail - 1 Space/ 200 SF
Total SF Retail: 1,325 SF
Required Parking = 13 Spaces
Provided Parking: 21 Spaces
Provided HC= 2 Spaces

8.3.b	
Revision/Description	
Date	
No.	
5830 SUMMERHILL ROAD TEXARKANA, TEXAS P 903.838.8533 www.mtgengineers.com TBE FIRM NO. F-354 AR COA NO. 125 © MTG 2023	
MTG ENGINEERS & SURVEYORS	
PRELIMINARY ~ FOR REVIEW ONLY. NOT INTENDED FOR BIDDING, CONSTRUCTION OR PERMIT PURPOSES 11/27/2023 KAYLA R. WOOD P.E. #104859	
Scale AS SHOWN	Drawn By S.G.F.
Checked By K.R.W.	File No.
SITE PLAN	
GVH DEVELOPMENT RICHMOND & MOORES LN TEXARKANA, TEXAS	
Drawing Date 11/27/2023	
Project Number 236053	
Sheet Number XXXXXXXXXX	

5605 Richmond Road



Attachment: 2024-012 ATTH 01 (Maps) (4164 : 2024-012 ORD Amendment to PD-20-6 for site plan approval at 5605 Richmond Rd)

5605 Richmond Road

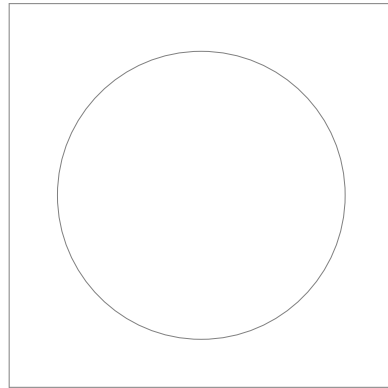


Attachment: 2024-012 ATTH 01 (Maps) (4164 : 2024-012 ORD Amendment to PD-20-6 for site plan approval at 5605 Richmond Rd)



Architecture
Interiors
Planning

265 North Lamar Blvd.
Oxford, MS 38655
p 662.234.2149
eleybarkley.com



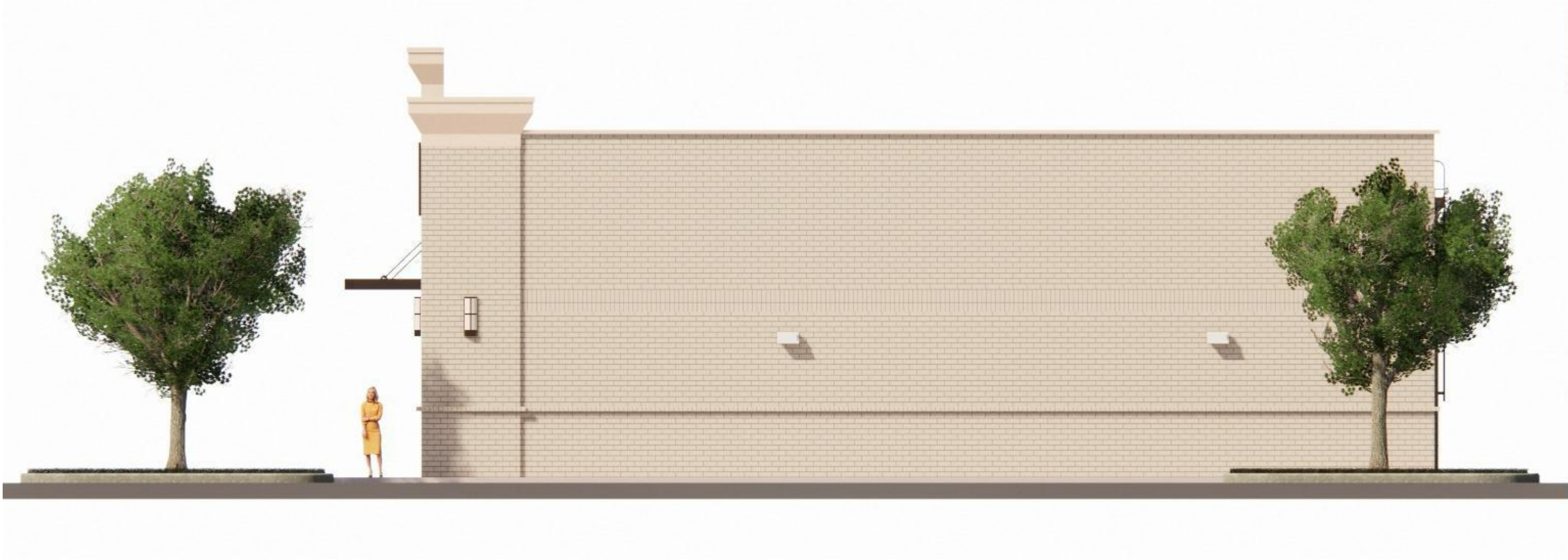
C-STORES
RICHMOND AND MOORES TEXARKANA, AR

Project Status

Project No	23-006
Date	Issue Date
Drawn	Author
Checked	Checked
Revisions	Rev Date

A2.03
RENDERED BUILDING
ELEVATIONS

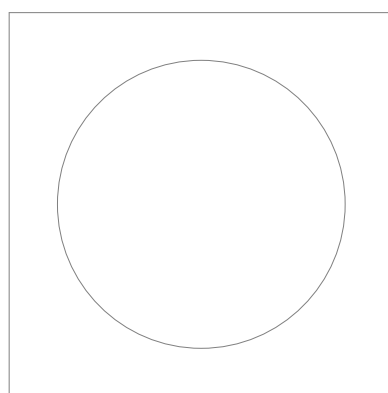
2024-012 ATTH 02





Architecture
Interiors
Planning

265 North Lamar Blvd.
Oxford, MS 38655
p 662.234.2149
eleybarkley.com



C-STORES

RICHMOND AND MOORES TEXARKANA, AR

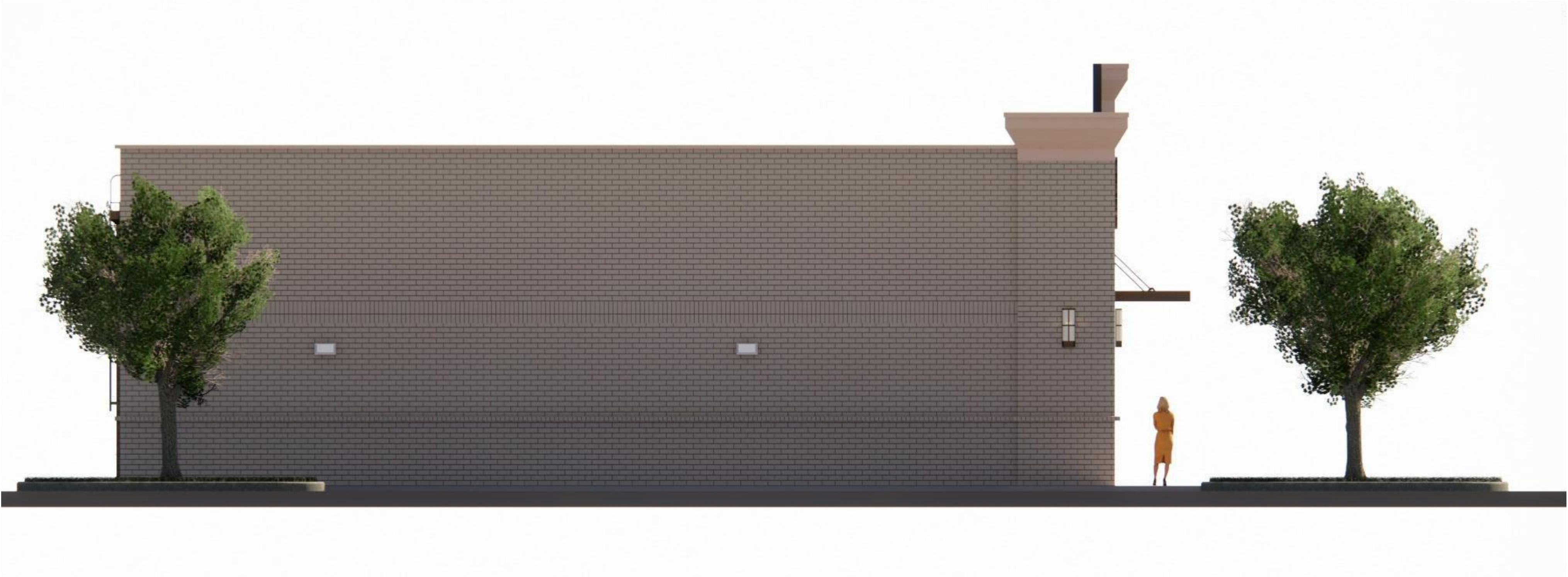
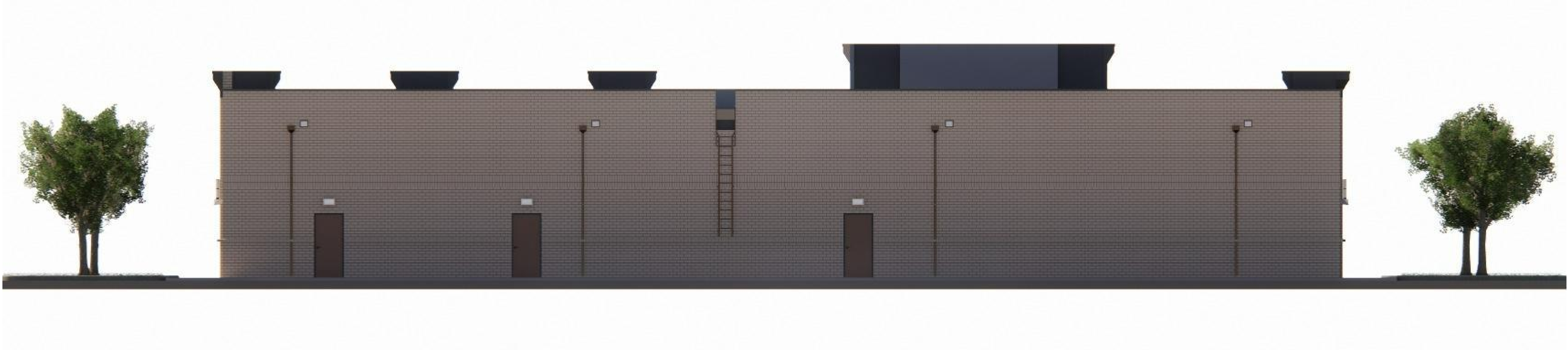
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Date	Issue Date
Drawn	Author
Checked	Checker
Revisions	Rev Date

A2.04

RENDERED BUILDING
ELEVATIONS

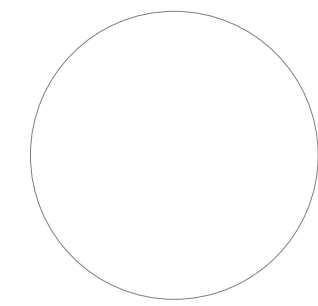
2024-012 ATTH 02





Architecture
Interiors
Planning

265 North Lamar Blvd.
Oxford, MS 38655
p 662.234.2149
eleybarkley.com



C-STORES

RICHMOND AND MOORES TEXARKANA, AR

Project Status

Project No	23-006
Date	Issue Date
Drawn	Author
Checked	Checker
Revisions	Rev Date

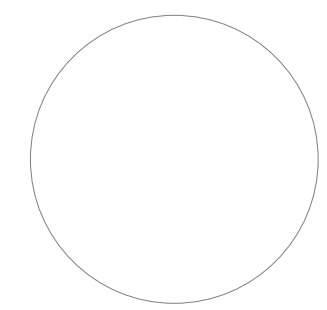
A9.02

RENDERED
PERSPECTIVES



Architecture
Interiors
Planning

265 North Lamar Blvd.
Oxford, MS 38655
p 662.234.2149
eleybarkley.com



C-STORES

RICHMOND AND MOORES TEXARKANA, AR

Project Status

Project No	23-006
Date	Issue Date
Drawn	Author
Checked	Checked
Revisions	Rev Date

A9.03

RENDERED
PERSPECTIVES

2024-012 ATTH 02

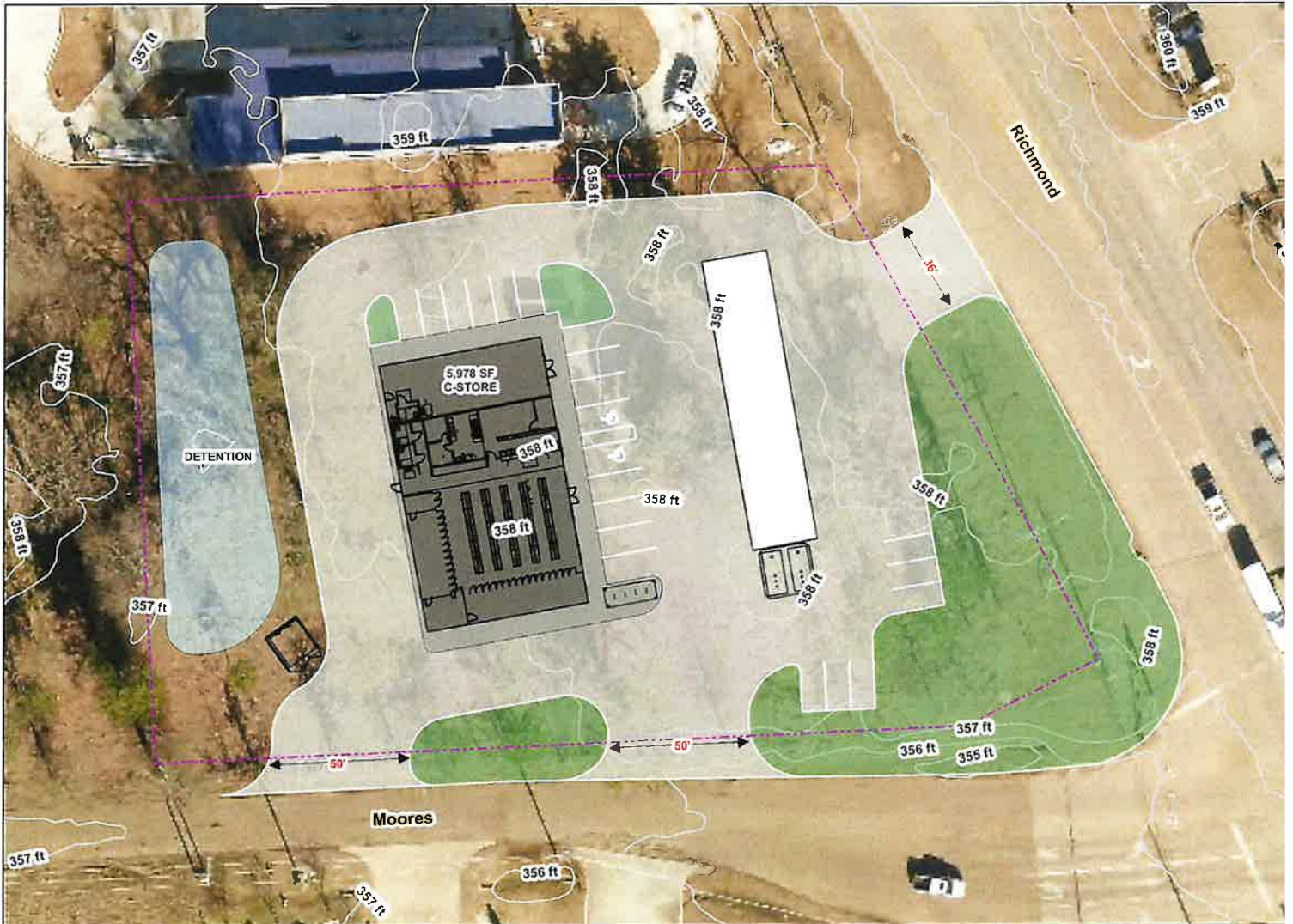
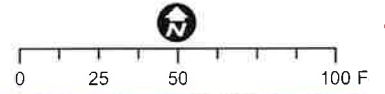


2024-012 ATTH 03

Amendment to PD-20-6



GHV DEVELOPMENT
TEXARKANA, TEXAS



Attachment: 2024-012 ATTH 03 (Site Drawing) (4164 : 2024-012 ORD Amendment to PD-20-6 for site plan approval at 5605 Richmond Rd)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

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

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

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

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

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

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

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

Potential Options:

- Approve or
- Deny

Fiscal Implications:

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

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

City of Texarkana, Texas

Board/Committee Recommendation:

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

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

Advisory Board/Committee Meeting Date and Minutes:

Historic Landmark Preservation Committee - November 9, 2023

Planning and Zoning Commission – January 2, 2024

Attachments

- a. 2024-002 ORD Establishing a Historic Landmark Preservation Ordinance (jcl rev 4) (DOCX)
- b. 2024-002 ATTH 01 November 9 2023 HLPC Minutes (DOCX)
- c. 2024-002 ATTH 02 Walkover (DOCX)
- d. 2024-002 Goals & Perspectives (DOCX)
- e. 2024-002 ORD Historic Preservation Ch 145 signed(PDF)

Staff Coordination

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

Meeting History

01/08/24 City Council MOVED FORWARD Next: 01/22/24

PUBLISH

ORDINANCE NO. 2024-002

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

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

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

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

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

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

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

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

PUBLISH

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

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

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

CHAPTER 145 – HISTORIC LANDMARK PRESERVATION AND HISTORIC DISTRICTS

ARTICLE I. - ENACTMENT AND PURPOSE

Section 145-1.- Purpose

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

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

ARTICLE II. - DEFINITIONS

Section 145-2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III. - HISTORIC LANDMARK PRESERVATION COMMISSION

Section 145- 3. Historic Landmark Preservation Commission

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

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

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

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

2. The HLPC shall be empowered to:

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

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

Section 145-4. Appointment of Historic Preservation Officer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Reinvestment Projects Exemption

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

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

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

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

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

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

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

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

Section 145-11. - Ordinary Maintenance

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

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

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

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

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

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

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

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

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

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

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

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

4. Appeal Process.

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

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

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

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

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

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

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

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

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

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

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

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

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associated applications closed.

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

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

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

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

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

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

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

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

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

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

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

PUBLISH**ARTICLE VIII. - ESTABLISHED HISTORIC DISTRICTS****Section 145-20. - Establishment of Highland Park-Bingham Park Historic District**

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

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

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

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

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(h) Minimum side yards.

(i) All buildings and structures must have:

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

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

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

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

(a) Building placement, form and treatment.

(i) *Accessory buildings.* Accessory buildings:

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

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

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

(iv) Awnings.

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

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

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

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

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

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

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

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

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

3. Fences.

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

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

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

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

(d) *Location.*

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

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

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

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

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

SECTION 3: In the event a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

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

SECTION 5: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 6: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3, of the Charter of the City of Texarkana, Texas.

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



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

Members Present:

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

Members Absent:

Dr. Craig Nakashian
Steve Thompson

City of Texarkana, Texas:

Deborah Jones
Daphnea Ryan

Texarkana Museum System

Emily Tarr

Other Attendees

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

1. Call to Order

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

2. Establishment of Quorum

A quorum was established with five members present.

3. Approval of Previous Minutes

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

Result: Approved [Unanimous]

Mover: Dr. Robert Guillory

Second: Lauren Callaway

Ayes: Callaway, Coleman, Guillory, Johnston, Martin

Absent: Nakashian, Craig; Thompson, Steve

4. Certificate of Appropriateness Application – 2822 Walnut Street

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

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

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

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

Result: Approved [Unanimous]

Mover: Lauren Callaway

Second: Alice Coleman

Ayes: Callaway, Coleman, Guillory, Johnston, Martin

Absent: Nakashian, Craig; Thompson, Steve

5. Historic Preservation Ordinance

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

Result: Approved [Unanimous]

Mover: Dr. Robert Guillory

Second: Dawn Martin

Ayes: Callaway, Coleman, Guillory, Johnston, Martin

Absent: Nakashian, Craig; Thompson, Steve

6. Staff Updates

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

7. Historic Committee Project Updates

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

8. Main Street Updates

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

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

9. Museum System Updates

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

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

10. Adjournment

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

Result: Approved [Unanimous]

Mover: Dr. Robert Guillory

Second: Alice Coleman

Ayes: Callaway, Coleman, Guillory, Johnston, Martin

Absent: Nakashian, Craig; Thompson, Steve

Section 145 - Changes

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

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

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

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ORDINANCE NO. 2024-002

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 145 – HISTORIC LANDMARK PRESERVATION AND HISTORIC DISTRICTS

ARTICLE I. - ENACTMENT AND PURPOSE

Section 145-1.- Purpose

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

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

ARTICLE II. - DEFINITIONS

Section 145-2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III. - HISTORIC LANDMARK PRESERVATION COMMISSION

Section 145- 3. Historic Landmark Preservation Commission

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

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

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

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

2. The HLPC shall be empowered to:

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

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

Section 145-4. Appointment of Historic Preservation Officer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Reinvestment Projects Exemption

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

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

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

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

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

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

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

Section 145-11. - Ordinary Maintenance

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

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

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

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

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

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

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

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

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

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

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

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

4. Appeal Process.

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

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

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

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

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

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

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

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

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

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

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

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

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associated applications closed.

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

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

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

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

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

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

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

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

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

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

PUBLISH**ARTICLE VIII. - ESTABLISHED HISTORIC DISTRICTS****Section 145-20. - Establishment of Highland Park-Bingham Park Historic District**

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

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

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

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

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- (h) Minimum side yards.
 - (i) All buildings and structures must have:
 - (A) On interior lots, a minimum side yard the greater of five feet; and
 - (B) On corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.
 - (ii) Except as otherwise provided in this Section, no balcony, porch or any portion of a building or structure may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.
 - (i) *Off-street parking requirements.* Residential uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit when the alley is accessible.
 - (j) *Signs.* Signs of any character shall be not larger than four square foot (i.e., two feet by two feet).
2. *Preservation criteria.* The following preservation criteria apply to all Property in the Highland Park-Bingham Park Residential Overlay Historic District:
- (a) Building placement, form and treatment.
 - (i) *Accessory buildings.* Accessory buildings:
 - (A) Are only permitted in the rear yard no closer than 15 feet to a main building; and
 - (B) Must be compatible with the scale, shape, roof form, materials, detailing and color of a main building.
 - (ii) *Additions.* All additions to a building or structure must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing and color of the building or structure.
 - (iii) *Architectural detail.* Materials, colors, structural and decorative elements and the manner in which they are used, applied or joined together must be typical of the style and period of a main building and compatible with the other buildings on the blockface.
 - (iv) Awnings.
 - (A) All awnings on the front and side facades of a main building must be typical of its style and period and complement its color scheme.
 - (B) Wood, metal and plastic awnings are not permitted, unless they:
 - (1) Are on an accessory building or the rear facade of a main building;

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

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

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

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

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

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

3. Fences.

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

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

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

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

(d) *Location.*

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

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

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

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

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

SECTION 3: In the event a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

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

SECTION 5: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

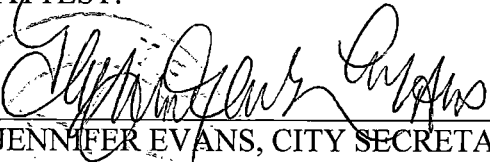
SECTION 6: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3, of the Charter of the City of Texarkana, Texas.

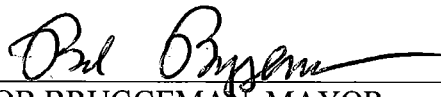
SECTION 7: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:53p.m.

City of Texarkana, Texas

Briefing Sheet

Version:

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

Lead Department:	<u>Planning & Zoning</u> <u>Commission</u>	Action Officer:	<u>Laura Puckett, Zoning</u> <u>Administrator</u>
Subject:	<u>Ordinance No. 2024-004 rezoning Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street from Commercial to Single Family-3. Jermell Fulton, owner.</u>		
Briefing:	<u>1/22/2024</u>	Public Hearing:	<u>1/22/2024</u>
		Council Vote:	<u>1/22/2024</u>

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

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

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

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

Staff recommends for approval this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to new drainage ordinance, stormwater design manual, building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

City of Texarkana, Texas

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval.

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

Attachments

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

Staff Coordination

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

Meeting History

01/08/24 City Council MOVED FORWARD Next: 01/22/24

ORDINANCE NO. 2024-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOT 1, BLOCK 1, BUCHANAN AVENUE ADDITION, LOCATED AT 100 JONES STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM COMMERCIAL TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street**, in the City of Texarkana, Bowie County, Texas, from **Commercial to Single Family-3**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Commercial to Single Family-3 on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Commercial to Single Family-3**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Commercial to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street** in the City of Texarkana, Bowie County, Texas, from **Commercial to Single Family-3**.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

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

Address	Owner
1104	J. M. FULTON
1105	RAILEY-JOHNSON, ANDREA J
1109	CITY OF TEXARKANA
1111	KAPA INVESTMENTS LTD CO
1113	SELF, HENRY
1114	APPRAISAL DIST TRUSTEE
1115	APPRAISAL DIST TRUSTEE
1116	APPRAISAL DIST TRUSTEE
1117	APPRAISAL DIST TRUSTEE
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1119	APPRAISAL DIST TRUSTEE
1120	APPRAISAL DIST TRUSTEE
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1123	CHURCH, LIFELINE CH OF
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1223	CHURCH, L

100 Jones Street



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

ORDINANCE NO. 2024-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOT 1, BLOCK 1, BUCHANAN AVENUE ADDITION, LOCATED AT 100 JONES STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM COMMERCIAL TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street**, in the City of Texarkana, Bowie County, Texas, from **Commercial to Single Family-3**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Commercial to Single Family-3 on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Commercial to Single Family-3**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Commercial to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street** in the City of Texarkana, Bowie County, Texas, from **Commercial to Single Family-3**.

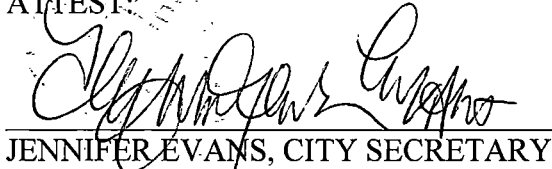
SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:54 p.m.

City of Texarkana, Texas

Briefing Sheet

Version:

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

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator

Subject: Ordinance No. 2024-005 granting a Specific Use Permit to allow a single wide HUD code manufactured home on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street. Jermell Fulton, owner.

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

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

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

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

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

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

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

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

City of Texarkana, Texas

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

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

Attachments

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

Staff Coordination

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

City of Texarkana, Texas**Meeting History**

01/08/24 City Council MOVED FORWARD Next: 01/22/24

ORDINANCE NO. 2024-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-783 TO ALLOW THE LOCATION OF A SINGLE WIDE HUD CODE MANUFACTURED HOME ON LOT 1, BLOCK 1, BUCHANAN AVENUE ADDITION, LOCATED AT 100 JONES STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a single wide HUD code manufactured home on **Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a single wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-783 for the location of a single wide HUD code manufactured home on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street**, in the City of Texarkana, Bowie County, Texas.

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

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

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

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

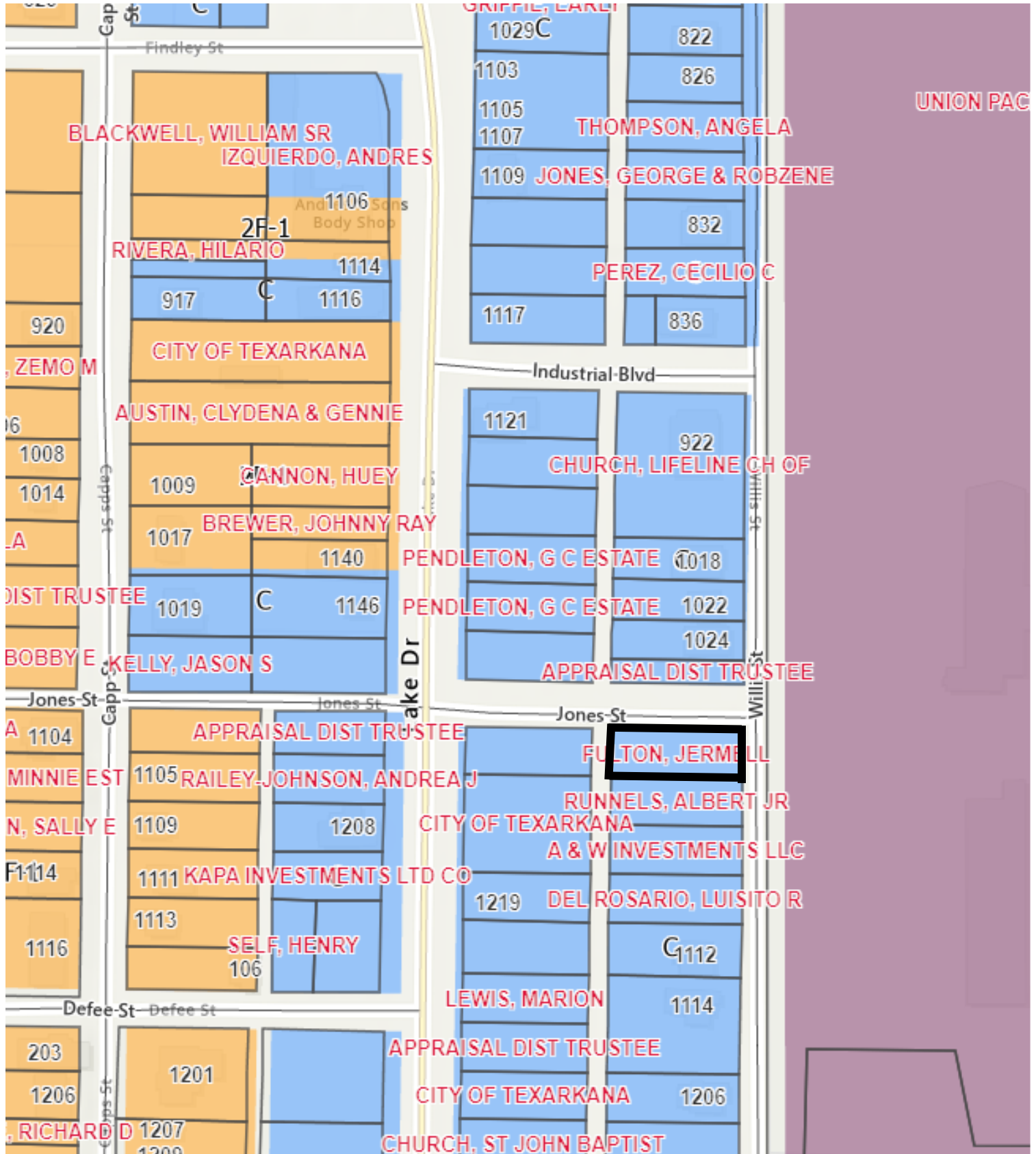
PASSED AND APPROVED in Regular Council Session on this the **22nd** day of **January, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

100 Jones Street



Attachment: 2024-005 ATTH 01 (Maps) (4156 : 2024-005 ORD SUP for HUD code mnfctrd home at 100 Jones St)

100 Jones Street



Attachment: 2024-005 ATTH 01 (Maps) (4156 : 2024-005 ORD SUP for HUD code mnfctrd home at 100 Jones St)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

S-783

ORDINANCE NO. 2024-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-783 TO ALLOW THE LOCATION OF A SINGLE WIDE HUD CODE MANUFACTURED HOME ON LOT 1, BLOCK 1, BUCHANAN AVENUE ADDITION, LOCATED AT 100 JONES STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a single wide HUD code manufactured home on **Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a single wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-783 for the location of a single wide HUD code manufactured home on Lot 1, Block 1, Buchanan Avenue Addition, located at 100 Jones Street**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2024-005 ORD sup 100 Jones St signed (4156 : 2024-005 ORD SUP for HUD code mnfrctrd home at 100 Jones St)

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

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

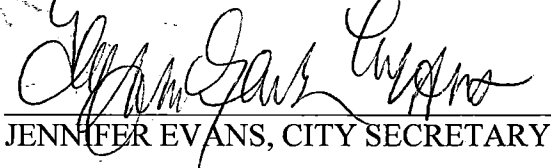
SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:55 p.m.

Attachment: 2024-005 ORD sup 100 Jones St signed (4156 : 2024-005 ORD SUP for HUD code mnfctrd home at 100 Jones St)

City of Texarkana, Texas

Briefing Sheet

Version:

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

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

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

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

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

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

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

Staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to new drainage ordinance, stormwater design manual, building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

City of Texarkana, Texas

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

Attachments

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

Staff Coordination

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

Meeting History

01/08/24 City Council MOVED FORWARD Next: 01/22/24

ORDINANCE NO. 2024-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING ON AN APPROXIMATE 5-ACRE TRACT OF LAND (BEING TRACT 13B), L. T. KING HRS, A-327, LOCATED AT 3001 BENDER ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-1 TO TWO FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone on an **approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327 (Exhibit ‘A’), located at 3001 Bender Road**, in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Two Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-1 to Two Family-2 on an approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327 (Exhibit ‘A’), located at 3001 Bender Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Single Family-1 to Two Family-2**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-1 to Two Family-2** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone on an **approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327 (Exhibit ‘A’),**

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

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Z-23-18

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

WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

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

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

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

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

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

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

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

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

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

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

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

WITNESS my hand this 26 day of October, 2023.

Pamela Cheryl Muldrew
Pamela Cheryl Muldrew

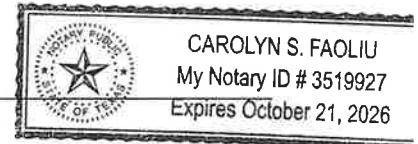
State of Texas
County of Bowie

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

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

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

My commission expires:

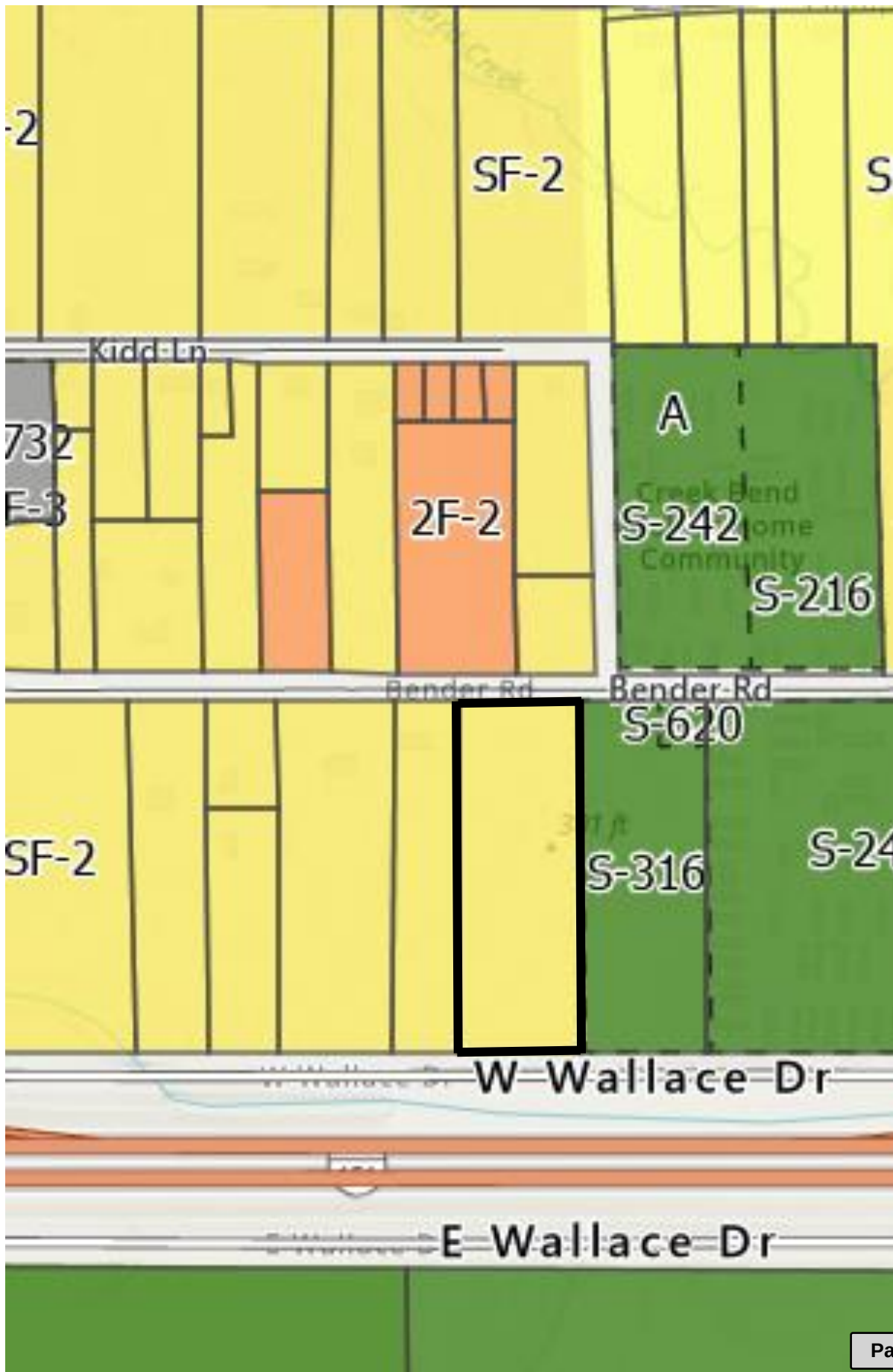


Document prepared by:
Unger Law Firm
Michael R. Unger, Attorney
4608 Summerhill Road
Texarkana, TX 75503

Grantee's Address:
JPM Rental Properties, LLC

1310 Old Post Rd
Texarkana AR 71854

3001 Bender Road



3001 Bender Road



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

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

December 4, 2023

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

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

Dear Planning & Zoning Commission

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

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

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

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

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

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

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

Sincerely,



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

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

Z-23-18

ORDINANCE NO. 2024-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING ON AN APPROXIMATE 5-ACRE TRACT OF LAND (BEING TRACT 13B), L. T. KING HRS, A-327, LOCATED AT 3001 BENDER ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-1 TO TWO FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone on an **approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327 (Exhibit 'A'), located at 3001 Bender Road**, in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Two Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-1 to Two Family-2 on an approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327 (Exhibit 'A'), located at 3001 Bender Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Single Family-1 to Two Family-2**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-1 to Two Family-2** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone on an **approximate 5-acre tract of land (being Tract 13B), L.T. King HRS, A-327 (Exhibit 'A')**,

Attachment: 2024-006 ORD rez 3001 Bender signed (4157 : 2024-006 ORD rezoning from SF-1 to 2F-2 at 3001 Bender)

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

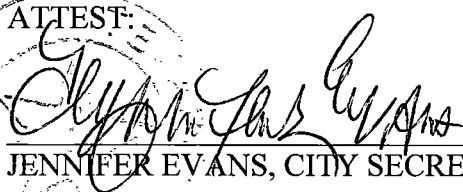
SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:57 p.m.

2024-006 EXH 'A'

Z-23-18

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WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

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

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

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

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

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

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

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

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

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

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

WITNESS my hand this 26 day of October, 2023.

Pamela Cheryl Muldrew
Pamela Cheryl Muldrew

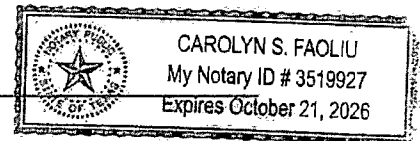
State of Texas
County of Bowie

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

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

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

My commission expires: _____



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

Grantee's Address:
JPM Rental Properties, LLC

1310 Old Post Rd
Texarkana AR 71854

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 2/5/2024 4:10 PM

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

Briefing: 2/12/2024 **Public Hearing:** 2/12/2024 **Council Vote:** 2/12/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

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

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

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

The site plan consists of the following:

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

City of Texarkana, Texas

8. Recommend getting cross access easement with the Oaks.

Staff recommends for approval of the site plan with stipulations.

The applicant should also be aware that if this site plan approval item is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 4, 2023

Attachments

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

Staff Coordination

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

City of Texarkana, Texas

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

Meeting History

01/08/24 City Council MOVED FORWARD Next: 01/22/24
Mashell Daniel briefed this agenda item.

ORDINANCE NO. 2024-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-05-7 (GR) FOR SITE PLAN APPROVAL ON AN APPROXIMATE 4-ACRE TRACT OF LAND (BEING PART OF TRACTS 71, 71B, 71A, AND 71C), GEORGE BRINLEE HRS, A-18 LOCATED AT 1 ROUNDABOUT WAY, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting the approval of a **site plan (Exhibit ‘A’)** on an approximate 4-acre tract of land (being part of Tracts 71, 71B, 71A, and 71C), George Brinlee HRS, A-18 (Exhibit ‘B’), located at 1 Roundabout Way in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-05-7 (GR)], and approval of the site plan (**Exhibit ‘A’**) would constitute an amendment to PD-05-7 (GR); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously by a vote of five (5) to zero (0) to recommend for approval of the petition for a site plan (Exhibit ‘A’)** to the City Council of the City of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that the approval of the site plan for the above described property is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the site plan (**Exhibit ‘A’**) on an approximate 4-acre tract of land (being part of Tracts 71, 71B, 71A, and 71C), George Brinlee HRS, A-18 (Exhibit ‘B’), located at 1 Roundabout Way in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-05-7 (GR).

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

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

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

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

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

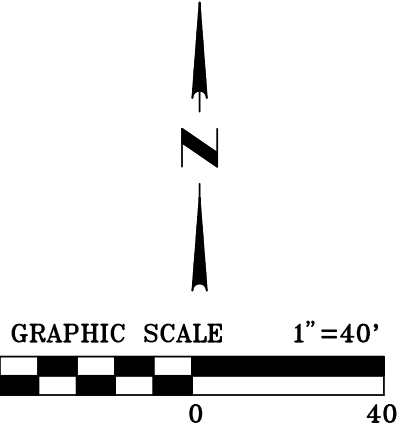
BOB BRUGGEMAN, MAYOR

X:\2023 Projects\236099 Duplexes on Roundabout Way - Blake Rich\02 Surveying\4.039 acres.pro
Mon Nov 27, 2023 1:11 PM



Amendment to PD-05-7

2024-007 EXH 'A'



PROPOSED
DUPLEXES
TEXARKANA, TEXAS

SITE PLAN

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

5830 SUMMERHILL ROAD
TEXARKANA, TEXAS
P 903.838.8533
www.mtgeengineers.com
TBPE FIRM NO. F-354
AR COA NO. 125
© MTG 2023

MTG
ENGINEERS
& SURVEYORS

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

Drawing Date	11/27/2023
Project Number	236099
Sheet Number	XXXXXXXXXX

2024-007 EXH 'B'

Property Description
4.047 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the George Brinlee Headright Survey, Abstract 18, Bowie County, Texas, being a part of that certain tract of land described as 43.229 acres in the deed from Kirk Patton, et al, to Gibson Park Development, LLP, dated October 27, 2005, recorded in Volume 4765, Page 302 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument) found for a corner, the Northeast corner of the said 43.229 acre tract, the Northwest corner of that certain tract of land described as 8.925 acres in the deed from American Heritage Apartments, Inc., to 2815 Richmond, LLC, dated October 22, 2019, recorded in Document No. 2019-00011317 of the Real Property Records of Bowie County, Texas, lying in the South line of Lot No. 5 of the Amended Plat of Richmond McKnight Addition, according to the plat recorded in Volume 2778, Page 292 of the Real Property Records of Bowie County, Texas;

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

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

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

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

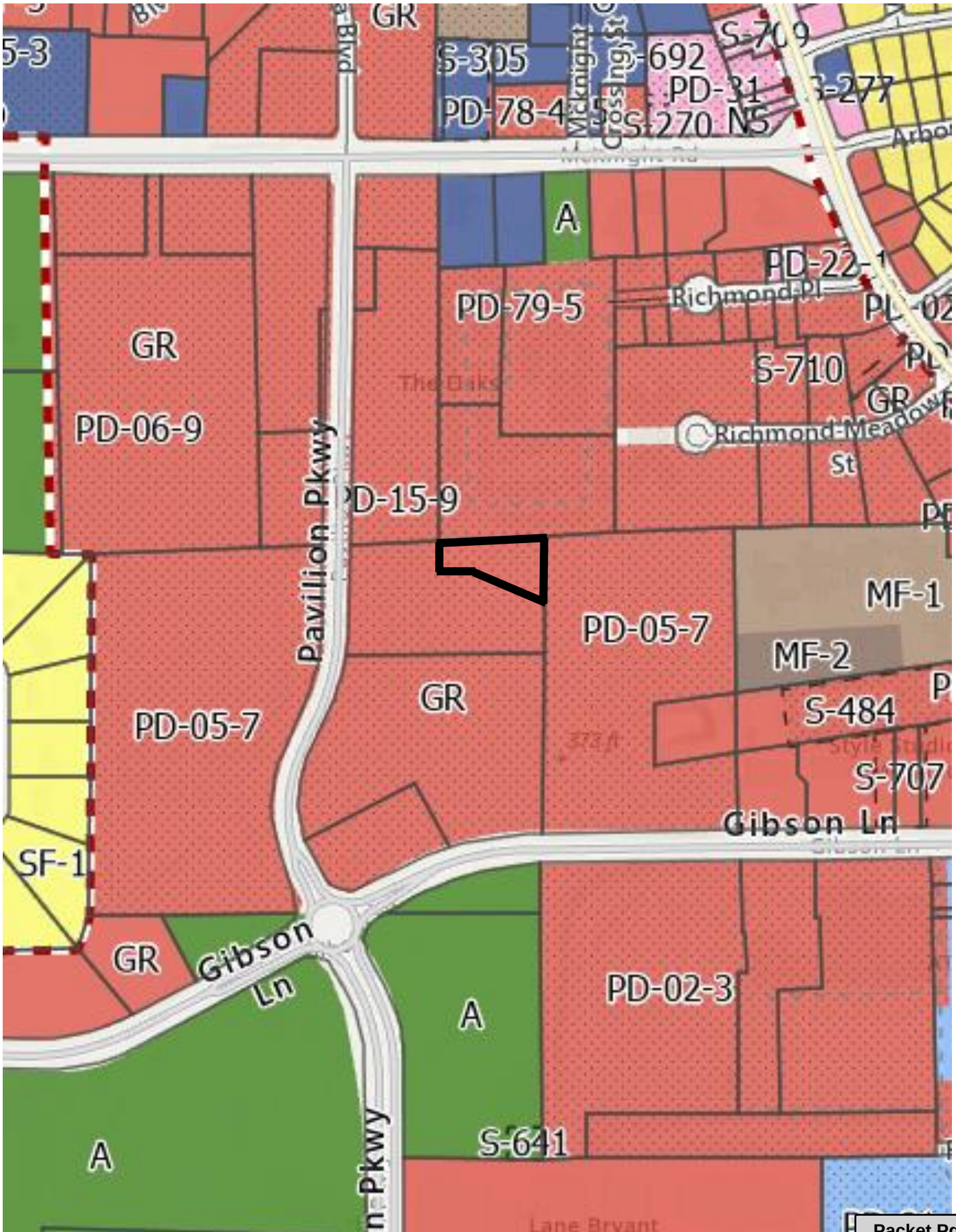
THENCE North 85 degrees 09 minutes 22 seconds East a distance of 527.84 feet along the North line of the said 43.229 acre tract and the South

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

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

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

1 Roundabout Way

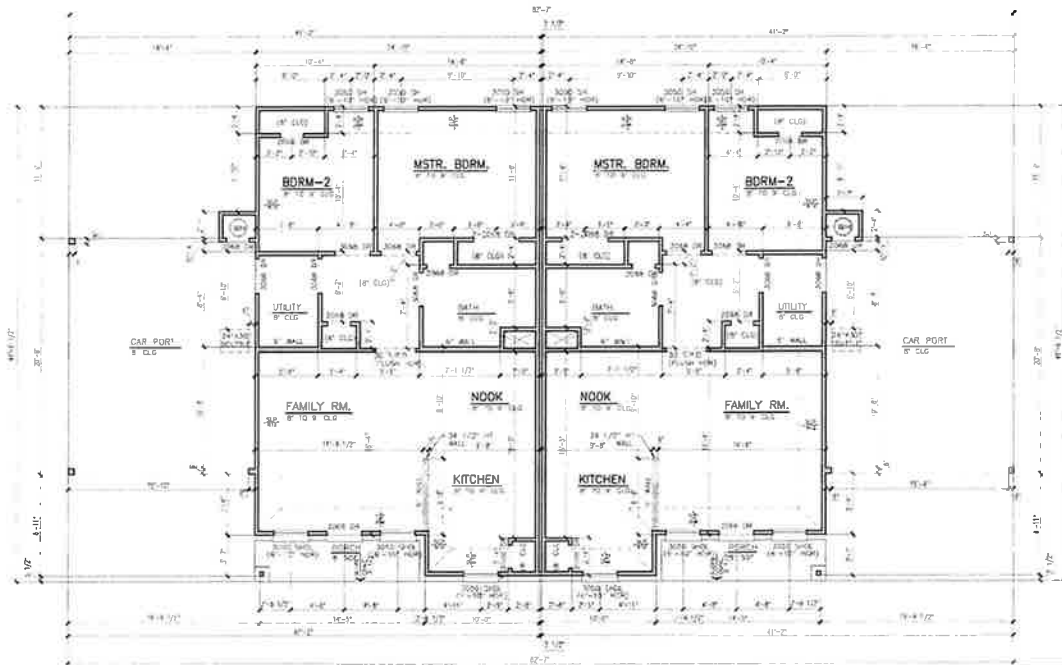


1 Roundabout Way



2024-007 ATTH 02

Amendment to PD-05-7



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

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

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

TOTAL BLDG SQUARE FOOTAGES	
First Floor	1970
Total Living Area	1970
Carport	676
Patios	104
Stairs	0
Total Under Build	2750

TAYLOR & TAYLOR DEVELOPMENT
ASSISTED LIVING

FRAMING
CONCRETE
1.1

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

2024-007 ATTH 03

Amendment to PD-05-7



FRONT ELEVATION - A
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
SCALE 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0"

For applicant reference only. Not to be used for construction. The drawings are for informational purposes only. The drawings are not to be used for construction. The drawings are not to be used for construction.

TAYLOR & TAYLOR DEVELOPMENT
ASSISTED LIVING

FRAMIN
CONCRE
2.1

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

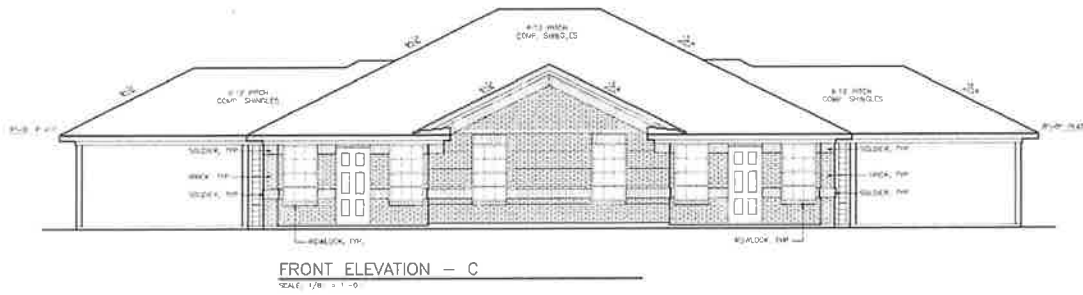


THESE DRAWINGS ARE PREPARED FOR THE ARCHITECT BY THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE ARCHITECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE ARCHITECT.

TAYLOR & TAYLOR DEVELOPMENT
ASSISTED LIVING

FRAMING
CONCRETE
2.1

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



Our drawings are not to be used for any other purpose than the one intended. The user assumes all responsibility for the use of the drawings. The user agrees to hold the architect harmless for any and all claims, damages, costs and expenses, including reasonable attorney's fees, arising from the use of the drawings for any purpose other than the one intended.

TAYLOR & TAYLOR DEVELOPMENT
ASSISTED LIVING

TRIM/
FINISH-O
2.2

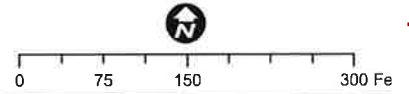
Attachment: 2024-007 ATTH 03 (Elevations) (4158 : 2024-007 ORD Amendment to PD-05-7 for site plan approval at 1 Roundabout Way)

2024-007 ATTH 04

Amendment to PD-05-7



PROPOSED 4-ACRE SITE
TEXARKANA, TEXAS



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

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other: