



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • JANUARY 23, 2023

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

220 TEXAS BLVD., TEXARKANA, TX 75501

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

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

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

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, February 13, 2023 at 6:00 p.m.

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

Downtown Chili Cook-off

The Texarkana Homeless Coalition will host a Chili Cook-off on Friday, January 27th. It will be held at 316 Hazel Street, Texarkana, Arkansas, from 5:00 p.m. to 8:00 p.m. Admission is free.

The cost to register and enter some chili is \$25.00. Raffle tickets will be available for \$5.00. All proceeds will be used to coordinate homeless services and fund scholarships. Have some fun and come dressed in your best 80's getup! For more information, call Vashil Fernandez at (903) 798-3904.

The annual Chamber of Commerce Celebration will be held at the Texarkana Convention Center on Friday, January 27th at 6:00 p.m.

The Texarkana Police Department has new headgear and a commemorative badge. The new hats will provide adequate protection for all officers from the sun and adverse weather conditions. Officer Karey Parker "sported" one for the audience.

The distinctive badge highlights Texarkana's 150th year as a city! A special txk150 committee, made up of members from both sides of State Line, will schedule projects and provide fun activities throughout the year. The grand celebration and acknowledgment of Texarkana, USA, will be held on December 8, 2023.

IV. STUDENT SPACEFLIGHT EXPERIMENTS PROGRAM (SSEP) - BY TISD

Todd Marshall said this program gives students the ability to design and propose real microgravity experiments to fly in low Earth orbit. Students had the opportunity to participate in Mission 16, which launched in November 2022, and Mission 17, which is launching in spring 2023.

At the meeting, Mr. Marshall recognized TISD Superintendent Dr. Doug Brubaker, several faculty, and five middle school students.

The students proudly shared their project research, explorations and contributions to the spaceflight program. KUDOS to TISD for showcasing aspiring and creative talent in our community's youth!

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

Mayor Bruggeman made the following appointment and reappointments to various boards, commissions, and committees:

The reappointments of Matt Robertson and Rob Sitterly to the Airport Authority board.

The reappointment of Suzanne Heath to the Library Commission.

The new appointment of Haleigh Alexander to the Keep Texarkana Beautiful board.

The reappointment of Sonja Hubbard to the Riverbend Water Resources District board.

Motion to confirm Mayoral appointment and reappointments to various boards, commissions, and committees.

(6:25 p.m.)

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

VII. ITEMS FOR CONSIDERATION

Consent Items

(6:26 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on January 9, 2023 at 6:00 PM.

Action Items

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

VIII. FIRST BRIEFINGS

1. Ordinance No. 2023-015 rezoning on an approximate 2.999-acre tract of land (being Tract 71B), Thomas Price HRS, A-466, located at 530 Sowell Lane from Planned Development-Office to Commercial. Wes Haley, representing Haley's Body Shop, owner.

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

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 2/13/2023 6:00 PM
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IX. PUBLIC HEARINGS

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

Public Hearing: January 23, 2023

Council Vote: January 23, 2023

Mashell Daniel said some revisions were made to this proposed ordinance since the January 9th council meeting. There were no public comments at this hearing.

(6:30 p.m.)

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

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

Public Hearing: January 23, 2023

Council Vote: January 23, 2023

Mashell Daniel said the Texas Department of Transportation has agreed to work with the agent to provide access off Hampton Road.

The following persons addressed council in favor of this proposed ordinance:

Aaron Gaylor

Zack Ratliff

Jack Smith

The following persons addressed council in opposition to this proposed ordinance:

Devin Jennings

Aaron Jennings

Kay Thomas

Maurice Orr

John Revels

Council Member Davis said this property was in his ward and therefore made several comments, based on numerous phone conversations and his own personal due diligence.

Council Member Hart made the motion to approve and **adding Planned Development.**

(7:38 p.m.)

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

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

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

There were no public comments made at this hearing.
(7:39 p.m.)

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

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

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

Janice Jamison addressed council in favor of this proposed ordinance.
(7:41 p.m.)

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

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

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

Robin Junior addressed council in favor of this proposed ordinance.
(7:46 p.m.)

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

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

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

Angela Forte said the proposed rezoning is for Lots 10 and 11, not Lots 9 and 10, as stated on the agenda. Council Member Matlock made a motion to postpone this agenda item to a future council meeting.
(7:51 p.m.)

RESULT:	POSTPONED (VOTE) [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

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

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

Council Member Matlock made a motion to postpone this agenda item to a future council meeting.
(7:51 p.m.)

RESULT:	POSTPONED (VOTE) [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

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

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

There were no public comments made at this hearing.
(7:54 p.m.)

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

X. CITY MANAGER'S REPORT

January 2023 Sales Tax Report

Sales tax receipts for the month of January (November sales) totaled \$1,762,099, an increase of \$105,095 (6.34%) compared to the same month in the prior year. Fiscal year-to-date collections totaled \$3,468,700, an increase of \$212,740 (6.53%) compared to last year.

2022 Vital Statistics 5 Star Award Winner

Given by the Texas Health & Human Services Department, the **5 Star** award acknowledges Vital Statistics Partners who understand the importance of vital statistics and its impact on the citizens of Texas. Congrats to Jennifer and the Vital Statistics team!

Keep Texarkana Beautiful & WM Recycling Packets

Keep Texarkana Beautiful (KTB) and Waste Management (WM) have partnered to provide 13,000 recycling packets for area elementary schools. The recycling education information will be distributed to schools by KTB board members over the next few weeks. Thank you, WM, for sponsoring this initiative.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council had no administrative comments for staff.

2. City Staff

Staff had no administrative comments for council.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:57 p.m.)

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • JANUARY 9, 2023

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

220 TEXAS BLVD., TEXARKANA, TX 75501

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

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

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

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JAY DAVIS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

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

Dr. Martin Luther King, Jr. Day:

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

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

Minutes Acceptance: Minutes of Jan 9, 2023 6:00 PM (Consent Items)

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

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

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

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

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

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

V. CLOSED SESSION

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

Ward 5 Letter of Interest - Van Alexander

RESULT:	CLOSE ACTION
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Ward 5 Letter of Interest - Elizabeth White

RESULT:	CLOSE ACTION
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VI. RECONVENED INTO OPEN SESSION

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

VII. SPECIAL ACTION ITEM

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

Public Hearing:

Council Vote: January 9, 2023

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

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

VIII. SWEARING IN FOR WARD 5 COUNCIL MEMBER

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

IX. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

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

X. ITEMS FOR CONSIDERATION

Consent Items

(7:09 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on December 12, 2022 at 6:00 PM.
2. Ordinance No. 2023-001 amending the Building Maintenance Fund budget (Fund 228) for the fiscal year ending September 30, 2023, to add unspent funds of One Hundred Ten Thousand Nine Hundred Seventy-One Dollars (\$110,971) from the preceding fiscal year.

Public Hearing:
Council Vote: January 9, 2023

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

Public Hearing:
Council Vote: January 9, 2023

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

Public Hearing:
Council Vote: January 9, 2023

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

Public Hearing:
Council Vote: January 9, 2023

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

Public Hearing:
Council Vote: January 9, 2023

Action Items

[There were no action items].

XI. FIRST BRIEFINGS

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

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

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/23/2023 6:00 PM
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2. Ordinance No. 2023-005 rezoning a 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane from Agriculture to Commercial. Emanuel Sanchez, owner and Aaron Gaylor, agent. (A 3/4 vote is required by the City Council to approve this request).

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

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/23/2023 6:00 PM
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3. Ordinance No. 2023-006 amending PD-22-3 (C) for site plan approval on a 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane. Emanuel Sanchez, owner and Aaron Gaylor, agent. (A 3/4 vote is required by the City Council to approve this request).

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

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/23/2023 6:00 PM
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4. Ordinance No. 2023-007 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lot 8, Block 48, Grandview Addition located at 3704 Jones Street. Janice Jamison, owner.

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

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/23/2023 6:00 PM
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5. Ordinance No. 2023-008 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street. Electra Walker, owner, and Robin Junior, agent.

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

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/23/2023 6:00 PM
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6. Ordinance No. 2023-009 rezoning Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street from Commercial to Single Family-3. Angela Forte, owner.

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

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/23/2023 6:00 PM
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7. Ordinance No. 2023-010 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street. Angela Forte, owner.

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

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 1/23/2023 6:00 PM
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8. Ordinance No. 2023-012 amending Chapter 21 of the Code of Ordinances by adding Section 21-1(b) providing for a variance to distance prohibitions applicable solely to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in the specific instance of the business changing ownership or management.

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

Jeff Lewis briefed this agenda item.

RESULT: **MOVED FORWARD**

Next: 1/23/2023 6:00 PM

XII. PUBLIC HEARINGS

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

Public Hearing: January 9, 2023

Council Vote: January 9, 2023

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

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

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

Public Hearing: January 9, 2023

Council Vote: January 9, 2023

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

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

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

Public Hearing: January 9, 2023

Council Vote: January 9, 2023

Minutes Acceptance: Minutes of Jan 9, 2023 6:00 PM (Consent Items)

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

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

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

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

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

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

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

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

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

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

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

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

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

(7:35 p.m.)

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

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

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

There were no public comments made at this hearing.

(7:36 p.m.)

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

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

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

Mary Bruce asked to what classification will the property be rezoned and the intended use or business at this location.

(7:39 p.m.)

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

XIII. CITY MANAGER'S REPORT

Wholesale Water Contract Amendments - CPI Adjustment

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

Final Bi-State Budget

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

Northeast Texas Regional Alliance Legislative Trip - Austin, Texas

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

Reminders for Council Members

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

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

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

XIV. ADMINISTRATIVE COMMENTS

1. City Council

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

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

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

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

2. City Staff

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

He also warmly welcomed Libby White to the City Council.

XV. ADJOURNMENT

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

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/9/2023 8:33 AM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2023-015 rezoning on an approximate 2.999-acre tract of land (being Tract 71B), Thomas Price HRS, A-466, located at 530 Sowell Lane from Planned Development-Office to Commercial. Wes Haley, representing Haley's Body Shop, owner.

Briefing: 2/13/2023 **Public Hearing:** 2/13/2023 **Council Vote:** 2/13/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Wes Haley, representing Haley's Body Shop, owner, to rezone an approximate 2.999-acre tract of land (being Tract 71B), Thomas Price HRS, A-466, located at 530 Sowell Lane from Planned Development-Office to Commercial.

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

The adjacent zoning is General Retail to the North, Single Family-2 to the east, Planned Development-Office to the south and Commercial to the west. The adjacent land use is a church to the north, vacant land to the east and south, and I-369 to the west.

Applicant is requesting that the Planned Development be removed and that the parcel be zoned Commercial to conform to the already existing parcel zoned Commercial. Staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to new drainage ordinance, stormwater design manual, building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

City of Texarkana, Texas

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

January 3, 2023

Attachments

- a. 2023-015 ORD Rezoning 530 Sowell Lane (DOCX)
- b. 2023-015 EXH 'A' (Legal Description) (PDF)
- c. 2023-015 ATTH 01 (Maps) (PDF)
- d. 2023-015 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
01/19/2023 9:50 AM			
City Manager	David Orr	Reviewer	Completed 01/19/2023
1:46 PM			
City Council	Jennifer Evans	Meeting	Completed 01/23/2023
6:00 PM			

Meeting History

ORDINANCE NO. 2023-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 2.999-ACRE TRACT OF LAND (BEING TRACT 71B), THOMAS PRICE HRS, A-466, LOCATED AT 530 SOWELL LANE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-OFFICE TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an **approximate 2.999-acre tract of land (being Tract 71B), Thomas Price HRS, A-466 (Exhibit ‘A’), located at 530 Sowell Lane**, in the City of Texarkana, Bowie County, Texas, from **Planned Development-Office to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Planned Development-Office to Commercial on an approximate 2.999-acre tract of land (being Tract 71B), Thomas Price HRS, A-466 (Exhibit ‘A’), located at 530 Sowell Lane** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Planned Development-Office to Commercial**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Planned Development-Office to Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an **approximate 2.999-acre tract of land (being Tract 71B), Thomas Price HRS, A-466 (Exhibit**

‘A’), located at 530 Sowell Lane in the City of Texarkana, Bowie County, Texas, from **Planned Development-Office to Commercial**.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2023-015 EXH 'A'

Z-23-1

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11754BOWIE COUNTY CLERK
NEW EOSTON, TEXAS
HARVELENE MEGASON

NOV 8 AM 11 46

Prepared By: EDWARD MILLER, Attorney, of the law firm of:
KEENEY, ANDERSON, MILLER, JAMES & TATE
P. O. Box 2044 - 1012 Olive Street
Texarkana, Texas 75504

WARRANTY DEED

STATE OF TEXAS
COUNTY OF BOWIE

KNOW ALL MEN BY THESE PRESENTS:

That LOCAL UNION NO. 526, INTERNATIONAL CHEMICAL WORKERS BUILDING CORPORATION, a private corporation duly incorporated under and by virtue of the laws of the State of Texas, acting herein by and through its PRESIDENT R. C. PAULEY, hereunto duly authorized by resolution and official action of the Board of Directors of such corporation made at a meeting held on August 19th, 1989, hereinafter referred to as "GRANTOR", for and in consideration of the sum of TEN and NO/100 (\$10.00) DOLLARS and other good and valuable consideration, to Grantor cash in hand paid by HALEY'S BODY SHOP, INC., a Texas corporation, whose address is P. O. Box 1822, Texarkana, Texas 75504, hereinafter referred to as "GRANTEE", the receipt of which is hereby acknowledged and confessed; and for the further sum of EIGHTY THOUSAND and NO/100 - (\$80,000.00) - DOLLARS, to Grantor cash in hand paid by THE STATE FIRST NATIONAL BANK OF TEXARKANA, Texarkana, Arkansas, hereinafter referred to as "LENDER", which sum is paid to Grantor by Lender at the special instance and request of the Grantee, to evidence which said Grantee has executed the Grantee's one certain Promissory Note, hereinafter referred to as "NOTE", of even date herewith as follows:

Promissory Note in the principal sum of \$80,000.00, bearing interest at the rate therein stated and payable to Lender as specified in said note, said Note providing for past due principal and interest to bear interest from maturity until paid, for acceleration of maturity in case of default and for attorney's fees if placed in the hands of an attorney for collection or if collected through Probate Court or other legal proceedings, and a Vendor's Lien is herein and hereby retained against the hereby conveyed property to secure the payment of said Note and interest to accrue thereon, the superior title to which is hereby transferred and assigned to said Lender, said note being further secured by a Deed of Trust of even date herewith to J. MICHAEL CROSS, Trustee for said Lender, upon said property and all the terms, conditions and provisions of said consideration herein are fully secured by the Vendor's Lien retained herein; and,

has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto the said Grantee, the following described property, to-wit:

All that certain tract or parcel of land situated in the THOMAS PRICE HEADRIGHT SURVEY, Abst. No. 466, Bowie County, Texas, and being a portion of a certain 12.078 acre tract of land deeded to Local Union No. 526, International Chemical Workers Building Corp., said 12.078 acre tract being a part of a certain 50 acre tract of land described by Deed dated December 15, 1903, and recorded in Volume 39, Page 110, Deed Records, Bowie County, Texas; subject tract being more particularly described by metes and bounds as follows:
COMMENCING at an iron pipe for corner at a fence corner, the Northeast corner of a certain 8.394 acre tract of land conveyed to the State of Texas by Deed dated July 6, 1960, of record in Volume 386, Pages 219-223, Deed Records, Bowie

Attachment: 2023-015 EXH 'A' (Legal Description) (3918 : 2023-015 ORD rezoning PD-Office to Commercial 530 Sowell Ln)

2023-015 EXH 'A'

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County, Texas, and being 450 feet North of the Southeast corner of said 50 acre tract, said point being the Southeast corner of said 12.078 acre tract;
 THENCE North 00° 04' 23" West, with the East line of said 12.078 acre tract, 386.04 feet to an iron pipe for corner at the Northeast corner of a certain 3.654 acre tract of land sold to Westside Church of Christ, and the PLACE OF BEGINNING for the herein described tract of land;
 THENCE West with the North line of said Church tract, 634.55 feet to an iron pipe for corner on the East right-of-way line of Loop 151 (US-59);
 THENCE North 00° 49' 54" East with the East right-of-way line of said Loop 151 (US-59), 177.66 feet to a concrete right-of-way marker at an angle point;
 THENCE North 02° 48' 06" West, continuing with said right-of-way line, 28.82 feet to an iron pipe for corner;
 THENCE East 633.12 feet to an iron pipe for corner in the East line of said 12.078 acre tract;
 THENCE South 00° 04' 23" East, with the East line of said 12.078 acre tract, 206.43 feet to the PLACE OF BEGINNING;
 and,
 CONTAINING 3.000 acres of land, more or less.

The above described property and this instrument are SUBJECT TO Easement in favor of Southwestern Gas and Electric Company, recorded in Volume 321, Page 371 of the Deed Records, Bowie County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, and unto the Grantee's successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the said premises unto the said Grantee, and unto the Grantee's successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

But it is expressly agreed and stipulated that a Vendor's Lien is retained against the above described property, premises and improvements as security for said Note and transferred to said Lender, as above provided, until said Note and all interest thereon is fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

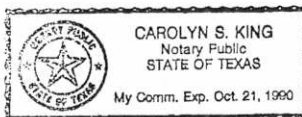
IN WITNESS WHEREOF, the said Corporation has caused these presents to be signed by its duly authorized officer and to be sealed with the Seal of the Corporation at Texarkana, Texas, on November 1, 1989.

LOCAL UNION NO. 526, INTERNATIONAL
 CHEMICAL WORKERS BUILDING CORPORATION

By: R.C. Pauley

THE STATE OF TEXAS §
 §
 COUNTY OF BOWIE §

This instrument was acknowledged before me on November 1, 1989, by _____
 R. C. PAULEY, _____ PRESIDENT of LOCAL UNION NO.
 526, INTERNATIONAL CHEMICAL WORKERS BUILDING CORPORATION, a Texas corporation,
 on behalf of said corporation.



Carolyn S. King
 Notary Public in and for the
 State of TEXAS
 My commission expires: _____

Printed Name of Notary Public

Attachment: 2023-015 EXH 'A' (Legal Description) (3918 : 2023-015 ORD rezoning PD-Office to Commercial 530 Sowell Ln)

2023-015 EXH 'A'

VOL. 1400 PAGE 329

Z-23-1

Stewart Jille

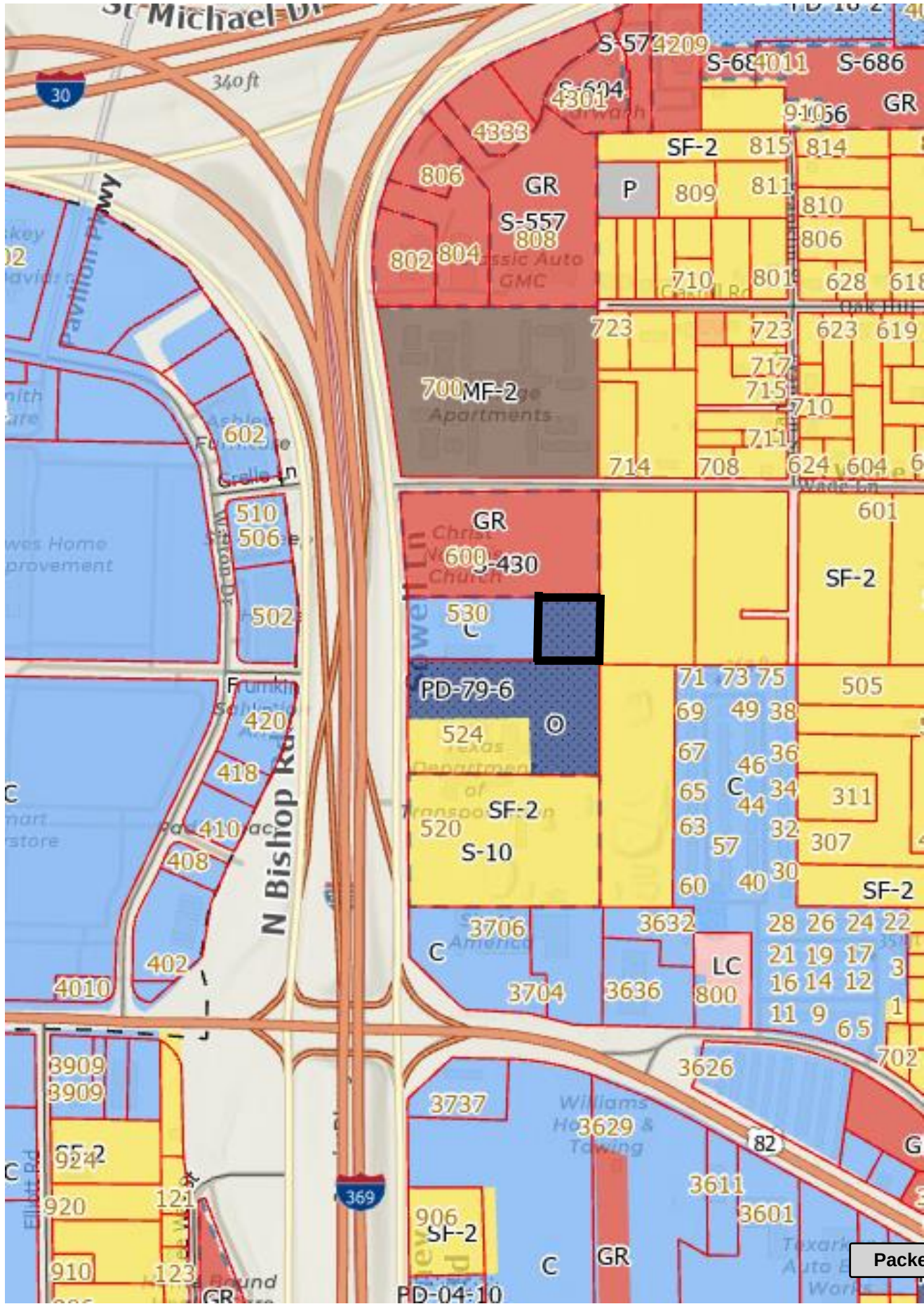
89 NOV 8 AM 11 46
BOWIE COUNTY CLERK
NEW EUSTON, TEXAS
MARYLENE MEGASON

*Local Time # 526,
Antennas Clinical Marked Bldg Corp
to
Nelson Body Shop, Inc
11-1-89*

*C 11754 7.00
WD COMPARED*

MARYLENE MEGASON, COUNTY CLERK, BOWIE COUNTY, TEXAS
BY: *Lelihu Wade* DEPUTY

530 Sowell Lane



530 Sowell Lane



Attachment: 2023-015 ATTH 01 (Maps) (3918 : 2023-015 ORD rezoning PD-Office to Commercial 530 Sowell Ln)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: A

Update Date: 1/24/2023 3:16 PM

Briefing Sheet

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

Subject: care, animal nuisances, and dangerous dogs].

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

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

Section 8-2 - "Enforcement" (g) is amended to refer to traps placed by the City or the release of a person's common household pet inadvertently trapped.

Section 8-2 - (h) "It is unlawful for any person to set a live trap without registering the trap with the City" is removed in its entirety.

Section 8-6 - "Restraint" is amended to address Texas State Law with subchapter E as provided in this agenda packet by removing the words 'chaining' and 'chain'.

Section 8-6 (f) is amended to replace the word 'transferred' with 'transported.'

Executive Summary and Background Information:

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

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

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

Potential Options:

- Approve
- Not approve

Fiscal Implications:

None

City of Texarkana, Texas

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

Texarkana Animal Coalition Team (TACT)

Board/Committee Recommendation:

TACT recommends for approval.

Advisory Board/Committee Meeting Date and Minutes:

10/20/2022

Attachments

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

Staff Coordination

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

Meeting History

01/09/23 City Council MOVED FORWARD Next: 01/23/23

ORDINANCE NO. 2023-004

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

Recitals

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

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) *Additional registration requirements.*

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

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

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

SECTION 38: In case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

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

SECTION 40: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3, of the Charter of the City of Texarkana, Texas.

SECTION 41: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Chapter 8 - ANIMAL CARE AND CONTROL

Sec. 8-1. - Definitions.

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

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

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

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

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

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

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

Dangerous dog means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (3) Makes an unprovoked attack on a domestic animal which occurs when the attacking dog is running at large.
- (4) **A peace officer or ACO has reason to believe the dog has a dangerous disposition and is likely to be harmful to humans or other domestic animals.**

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

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

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

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

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

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

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

Licensed veterinarian means a person licensed to practice veterinary medicine.

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

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

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

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

Prohibited animal. The term "prohibited animal" means :

- (1) Any animal not normally born and raised in captivity, including, but not limited to, the following:
 - a. *Class reptilia*. Family helodermatidae (venomous lizards) and family hydrophiidae (venomous marine snakes); family viperidae (rattlesnakes, copperheads, cottonmouths, pit vipers and true vipers); family elapidae (coral snakes, cobras and mambas); the following listed species of family colubridae-dispholidus typus (boomslang), hydrodynastes gigas (water cobra), boiga (mangrove snake), and thelotornis (African twig snake) only; order phidia, family boidae (racers, boas, water snakes and pythons); order crocodilia (such as crocodiles, alligators, caimans and gavials);
 - b. *Class aves*. Order falconiforms (such as hawks, eagles, falcons and vultures);
 - c. *Class mammalia*. Order carnivores:
 1. Family felidea (such as lions, tigers, bobcats, jaguars, ocelots, leopards and cougars), except commonly domesticated cats;
 2. Family canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, foxes and jackals), and any hybrid of an animal listed in this section except commonly domesticated dogs;

3. Family mustelida (such as weasels, skunks, martens, minks, badgers and otters) except ferrets;
 4. Family procyonidae (such as raccoons and coati);
 5. Family ursidae (such as bears);
 6. Marsupialia (such as kangaroos, opossums, koala bears, wallabys, bandicoots and wombats);
 7. Chiroptera (bats);
 8. Edentata (such as sloths, anteaters and armadillo);
 9. Proboscidea (elephants);
 10. Primata (such as monkeys, chimpanzees, orangutans and gorillas);
 11. Rodentia (such as beavers and porcupines); and
 12. Ungulata (such as antelope, deer, bison and camels).
- d. *Class amphibi*. Poisonous frogs.
- e. *Class insecta*. Poisonous insects.
- (2) Does not include livestock, fowl or common household pets.
- (3) Animals not listed. An ACO may declare any species of animal not listed in this subsection as "prohibited" if the confinement of the animal within the city can be shown to constitute a threat to public health and safety.

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

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

Secure enclosure means a fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the animal control officer.

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

Unprovoked means any action by an animal that is not:

- (1) In response to being tormented, abused or assaulted by any person;
- (2) In response to pain or injury; or
- (3) In protection of itself or its food, kennel, immediate territory or nursing offspring.

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

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

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

Sec. 8-2. - Enforcement.

- (a) The city shall designate employees as ACO's.
- (b) Enforcement of this chapter and any state laws regulating animals shall be the primary responsibility of the ACOs. Police officers employed by the city may also enforce the provisions in this chapter and any state laws regulating animals.
- (c) No person shall interfere with any ACO or any authorized representative in the performance of their duties.
- (d) The provisions of subchapter D, Dangerous Dogs, ch. 822 of the Texas Health and Safety Code, as amended, are incorporated into this chapter and the ACOs are hereby the animal control authority for purposes of administering and enforcing that subchapter.
- (e) The ACOs and police officers are authorized to:
 - (1) Impound any animal in violation of this chapter;
 - (2) Issue citations for any violation of this chapter or applicable state law;
 - (3) Enter the premises upon which any animal is kept or harbored to demand the exhibition of such animal by the owner or license required for such animal;
 - (4) Enter the premises where any animal is kept or harbored in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal when, in the opinion of the officer, it requires humane treatment; and
 - (5) **Declare a dog as a dangerous dog when one or more of the conditions of a dangerous dog are met.**
- (f) Except when required otherwise by state law, all fees and charges required under this chapter shall be established by the city manager or designee.

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

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

- (a) The owner of a dog, cat or ferret shall have the animal vaccinated against rabies by the time the animal is four months of age. The animal must receive a booster within the 12-month interval following the initial vaccination. Every animal must be revaccinated against rabies at a minimum of once every three years with a triennial vaccine or a minimum once each year with an annual vaccine. All rabies vaccinations shall be administered under the guidance of a licensed veterinarian.
- (b) The owner of a dog, cat or ferret four months of age or older shall, register the animal with the city. ~~to ensure rapid return to the owner if circumstances warrant.~~ Fees for city registration are established on the city's fee schedule. City registration shall be in conjunction with an animal's rabies vaccination schedule, either one year or three years, unless the owner of the animal has a breeding permit in which the registration of the animal must be renewed on an annual basis. A ~~a~~ current rabies vaccination certificate must be submitted upon registration. The rabies vaccination certificate shall include the name and address of the applicant, a description of the animal, and proof of a current rabies vaccination. Upon receipt of a rabies vaccination certificate that meets the criteria of this section and state law, ~~a city registration tag shall be issued, which shall bear an identifying number for the animal and the year of issuance~~ the rabies vaccination number will be the city registration number and city tag or number. The ~~license~~ rabies tag shall be securely attached to the collar or harness of the animal and worn at all times.
- (c) A person commits an offense, if the person owns, keeps, or harbors a dog, cat or ferret over four months of age without having such animal currently vaccinated against rabies.
- (d) A person commits an offense, if the person owns, keeps, or harbors a dog, cat or ferret over four months of age without having such animal currently registered with the city.
- (e) A person commits an offense, if the person owns, keeps, or harbors a dog, ~~cat or ferret~~ required to be vaccinated and registered by this section and fails to display on the animal at all times a current rabies vaccination tag. ~~and a current city registration tag.~~
- (f) A person commits an offense, if the person owns, keeps, or harbors a dog, cat or ferret and displays on the animal a rabies vaccination tag ~~or a city registration tag~~ issued to another animal.

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

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

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

- (a) A dog shall at all times be confined within a building or a fenced area that is at least 100 square feet in size per dog over four months of age and of sufficient strength and construction to confine the dog or keep the dog from running at large.
- (b) It shall be unlawful for an owner of a dog, to fail to keep the dog from running at large within the city limits.
- (c) When a dog is on a leash held by a person capable of controlling the dog or being physically held by a person capable of controlling the dog, a dog shall not be deemed running at large.
- (d) A dog confined **within the cab of** an automobile or other vehicle shall not be deemed running at large.
- (e) An electronic fence shall not be considered a fence in compliance with this chapter.

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

- ~~(a) Except as provided in subsection (b) of this section, it shall be unlawful for a person to restrain a dog with a chain or tether unless the person is holding the chain or tether.~~
- ~~(b) The prohibition of subsection (a) of this section does not apply to a temporary restraint:

 - ~~(1) During a lawful animal event, such as walking on a leash, cleaning a dog pen, veterinary treatment, grooming, training or law enforcement activity; or~~
 - ~~(2) That is required to protect the safety or welfare of a person or the dog, if the dog's owner or handler remains with the dog throughout the period of restraint.~~~~
- ~~(c) A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than one-eighth of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.~~
- ~~(d) A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water.~~
- ~~(e) A person may not restrain a dog in a manner that allows the dog to move outside the person's property.~~
- (a) The provisions of Health and Safety Code, Chapter 821, Subchapter E, are incorporated herein by reference. The following provisions, as authorized by Health and Safety Code Sec. 821.104, establish more stringent requirements than a requirement of Subchapter E or relate to an issue not specifically addressed by Subchapter E.**
- (b) The prohibitions on restraint of a dog shall not apply to a temporary restraint that is required to protect the safety or welfare of a person or the dog, provided the dog's owner**

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

- (c) It shall be unlawful for a person to wrap a chain, rope, tether, leash, or cable directly around a dog's neck. This prohibition shall not apply to a "properly fitted" collar or harness as defined by state law.
- (d) It shall be unlawful for a person to use a restraint which, by design or placement, is likely to become entangled with the dog.
- (e) It shall be unlawful for a person to use a restraint which weighs more than one-eighth of the dog's body weight.
- (f) It shall be unlawful for a person to restrain a dog outside and unattended by use of a restraint which allows the dog to move onto another person's real property.
- (g) For any trolley system permitted under state law, it shall be unlawful if the system does not allow a dog to move about freely within a minimum distance of 20 feet apart between two fixed points.
- (h) Unless authorized by state law, it shall be unlawful for a person to transport an animal in an open vehicle without the animal being confined in a crate or kennel secured to the vehicle and of sufficient size relative to the animal.

Sec. 8-7. - Guard dogs.

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

Sec. 8-8. - Impoundment and seizures.

- (a) The following animals may be impounded or seized through legal process:
 - (1) Any animal kept under conditions which can endanger the public or animal's health.
 - (2) Any animal that has rabies or symptoms thereof or that a person could reasonably suspect of having rabies or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal, or that requires observation for rabies as determined by the animal control officer.
 - (3) Any animal other than a cat running at large. ~~Any cat running at large not displaying current rabies tags and city registration or impoundment pursuant to section 8-16(6).~~
 - (4) Any animal treated in a manner determined to be in violation of cruelty to animals, Texas Penal Code §§ 42.09, 42.091, 42.092, as amended or dog fighting, Texas Penal Code § 42.10.
 - (5) Any animal reasonably suspected of having inflicted bodily harm on any human being or animal that poses a threat to public safety or constitutes a public nuisance.
 - (6) Any prohibited animal.

- (b) The city shall select and establish facilities for the impoundment, quarantine, maintenance and destruction of animals.
- (c) Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current rabies vaccination tag or ~~a current city license tag~~ is microchipped.

Sec. 8-9. - Redemption of animal.

- (a) The owner may redeem an impounded animal upon payment of all applicable impoundment fees, handling fees, and any veterinarian bills or other cost incurred by the city for the impoundment, care and welfare of the animal and upon proof of compliance with the vaccination/registration requirements of this chapter. Any animal being held under quarantine or observation for rabies shall not be redeemed until released from quarantine.
- (b) Impounded animals shall be held for three days after date of impoundment except any animal wearing a current rabies vaccination tag or a current city license tag shall be impounded for seven days. If the owner of an impounded animal does not redeem it within the period of impoundment, disposition will be in accordance with this chapter.

Sec. 8-10. - Disposition of animals.

- (a) Except as provided herein, any animal not redeemed within section 8-9 time periods, after impoundment or release from quarantine, shall become the property of the impoundment facility and shall be placed for adoption, transferred to a bona fide animal rescue organization or humanely destroyed.
- (b) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by a court of competent jurisdiction.
- (c) Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide care for the baby may be immediately destroyed to prevent further suffering.
- (d) Any impounded animal that appears to be suffering from extreme injury or illness may be immediately destroyed to prevent further suffering.
- (e) Any owner who no longer wishes responsibility for an animal may sign a written waiver surrendering all rights to the animal to the city and allowing for the disposition of said animal to be at the discretion of the city. The owner of such animal shall be charged a fee for this service.

Sec. 8-11. - Animal quarantine.

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

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

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

- (1) The quarantined animal showing clinical signs of rabies shall be immediately destroyed and the head or brain submitted to the nearest state department of health services laboratory for testing.
- (2) The animal placed in quarantine shall not be released without prior notification to and written approval from the ~~animal control officer~~ ACO **or local rabies control authority**.
- (3) Home quarantine at the residence of the owner, if approved by the animal control officer **and local rabies control authority**, must satisfy the following conditions:
 - a. Secure facilities are available and approved by the animal control officer.
 - b. The animal is currently vaccinated against rabies.
 - c. A licensed veterinarian or local rabies control authority must observe the animal on the first and last days of the quarantine period.
 - d. The owner of the animal shall notify the animal control officer if the animal escapes, becomes or appears to become sick, or dies; and, in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the animal control officer for diagnostic purposes.
 - e. The animal was not running at large at the time of the incident.
 - f. The animal is isolated from all other animals and human beings, other than a designated responsible adult who owns the animal.
 - g. The animal cannot be a stray.**

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

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

- (1) Is reported rabid or to have exposed an individual to rabies;
- (2) The owner knows, or suspects is rabid or has exposed an individual to rabies; or
- (3) Has bitten, scratched or otherwise created a condition which may have exposed or transmitted the rabies virus to any human being.

- (e) When submitted for quarantine, the owner shall provide the name, address and any other relevant information about the animal.
- (f) The owner of a quarantined animal shall pay all ~~reasonable~~ costs of the quarantine and disposition of the animal, including charges for shipment of animal tissues, if required, to the state department of health services laboratory for testing.
- (g) An animal that has been quarantined may be released by the ACO after a licensed veterinarian or local rabies control authority determines that the quarantined animal does not show clinical signs of rabies and under the following conditions:
 - (1) At the end of the observation period upon proof of vaccination prior to release from quarantine.
 - (2) When all applicable fees have been paid.
 - (3) If the animal is not being held for legal proceedings.
 - (4) If appropriate city license registration has been obtained.
- (h) It shall be unlawful for any person to interrupt the observation period or otherwise interfere with quarantine.
- (i) It shall be unlawful for any person to destroy or remove from the city any animal that has bitten a person or other animal or that has been placed under quarantine, except when necessary to protect the life of any person or other animal or otherwise approved by the ACO and local rabies control authority.
- (j) The carcass of a dead animal exposed to rabies or suspected of having been rabid, shall, upon demand, be surrendered to the ACO.
- (k) Wild animals shall not be placed in quarantine. Wild animals shall be humanely destroyed in such a manner that the brain is not mutilated. The brain will then be submitted to state department of health laboratory for testing.
- (l) No person shall fail or refuse to surrender an animal for quarantine or for destruction when ordered by the ~~animal control officer~~ ACO, the local rabies control authority, or a judge.

Sec. 8-12. - Livestock and fowl.

- (a) It shall be unlawful for any person to own, keep or harbor any livestock or fowl within the city limits except on property defined as a farm or ranch or Agricultural District pursuant to the city's zoning ordinance and in numbers and under the conditions as set out in this section.
- (b) It shall be unlawful for any person to keep any swine within the city limits.
- (c) The following per acre limits apply to the keeping of livestock or fowl in any combination of species:
 - (1) One adult horse, mule, donkey or other animal of like kind or cow per acre;

- (2) Three adult goats, sheep, llamas, alpacas, ostriches or emus per acre; and
- (3) ~~Ten~~ **Twenty** adult rabbits, chickens, turkeys, pheasants, quail, geese or ducks per acre.
- (d) It shall be unlawful for any person to keep more livestock or fowl on any premises than as set out in subsection (c) of this section **unless approved by order of the Zoning Board of Adjustment.**
- (e) Any barn, stable, shed or similar enclosure used to house livestock or fowl shall be located at a distance of not less than 100 feet from a main dwelling on any adjoining tract of land.
- (f) Livestock pens, stables, corrals or enclosures and fences shall be capable of preventing the entry of the general public and capable of preventing the escape of the livestock or fowl or allowing the livestock or fowl to run at large.
- (g) It shall be unlawful for an owner of livestock or fowl, to fail to keep the livestock or fowl from running at large within the city limits.

Sec. 8-13. - Sanitary requirements.

- (a) The owner or person who has custody or control of any animal shall comply with the following standards:
 - (1) **At least once per day, all manure and other animal waste shall be removed from pens, corrals, cages, yards or other enclosures that are 100 square feet or less in size per animal ~~at least twice a week~~ to an approved disposal site; animal waste from an enclosure larger than 100 square feet in size per animal shall be removed as determined by the ACO;**
 - (2) Food shall be placed in impervious containers on impervious surfaces;
 - (3) Refuse on the premises shall be removed and disposed of by means approved by the animal control officer;
 - (4) Watering troughs or tanks shall be equipped with adequate facility for draining the overflow so as to prevent breeding of flies, mosquitoes or other insects;
 - (5) No putrescible material shall be allowed to accumulate on the premises, and all such materials used to feed which is unconsumed shall be removed and disposed of by sanitary means.
- (b) It shall be unlawful for any person to fail to comply with the sanitary requirements as set out in subsection (a) of this section.

Sec. 8-14. - Animal care.

- (a) The owner or person who has custody or control of any animal, including livestock, shall provide:
 - (1) Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health;

- (2) Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times;
 - (3) Adequate shelter and protection from the weather at all times; ~~and~~
 - (4) Veterinarian care as needed to prevent suffering; ~~and~~
 - (5) Basic grooming for an animal so as not to cause the animal injury or discomfort due to the failure to groom. Examples of failure include but are not limited to overgrown toenails, matting, excessive filth, or insect or parasite infestation.
- (b) It shall be unlawful for any person to fail to comply with the animal care requirements as set out in subsection (a) of this section.
 - (c) It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal.
 - (d) No person other than a licensed veterinarian shall crop a dog's ears, ~~dock an animal's tail, remove the dew claws of an animal, or perform any other surgery on the animal.~~ Upon request by an ACO, the owner of the animal shall be required to provide proof that a licensed veterinarian performed procedures or surgeries as described by this subsection.
 - (e) The operator of any motor vehicle which strikes or injures an ~~domesticated~~ animal shall immediately report such incident to ~~the animal control officer~~ ~~an ACO~~ ~~and~~ ~~or~~ the police.
 - (f) It shall be unlawful for any person to beat, starve, or overwork or to otherwise abuse any animal.
 - (g) It shall be unlawful for a person to confine an animal in a parked or standing vehicle or enclosed trailer in such a way as to endanger the animal's health, safety, or welfare. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle or enclosed trailer for a period of five or more minutes when the ambient outside air temperature measures at or above 80 degrees Fahrenheit or below ~~25~~ 35 degrees Fahrenheit. ~~When the ambient outside air temperature is above 35 degrees Fahrenheit but not at or above 80 degrees Fahrenheit, a person may confine an animal in a parked or standing vehicle or enclosed trailer only when adequate ventilation exists; a person may comply with this ventilation requirement by maintaining during such confinement a minimum two-inch gap in all windows or other ventilation openings of the parked or standing vehicle or enclosed trailer.~~
 - (h) The ACO, city police officer or city firefighter may take reasonable measures under the circumstances to remove an animal from a vehicle or trailer if said city official reasonably believes that an emergency exists to preserve the animal's health, safety or welfare.

Sec. 8-15. - Animal nuisances.

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

- (1) The keeping of an animal, including livestock, in such a manner as to endanger the public health by the accumulation of animal waste. ~~which causes foul and offensive odors considered to be a hazard to other animals or human beings.~~
- (2) To permit or allow an animal to defecate upon private or public property other than the property of the owner of said animal; and to fail to remove and dispose of in a sanitary manner any feces left by such animal.
- (3) Property not kept free from carrion or other putrescible material.
- (4) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.
- (5) ~~The keeping of any animal which causes loud and frequent or long continued barking, howling or other noise that disturbs the peace and quiet of any person of ordinary sensibilities.~~ To permit or allow an animal to have or be subjected to an infestation of ticks, fleas, or other internal or external parasites without having the animal treated by a licensed veterinarian or following a proper commercially available treatment regimen for the animal and area.
- (6) ~~Persistent laxness in cat supervision so that their running at large results in an unreasonable disturbance to a person or damages to property.~~ To permit or allow an enclosure used to confine an animal to be infested with parasites at any time.
- (7) The feeding of a feral or stray cat on any public property.
- (8) The keeping of a dangerous dog, dog, or other animal which disturbs the peace by barking, yelping, howling, or making other loud noises to the annoyance and/or discomfort of any person. Continuous barking, yelping, howling and/or making other loud noises for fifteen (15) consecutive minutes by such dog, whether confined inside a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner, or provided that the dog was not being teased or provoked in any manner.
- (9) To permit or allow an animal to cause damage to property (other than property of the owner or custodian of the animal).

Sec. 8-16. - Sale of animals.

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

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

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

Sec. 8-18. - Dangerous dogs.

- (a) ~~Nuisance declared. It is hereby declared to be a public nuisance that an owner harbors, keeps or maintains a dangerous dog in the city unless the owner complies with the requirements of this section and state statutes regulating dangerous dogs.~~ The provisions of Texas Health and Safety Code, Chapter 82, Subchapter D, as amended, are adopted by and incorporated into this section; and further, additional requirements set out below in this section, non-specific to one breed or several breeds of dogs and more stringent restrictions than the restrictions provided by Chapter 82, Subchapter D, shall be placed on dangerous dogs.
- (b) **Additional Requirements for owner of dangerous dog.**
- (1) Not later than the 13th day after a person learns that the person is the owner of a dangerous dog, the person shall:
 - a. Register the dangerous dog with the ACO;
 - b. Provide animal control with two colored pictures of the dog;
 - c. Have the animal spayed or neutered;
 - d. Have the dog micro-chipped;
 - e. Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
 - f. In accordance with the Texas Health and Safety Code title 10, Health and Safety of Animals ch. 822, Regulation of Animals, section 822.042, if the dangerous dog has attacked a person and caused bodily injury, the owner is required to obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person;
 - g. Place a muzzle on the dog at all times while the animal is outside of its secure enclosure.
 - (2) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:
 - a. The owner knows of an attack described in the definition of "dangerous dog;"
 - b. The owner is informed by the ACO that the dog is a dangerous dog; or
 - c. The owner receives notice that the municipal court has found that the dog is dangerous.
 - (3) If a person reports an incident described in the definition of "dangerous dog," the ACO may investigate the incident. After receiving sworn statements of any witnesses, the

animal control supervisor shall determine whether the dog is a dangerous dog and shall notify the owner of that determination.

- (4) The owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the ACO to the municipal court. The owner shall confine the dog during the pendency of an appeal in a manner satisfactory to the ACO; including surrendering the dog to be held by the city. The determination of the ACO is final if the owner does not timely appeal.
 - (5) The ACO shall provide written notice of the date, time and location of the hearing to the owner of the dangerous dog and to any complainant, either in person or by certified mail, return receipt requested. At the hearing, all interested persons shall be given the opportunity to be heard.
- (c) **Additional ~~R~~registration requirements.**
- (1) The ACO shall annually register a dangerous dog if the owner:
 - a. Presents:
 1. Proof of liability insurance or financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person;
 2. Proof of current rabies vaccination of the dangerous dog.
 3. Proof of a secure enclosure in which the dangerous dog will be kept.
 - b. Pays an annual registration fee established by resolution of the city council from time to time and on file in the city secretary's office or city website.
 - c. Provides two color identification photographs of at least three inches by three inches of each dangerous dog with one photograph showing the frontal view and the other photograph showing the side view of each dog.
 - d. Provides the name, general description, including sex, weight, color, predominate breed, height and length and any other discernible features of the dangerous dog.
 - (2) The ACO shall provide to the owner registering a dangerous dog a registration tag which shall be placed and maintained on the dog's collar at all times.
 - (3) If the owner of a dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of sale or move, shall notify the animal control authority for the area in which the new address is located. If the dangerous dog has been sold or given away, the former owner shall provide the ACO with the name, address and telephone number of the new owner. If the new owner resides in the city or if the animal is kept in the city, the animal control officer shall notify the new owner in person or by certified mail, return receipt requested, that a determination has been made that the dog is dangerous and provide the new owner with a copy of the requirements for the owner of a dangerous dog. It shall be unlawful for the new owner to fail to comply with such requirements.

- (4) The owner of a registered dangerous dog shall immediately notify the ACO if the dangerous dog is running at large, has bitten or attacked a human being or another animal, has died, or has been sold or given away.
- (d) *Attack by dangerous dog.*
- (1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on a person or another animal outside the dog's enclosure and causes bodily injury to a person or another animal.
 - (2) An offense under this subsection is a Class C misdemeanor.
 - (3) If a person is found guilty of an offense under this section, the court which hears the case may order the dangerous animal destroyed by a licensed veterinarian or a person authorized by state law.
- (e) *Violations.* A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any requirements for ownership of a dangerous dog. An offense under this subsection is a Class C misdemeanor. If the owner of any dog determined to be dangerous under this section fails or refuses to comply with the requirements of this section, the dog shall be seized by the animal control officer and humanely destroyed.
- (f) *Defense.*
- (1) It is a defense to prosecution under subsection (d) or (e) of this section that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or a person employed by the state or political subdivision of the state to deal with stray animals, and has temporary ownership, custody and control of the dangerous dog in connection with that position.
 - (2) It is a defense to prosecution under subsection (d) or (e) of this section that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or correction purposes.
 - (3) It is a defense to prosecution under subsection (d) or (e) of this section that the person is a dog trainer or an employee of a guard dog company under the Private Security Act, Texas Occupations Code ch. 1702, as amended.
- (g) ~~*Rehabilitation of dangerous dogs.* If a dog is deemed dangerous as defined herein and the dog is seized or voluntarily surrendered to the custody of the animal services unit, a bona fide rescue or animal welfare organization may apply to rescue the animal for training/rehabilitation. The city may release the dog for training/rehabilitation and subsequent adoption by a new owner under the following conditions:~~
- ~~(1) Upon receiving two written opinions from two independent professional dog trainers/handlers who have evaluated the dogs and declared that they are a viable candidate for rehabilitation.~~

~~(2) A written agreement with the rescue or animal welfare organization stating that the dogs will be placed with a new owner outside of Miller County, Arkansas or Bowie County, Texas.~~

~~(3) If the dog is rehabilitated and placed in a new home, the new owner must sign an adoption agreement to maintain the dog indefinitely outside of Bowie County, Texas or Miller County, Arkansas or return the dog to the rescue or animal welfare organization. The rescue or animal welfare organization shall furnish the city a copy of the adoption agreement.~~ *Reporting of incidents; hearing; appeal.* The City Council elects that the City of Texarkana, Texas, shall be governed by Section 822.0422 of the Texas Health and Safety Code, together with the corresponding hearing and appeal provisions of Sections 822.0423 and 822.0424 of the Texas Health and Safety Code.

Sec. 8-19. - Exemptions.

This chapter does not apply to a peace officer, or person employed by the state or a political subdivision of the state, or other governmental agency that trains or uses dogs for law enforcement or correction purposes.

Sec. 8-20. - Penalties.

Any person violating any provision of this chapter shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished by a fine set in accordance with state law.

[Sec. 8-21 added by Ord. No. 2022-131, adopted Dec. 12, 2021]

Sec. 8-21. – Impoundment or adoption; sterilization requirement.

(a) **Impoundment.** Within thirty (30) days of the return of an impounded animal to its owner, the owner shall cause the animal to be sterilized by a licensed veterinarian unless (i) the animal is less than six (6) months of age, (ii) documentation from a licensed veterinarian is provided to the City that sterilizing the animal is detrimental to the health of said animal, or (iii) the owner has obtained a City-issued unaltered permit specific to the animal and has paid all applicable fees.

(b) **Adoption.** Within thirty (30) days of adoption of an animal from the City, the owner shall cause the animal to be sterilized by a licensed veterinarian unless (i) the director of animal control deems sterilization of the animal unwarranted or (ii) documentation from a licensed veterinarian is provided to the City that sterilizing the animal is detrimental to the health of said animal.

(c) The owner of an animal shall be responsible for providing to the City proof of sterilization as required by this section.

(d) Any person who does not provide to the City proof of sterilization as required by this section shall be deemed guilty of a Class C misdemeanor.

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:

TEXAS HEALTH & SAFETY CODE
 TITLE 10. HEALTH AND SAFETY OF ANIMALS
 CHAPTER 821. TREATMENT AND DISPOSITION OF ANIMALS
 SUBCHAPTER E. UNLAWFUL RESTRAINT OF DOG

Sec. 821.101. DEFINITIONS. In this subchapter:

- (1) "Adequate shelter" means a sturdy structure:
 - (A) that provides the dog protection from inclement weather; and
 - (B) with dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.
- (2) "Collar" means a band of material specifically designed to be placed around the neck of a dog.
- (3) "Harness" means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.
- (4) "Inclement weather" includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.
- (5) "Owner" means a person who owns or has custody or control of a dog.
- (6) "Properly fitted" means, with respect to a collar or harness, a collar or harness that:
 - (A) is appropriately sized for the dog based on the dog's measurements and body weight;
 - (B) does not choke the dog or impede the dog's normal breathing or swallowing; and
 - (C) does not cause pain or injury to the dog.
- (7) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. [5](#)), Sec. 1, eff. January 18, 2022.

Sec. 821.102. UNLAWFUL RESTRAINT OF DOG; OFFENSE. (a) An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:

- (1) adequate shelter;
- (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste;

- (3) shade from direct sunlight; and
- (4) potable water.

(b) An owner may not restrain a dog outside and unattended by use of a restraint that:

- (1) is a chain;
- (2) has weights attached;
- (3) is shorter in length than the greater of:

(A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or

(B) 10 feet; or

- (4) is attached to a collar or harness not properly fitted.

(c) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.

(d) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this section.

(e) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. [5](#)), Sec. 1, eff. January 18, 2022.

Sec. 821.103. EXCEPTIONS. (a) Section [821.102](#) does not apply to:

(1) the use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

(2) the use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is associated with the use or presence of a dog;

(3) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;

(4) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;

(5) a dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;

(6) a dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or

(7) a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.

(b) Section [821.102](#)(b)(3) does not apply to a restraint attached to a trolley system that allows a dog to move along a running line for a distance equal to or greater than the lengths specified under that subdivision.

(c) This subchapter does not prohibit a person from walking a dog with a handheld leash.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. [5](#)), Sec. 1, eff. January 18, 2022.

Sec. 821.104. EFFECT OF SUBCHAPTER ON OTHER LAW. This subchapter does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement:

(1) is compatible with and equal to or more stringent than a requirement prescribed by this subchapter; or

(2) relates to an issue not specifically addressed by this subchapter.

Added by Acts 2021, 87th Leg., 3rd C.S., Ch. 6 (S.B. [5](#)), Sec. 1, eff. January 18, 2022.

ORDINANCE NO. 2023-004

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

Recitals

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

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

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

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

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

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

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

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

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

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Publish

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

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

(c) *Additional registration requirements.*

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

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

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

SECTION 38: In case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

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

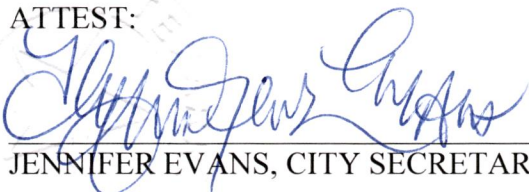
SECTION 40: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3, of the Charter of the City of Texarkana, Texas.

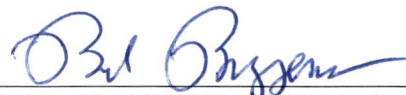
SECTION 41: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

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

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:30 p.m.

Attachment: 2023-004 ORD Ch. 8 Animal Care & Control signed (3901 : 2023-004 ORD Ammending Ch 8 "Animal Care and Control")

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/19/2023 4:07 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator

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

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

Item Schedule

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

Updates/History of Briefing:

Pursuant to the unanimous denial by the Planning and Zoning Commission, a 3/4 vote by City Council is required to approve this request. Also, pursuant to the signatures on the attached letter of opposition, the signatures represented more than 20% of the property owners within 200 feet of the proposed project. Therefore, a 3/4 vote will be required by City Council to approve this request.

Executive Summary and Background Information:

This is a request by Emanuel Sanchez, owner and Aaron Gaylor, RKM Properties, agent, to rezone an approximate 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane from Agriculture to Commercial. The proposed new site will be a business park.

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

The adjacent zoning is Planned Development-Office to the north, Agriculture to the east, Interstate-30 to the south, and Multiple Family-1 to the west. The adjacent land use is an office to the north, horse arena to the east, I-30 to the south and assisted living facility to the west.

Staff recommends for approval of this request with a Planned Development designation and the following restricted uses:

The following uses are restricted: Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, outdoor storage, mini-warehouses, pawn shop, pet shop, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), dance hall or night club, golf course, pistol and fire range, zoo (private or public), union hall, bus station, hauling or storage company, parking lot (truck or commercial), auto painting or repair, motorcycle or ATV sales and repair, tire retreading or capping, food truck court, mini ware houses, real estate model homes, boat sale and repair, building material sales, contractor equipment yard, heavy machinery sales or rental,

City of Texarkana, Texas

trailer or mobile homes sales or rental, welding or machine shop, green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to new drainage ordinance, stormwater design manual, building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with a Planned Development designation.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously denied this request.

Advisory Board/Committee Meeting Date and Minutes:

December 5, 2022

Attachments

- a. 2023-005 ORD Rezoning 1521 Moores Lane (DOCX)
- b. 2023-005 EXH 'A' (Legal Description) (PDF)
- c. 2023-005 EXH 'B' (Site Plan)(PDF)
- d. 2023-005 ATTH 01 (Maps) (PDF)
- e. 2023-005 ATTH 02 (Renderings) (PDF)
- f. 2023-005 ATTH 03 (Opposition inside 200' area) (PDF)
- g. 2023-005 ATTH 04 (Opposition outside 200' area) (PDF)
- h. 2023-005 ATTH 05 Moores Ln_TxDOT Drive Access (PDF)
- i. 2023-005 ATTH 06 FW_ Moores Ln Development Email (PDF)
- j. 2023-005 Goals & Perspectives (DOCX)
- k. 2023-005 ORD rez. A to C 1521 Moores Ln signed (PDF)

Staff Coordination

City of Texarkana, Texas

Building Code Administration	Mashell Daniel	Reviewer	Completed
01/04/2023 1:00 PM			
City Manager	David Orr	Review	Completed
2:53 PM			01/04/2023
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			01/09/2023

Meeting History

01/09/23	City Council	MOVED FORWARD	Next: 01/23/23
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Z-22-23

ORDINANCE NO. 2023-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 3.5-ACRE PORTION OF A TOTAL 7.21-ACRE TRACT OF LAND (BEING TRACT 28), WILLIS OLDHAM HRS, A-458, LOCATED AT 1521 MOORES LANE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an **approximate 3.5-acre portion of a total 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit ‘A’), located at 1521 Moores Lane**, in the City of Texarkana, Bowie County, Texas, from **Agriculture to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for denial of the application for rezoning from Agriculture to Commercial on an approximate 3.5-acre portion of a total 7.21-acre tract of land (being Tract 28), Willis Oldham HRS A-458 (Exhibit ‘A’), located at 1521 Moores Lane** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Agriculture to Commercial**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Agriculture to Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an

Attachment: 2023-005 ORD Rezoning 1521 Moores Lane (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

approximate 3.5-acre portion of a total 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 1521 Moores Lane in the City of Texarkana, Bowie County, Texas, from **Agriculture to Commercial**.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Z-22-23

Property Description
8.027 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the Willis Oldham Headright Survey, Abstract 458, Bowie County, Texas, being all of that certain tract of land described as 8.053 acres in the deed from Susan Karen Simmons, et al, to Emanuel Sanchez, et ux, dated August 23, 2022, recorded in Document No. 2022-00010237 of the Real Property Records, Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), found for a corner, lying in the South right-of-way line Moores Lane, the Northwest corner of the said 8.053 acre tract, and the Northeast corner of that certain tract of land described as 4.013 acres in the deed from Stonegate SNF Properties, LP to Sanctuary LTC, LLC, dated September 23, 2021, recorded in Document No. 2021-00011803 of the Real Property Records, Bowie County, Texas;

THENCE North 87 degrees 52 minutes 31 seconds East a distance of 379.99 feet along the North line of the said 8.053 acre tract and the South right-of-way line of Moores Lane to a 1/2 inch steel rod (control monument), found for a corner, the Northeast corner of the said 8.053 acre tract and the Northwest corner of that certain tract of land described as 5.00 acres in the deed from P. S. Cork, et ux to Jack N. Boyd, et al, dated October 9, 1963, recorded in Volume 429, Page 100 of the Deed Records of Bowie County, Texas;

THENCE South 01 degrees 44 minutes 53 seconds East a distance of 848.22 feet along the East line of the said 8.053 acre tract and the West line of the said 5.00 acre tract to a 1/2 inch steel rod, found for a corner, the Southeast corner of the said 8.053 acre tract, the Southwest corner of the said 5.00 acre tract, and lying in the North right-of-way line of St. Michael Drive (Interstate Highway 30 frontage road), at the beginning of a circular curve to the left;

THENCE in a Southwesterly direction along the arc of said circular curve a distance of 403.91 feet, with a delta angle of 02 degrees 22 minutes 25 seconds, a radius of 9749.25 feet, a chord bearing of South 66 degrees 42 minutes 54 seconds West, and a chord distance of 403.88 feet to a 1/2 inch steel rod, capped DENNEY RPLS 6516, found for a corner, the Southwest corner of the said 8.053 acre tract and the Southeast corner of that certain tract of land described as 3.284 acres in the deed from Crossroads, Inc. to State of Texas, dated February 27, 1974, recorded in Volume 570, Page 648 of the Deed Records of Bowie County, Texas;

THENCE North 02 degrees 23 minutes 55 seconds West a distance of 472.35 feet along the West line of the said 8.053 acre tract, the East line of the said 3.284 acre tract, and the East line of that certain tract of land being the remainder of a called 4.983 acre tract from Purvis S. Cork, Jr. to John V. Rich, et ux, dated June 18, 1992, recorded in Volume 1787, Page 279 of the Real Property Records, Bowie County, Texas to a 1/2 inch steel rod, found for the Southeast corner of the said 4.013 acre tract;

THENCE North 01 degrees 52 minutes 18 seconds West a distance of 332.40 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to a 1/2 inch steel rod, found for a corner, at an angle point;

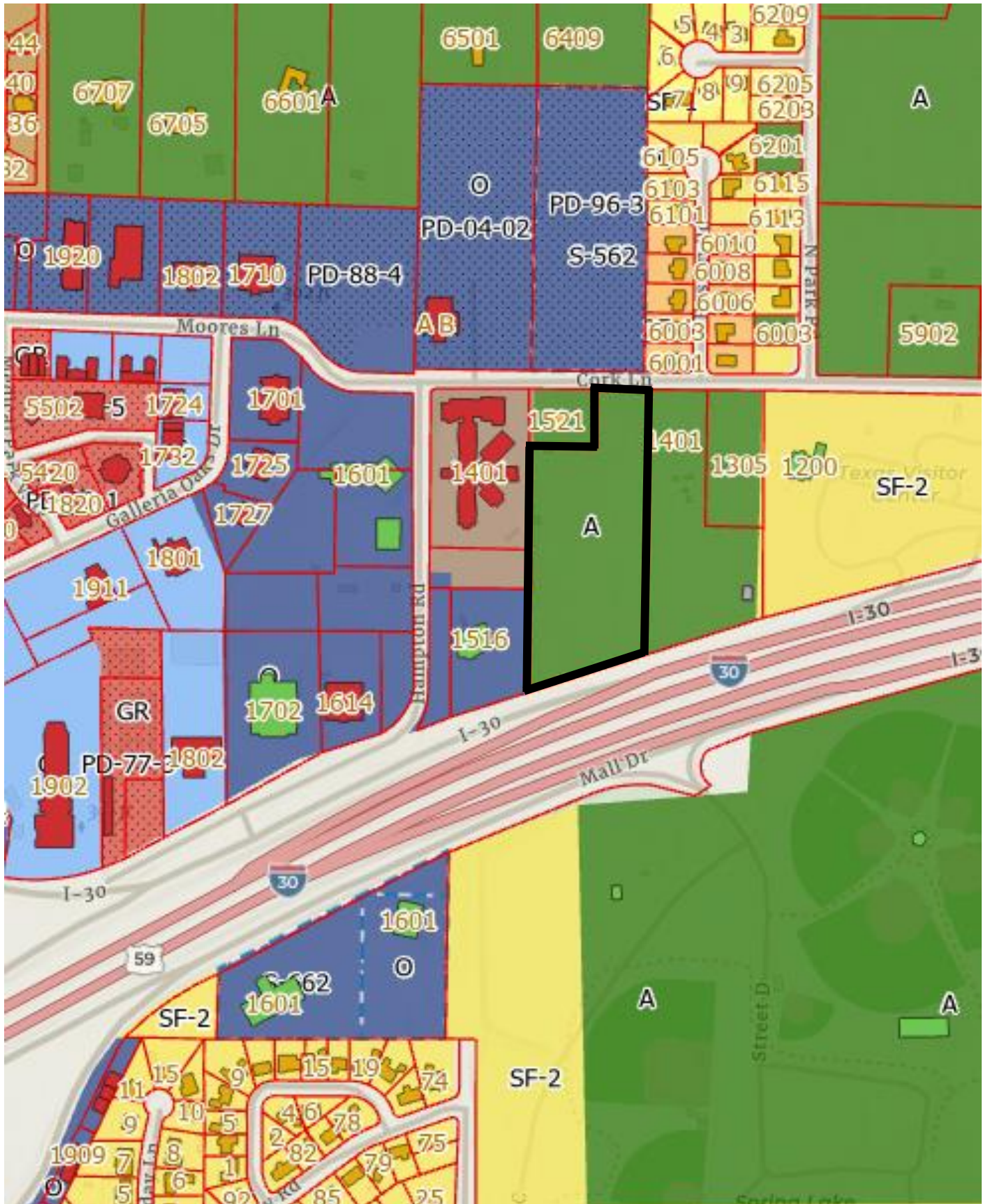
THENCE North 01 degrees 12 minutes 27 seconds West a distance of 189.28 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to the Point of Beginning and containing 8.027 acres of land, at the time of this survey.

FLOOD STATEMENT:

By graphic plotting only, a portion of this property is in Zone "X" areas determined to be outside the 1% Annual Chance Flood. In Community of the City of Texarkana, Number 480060, Panel 0360, Suffix E, Map Number 48037C0360E, Dated December 21, 2017. No field surveying was performed to determine this zone and an elevation certification may be needed to verify this determination or apply for variance from the Federal Emergency Management Agency.

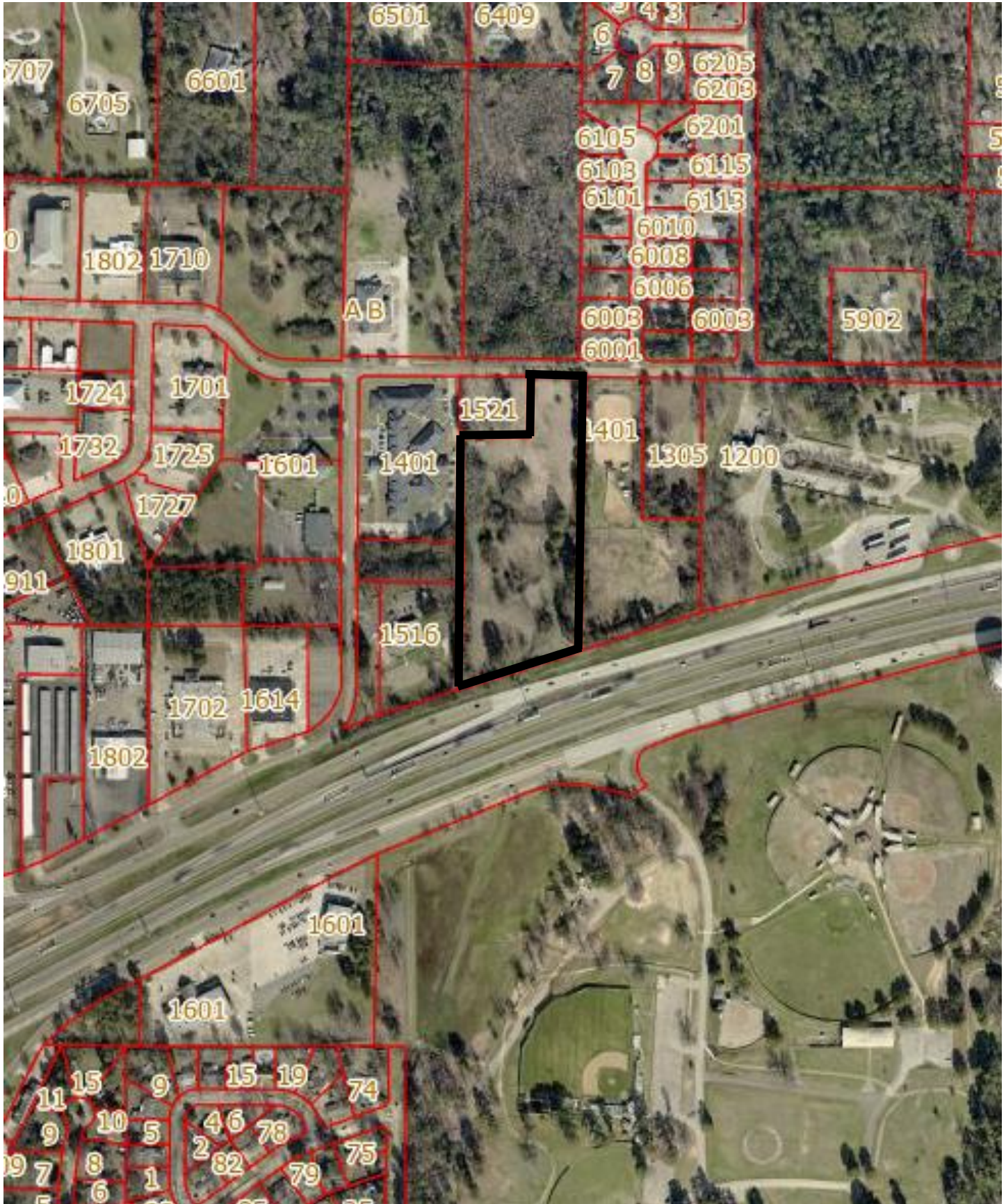


1521 Moores Lane



Attachment: 2023-005 ATTH 01 (Maps) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

1521 Moores Lane



Attachment: 2023-005 ATTH 01 (Maps) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

Z-22-23



Attachment: 2023-005 ATTH 02 (Renderings) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)



Attachment: 2023-005 ATTH 02 (Renderings) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)



Attachment: 2023-005 ATTH 02 (Renderings) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)



Attachment: 2023-005 ATTH 02 (Renderings) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

To: The City Council of the City of Texarkana, Texas

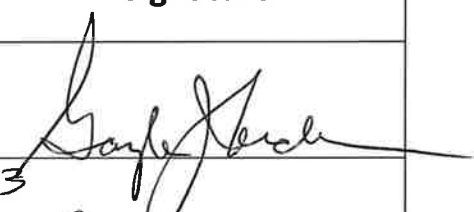
220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within 200 feet of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Number of Pages: 1

Printed Name	Home Address	Signature
GAYLE JORDAN	6001 RUSTIN Rd TEXARKANA, TX 75503	
Malinda Crews President TBSC	1401 Moores Lane	
DOROTHY MURPHY	1301 Moores Lane Texarkana, Tx 75503	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Marsha R. Burris	6007 Ruston Rd	Marsha R Burris
LINDA OSWALD	6005 RUSTON RD	Linda Oswald
Michael Bradford	6009 Ruston Rd	Michael Bradford
Larry Faulkner	6103 Ruston Rd	Larry D. Faulkner
Janice Moore	6104 Ruston Rd	Janice Moore
JOHN R. REVELS	6010 RUSTON RD.	John R. Revels
Pamela Revels	6010 Ruston Rd	Pamela Revels

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PAGE 1 of 11

2023-005 ATTH 04

To: The City Council of the City of Texarkana, Texas

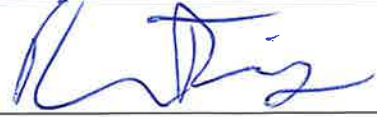
220 Texas Blvd

Texarkana Texas 75501

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I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Megan Revels	6010 Ruston Rd.	
John Upchurch	6006 Ruston Rd	
Tonja Upchurch	6006 Ruston Rd	
Jacob Upchurch	6006 Ruston Rd	
Aaron Jennings	6004 Ruston RD	
Darin Jennings	6004 Ruston Rd	
Tim Murry	6008 Ruston Rd	

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PAGE 2 of 11

Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
RAY McFALL	6002 Ruston Rd	Ray mcfall
Kelly McFall	6002 Ruston Rd	Kelly mcfall
Randy O'Brian	2314 Pine St	Randy O'Brian
Kaleigh Dodson	1317 Rio Grande Ave	Kaleigh Dodson
Nicky Dickert	6007 N Park	Nicky Dickert
Joseph Compton	6113 N Park	Joseph Compton
Kimberly Scott	6115 N Park Rd	Kimberly Scott

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PAGE 3 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
John David Barrett II	620 IN PARK	John David Barrett II
Sue Gibbs	3 Gregory Lane	Sue Gibbs
Steve Gibbs	3 Gregory Lane	Steve Gibbs
Sharon Fant	4 Gregory Ln	Sharon Fant
Sandra Hoover	8 Gregory Ln.	Sandra Hoover
Glenda Forte	5811 Winchester Dr	Glenda Forte
Donald Forte	5811 Winchester Dr	Donald Forte

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PAGE 11 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

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I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Vicky Benton	6003 N. Park Rd. Tx. Tx. 75503	Vicky Benton
Willie Benton	6003 N. Park Rd. Tx. Tx. 75503	Willie Benton
Tyler Neal	8 Space Dr Txk, TX 75503	Tyler Neal
Jo Sarah M. Harrell	6009 N. Park Rd. Texarkana, TX 75503	Jo Sarah M. Harrell
JEFF HARRELL	6009 N. Park Rd. TEXARKANA TX 75503	Jeff Harrell
Wanda Boyette	5627 Century Lane Texarkana, TX 75503	Wanda Boyette
Mike O. Boyette	5621 Century Lane Texarkana TX 75503	Mike O. Boyette

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PAGE 5 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Vicki Orr	1 Devon Lane	Vicki Orr
BEVERLY SIMPSON	20 ENCLAVE	Beverly Simpson
LARRY BUNN	13 Enclave Cir	Larry Bunn
Sally Patton	15 Enclave Circle	Sally Patton
DIANA DAVIS	26 Enclave	Diana Davis
Gill Lewis	6603 Greenbrier Forest	Gill Lewis
Ashley Gish	2901 Stonegate	Ashley Gish

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PAGE 6 of 11

Attachment: 2023-005 ATTH 04 (Opposition outside 200' area) (3906 : 2023-005 ORD rezoning Agriculture to Commercial 1521 Moores Lane)

To: The City Council of the City of Texarkana, Texas

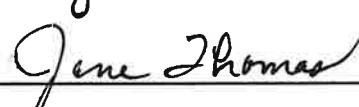
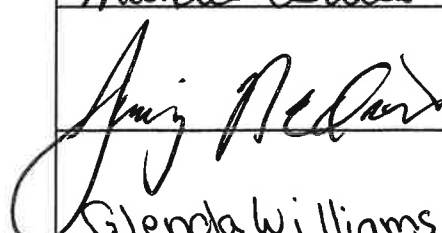
220 Texas Blvd

Texarkana Texas 75501

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I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Barbara Yowell	19 Enclave	
Jane Thomas	21 Enclave	
Larry Thomas	21 Enclave	
Michael Guellet	42 Enclave	
	44 Enclave	
Glenda Williams	48 Enclave	
Stan Stuent	50 Enclave	

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PAGE 7 of 11

To: The City Council of the City of Texarkana, Texas

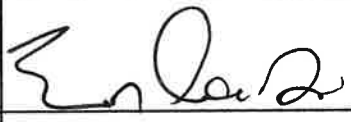
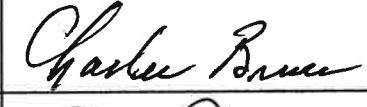
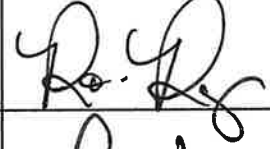
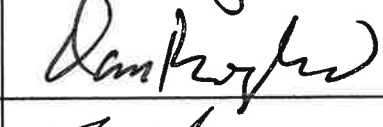
220 Texas Blvd

Texarkana Texas 75501

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I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
E. N. LAMB	6306 NORTH PARK RD	
Dr Charles Bruce	#6 LADERA	
Robin Rogers	#8 Cindaywood Texarkana, Tx 75503	
Dan Boyles	19 Northridge Circle	
ZACK AMES	6409 N. PARK RD	
Maurice Orr	1 DEXON DR.	
William Thompson	7 LADERA DR	

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PAGE 8 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

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I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
GAYLA STEWART	502 W. CAVE	Gayla Stewart
Paula Tompkins	7 Ladera Dr.	
Josephine Kahle	6306 N Park Rd	Josephine Kahle
Paula Tompkins	7 Ladera Dr.	Paula Tompkins
Janis Robbins	27 Northridge Cir	Janis Robbins
Patricia E Rogers	3640 Shilking Rd	Patricia E Rogers
Emily Orr	8 Cindywood	Emily Orr

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PAGE 9 of 11

To: The City Council of the City of Texarkana, Texas

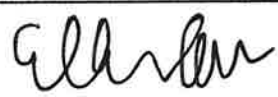
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Texarkana Texas 75501

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I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Ellen Orr	8 Cindycourt Drive ^{Cindycourt}	
Beth Pesek	13 Cindycourt	Beth Pesek
Doninda McElhannon Doninda McElhannon	6005 N. Park Rd	Doninda McElhannon

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PAGE 10 of 11

To: The City Council of the City of Texarkana, Texas

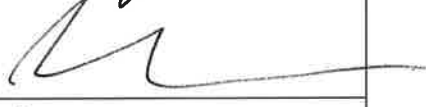
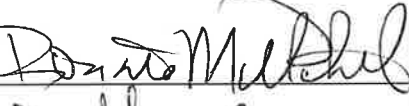
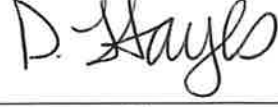
220 Texas Blvd

Texarkana Texas 75501

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I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Rick Bogner	5627 CENTURY 4	
Nicole Wilson	5624 Century	
ELAINE MITCHELL	5623 CENTURY	
Ronnie Mitchell	5623 Century	
Dorothy Hayes	25 Northridge Cir.	
Kevin Hayes	"	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 11 of 11

11



Attachment: 2023-005 ATTH 05 Moores Ln_TxDOT Drive Access (3906 : 2023-005 ORD rezoning

From: [TEX-Daniel, Mashell](#)
To: [TEX-Evans, Jennifer](#)
Subject: FW: Moores Ln Development
Date: Thursday, January 19, 2023 3:58:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Moores Ln Development_TXDOT Drive Access.lq](#)

From: TEX-Henslee, Dustin <dustin.henslee@txkusa.org>
Sent: Thursday, January 19, 2023 2:07 PM
To: TEX-Orr, David <david.orr@txkusa.org>; Tommy.Bruce@txdot.gov
Cc: TEX-Daniel, Mashell <mhodges@txkusa.org>; TEX-Puckett, Laura <lpuckett@txkusa.org>
Subject: RE: Moores Ln Development

David,

I just spoke with Tommy about this. He did say the State would be willing to work with the developer for an access point out to Hampton Road.

Thanks,

Dusty Henslee, P.E., CFM, CPM
Assistant City Manager/Director of Public Works
City of Texarkana, Texas
Office: (903)-798-3953
Cell: (903)-908-1808

Email communications through this office may be subject to Texas Public Records laws and may be shared with others.

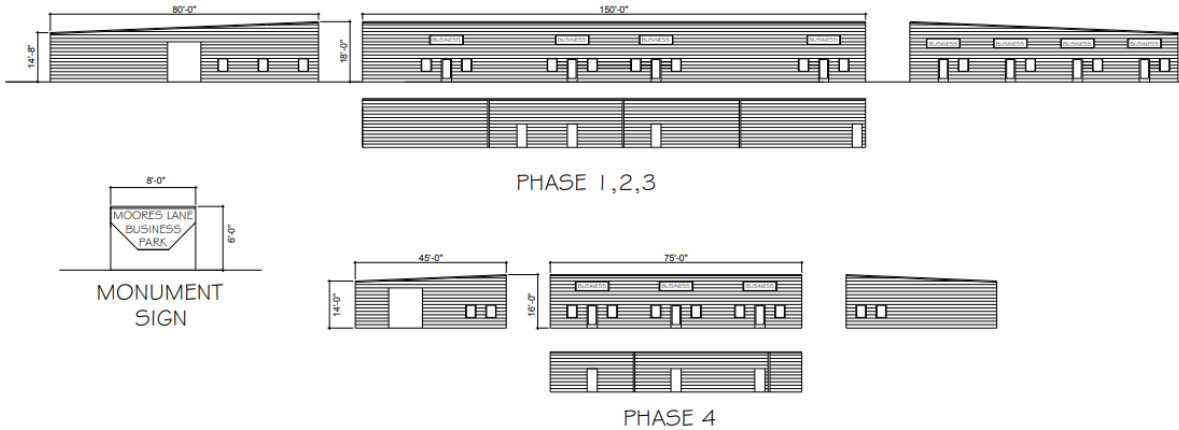
From: TEX-Orr, David <david.orr@txkusa.org>
Sent: Monday, January 9, 2023 12:53 PM
To: [Tommy.Bruce@txdot.gov](#)
Cc: TEX-Henslee, Dustin <dustin.henslee@txkusa.org>
Subject: Moores Ln Development

Tommy,

As follow-up to our conversation, here's the information on the proposed Moores Ln development that will have a first briefing tonight and City Council consideration on January 23rd. The agenda item starts on pg 98 through pg 157. To make it easier, I have included the driveway access scenario along Hmaption Rd attached and a few screenshots of the development proposal below. Access to this development has been the main issue voiced by our Planning & Zoning Commission and by area residents along Moores Ln. We would appreciate your thoughts and any alternatives for access through TXDOT controlled ROW. Thanks

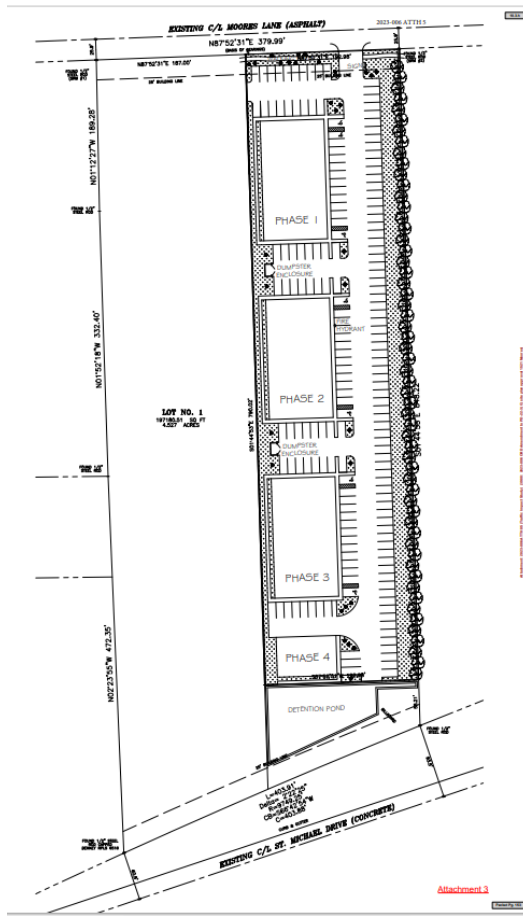
[Agenda - Monday, January 9, 2023 \(iqm2.com\)](#)

2023-006 ATTH 06



MOORES LANE BUSINESS PARK

Attachment: 2023-006 ATTH 06 (Elevations) (3906 : 2023-006 ORD Amendment to PD-22-3 (C) site plan



David Orr
City Manager

City of Texarkana, Texas
Office: (903) 798-3902
Cell: (903) 278-7735
Fax: (903) 798-3913
Email: david.orr@txkusa.org

Email communications through this office may be subject to Texas Public Records laws and may be shared with others.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

ORDINANCE NO. 2023-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 3.5-ACRE PORTION OF A TOTAL 7.21-ACRE TRACT OF LAND (BEING TRACT 28), WILLIS OLDHAM HRS, A-458, LOCATED AT 1521 MOORES LANE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an **approximate 3.5-acre portion of a total 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 1521 Moores Lane**, in the City of Texarkana, Bowie County, Texas, from **Agriculture to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for denial of the application for rezoning from Agriculture to Commercial on an approximate 3.5-acre portion of a total 7.21-acre tract of land (being Tract 28), Willis Oldham HRS A-458 (Exhibit 'A'), located at 1521 Moores Lane** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Agriculture to Commercial**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Agriculture to Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an

approximate 3.5-acre portion of a total 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 1521 Moores Lane in the City of Texarkana, Bowie County, Texas, from Agriculture to Commercial.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:



JENNIFER EVANS, CITY SECRETARY



BOB BRUGGEMAN, MAYOR

7:38 p.m.

Z-22-23

Property Description
8.027 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the Willis Oldham Headright Survey, Abstract 458, Bowie County, Texas, being all of that certain tract of land described as 8.053 acres in the deed from Susan Karen Simmons, et al, to Emanuel Sanchez, et ux, dated August 23, 2022, recorded in Document No. 2022-00010237 of the Real Property Records, Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), found for a corner, lying in the South right-of-way line Moores Lane, the Northwest corner of the said 8.053 acre tract, and the Northeast corner of that certain tract of land described as 4.013 acres in the deed from Stonegate SNF Properties, LP to Sanctuary LTC, LLC, dated September 23, 2021, recorded in Document No. 2021-00011803 of the Real Property Records, Bowie County, Texas;

THENCE North 87 degrees 52 minutes 31 seconds East a distance of 379.99 feet along the North line of the said 8.053 acre tract and the South right-of-way line of Moores Lane to a 1/2 inch steel rod (control monument), found for a corner, the Northeast corner of the said 8.053 acre tract and the Northwest corner of that certain tract of land described as 5.00 acres in the deed from P. S. Cork, et ux to Jack N. Boyd, et al, dated October 9, 1963, recorded in Volume 429, Page 100 of the Deed Records of Bowie County, Texas;

THENCE South 01 degrees 44 minutes 53 seconds East a distance of 848.22 feet along the East line of the said 8.053 acre tract and the West line of the said 5.00 acre tract to a 1/2 inch steel rod, found for a corner, the Southeast corner of the said 8.053 acre tract, the Southwest corner of the said 5.00 acre tract, and lying in the North right-of-way line of St. Michael Drive (Interstate Highway 30 frontage road), at the beginning of a circular curve to the left;

THENCE in a Southwesterly direction along the arc of said circular curve a distance of 403.91 feet, with a delta angle of 02 degrees 22 minutes 25 seconds, a radius of 9749.25 feet, a chord bearing of South 66 degrees 42 minutes 54 seconds West, and a chord distance of 403.88 feet to a 1/2 inch steel rod, capped DENNEY RPLS 6516, found for a corner, the Southwest corner of the said 8.053 acre tract and the Southeast corner of that certain tract of land described as 3.284 acres in the deed from Crossroads, Inc. to State of Texas, dated February 27, 1974, recorded in Volume 570, Page 648 of the Deed Records of Bowie County, Texas;

THENCE North 02 degrees 23 minutes 55 seconds West a distance of 472.35 feet along the West line of the said 8.053 acre tract, the East line of the said 3.284 acre tract, and the East line of that certain tract of land being the remainder of a called 4.983 acre tract from Purvis S. Cork, Jr. to John V. Rich, et ux, dated June 18, 1992, recorded in Volume 1787, Page 279 of the Real Property Records, Bowie County, Texas to a 1/2 inch steel rod, found for the Southeast corner of the said 4.013 acre tract;

THENCE North 01 degrees 52 minutes 18 seconds West a distance of 332.40 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to a 1/2 inch steel rod, found for a corner, at an angle point;

THENCE North 01 degrees 12 minutes 27 seconds West a distance of 189.28 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to the Point of Beginning and containing 8.027 acres of land, at the time of this survey.

FLOOD STATEMENT:

By graphic plotting only, a portion of this property is in Zone "X" areas determined to be outside the 1% Annual Chance Flood. In Community of the City of Texarkana, Number 480060, Panel 0360, Suffix E, Map Number 48037C0360E, Dated December 21, 2017. No field surveying was performed to determine this zone and an elevation certification may be needed to verify this determination or apply for variance from the Federal Emergency Management Agency.

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/19/2023 4:08 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator

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

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

Item Schedule

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

Updates/History of Briefing:

Pursuant to the unanimous denial for the rezoning of this property by the Planning and Zoning Commission, a 3/4 vote by City Council is required to approve this request.

Staff is requesting that City Council place a Planned Development on this property with restricted uses and stipulations.

The signatures attached on the letter of opposition represent more than 20% of the property owners within 200 feet of the proposed project requiring a 3/4 vote by City Council to approve this request.

Executive Summary and Background Information:

This is a request by Emanuel Sanchez, owner and Aaron Gaylor, RKM Properties, agent, to rezone an approximate 3.5-acre portion of a 7.21-acre tract of land (being Tract 28), Willis Oldham HRS, A-458, located at 1521 Moores Lane from Agriculture to Commercial. The proposed new site will be a business park.

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

The adjacent zoning is Planned Development-Office to the north, Agriculture to the east, Interstate-30 to the south, and Multiple Family-1 to the west. The adjacent land use is an office to the north, horse arena to the east, I-30 to the south and assisted living facility to the west.

Staff recommends for approval of this request with a Planned Development designation and the following restricted uses:

1. Three new buildings 12,000 sq. ft. each and one building 3,750 sq. ft.
2. The façade will metal panels.
3. One hundred and seventy eight (178) parking places including seven (7) handicapped space. Each parking space must be a minimum of 180 sq. ft. (9’x20’ or 10’x18’). A 2

City of Texarkana, Texas

foot overhang is allowed on perimeter parking spaces as long as overhang is contained on property.

4. One 32 sq. ft. sign on the front of the building. No electronic messaging will be allowed.
5. Two screened dumpster sites.
6. Site design must meet new drainage ordinance and stormwater design manual (additional easements may be needed after design is complete.
7. Traffic Impact Study required as part of design phase.
8. Detention pond.
9. Provide dedicated trail easement for both lots.
10. Fire hydrant must be located where it is accessible and not blocked by parking spots. It must be located to reach the most remote part of any building on the lot within 400 fee hose lay.

The following uses are restricted: Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, outdoor storage, mini-warehouses, pawn shop, pet shop, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), dance hall or night club, golf course, pistol and fire range, zoo (private or public), union hall, bus station, hauling or storage company, parking lot (truck or commercial), auto painting or repair, motorcycle or ATV sales and repair, tire retreading or capping, food truck court, mini ware houses, real estate model homes, boat sale and repair, building material sales, contractor equipment yard, heavy machinery sales or rental, trailer or mobile homes sales or rental, welding or machine shop, green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to new drainage ordinance, stormwater design manual, building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with a Planned Development placed and with stipulations and restricted uses.

Advisory Board/Committee Review:

City Council

City of Texarkana, Texas

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

January 23, 2023

Attachments

- a. 2023-006 ORD site plan approval 1521 Moores Ln (DOCX)
- b. 2023-006 EXH 'A' (Legal Description) (PDF)
- c. 2023-006 EXH 'B' (Site Plan)(PDF)
- d. 2023-006 ATTH 01 (Maps) (PDF)
- e. 2023-006 ATTH 02 (Renderings) (PDF)
- f. 2023-006 ATTH 03 (Opposition inside 200' area) (PDF)
- g. 2023-006 ATTH 04 (Opposition outside 200' area) (PDF)
- h. 2023-006 ATTH 05 (Traffic Impact Study) (PDF)
- i. 2023-006 ATTH 06 (Elevations) (PDF)
- j. 2023-006 ATTH 07 (photo facade) (PDF)
- k. 2023-006 ATTH 08 Moores Ln_TxDOT Drive Access (PDF)
- l. 2023-006 ATTH 09 FW_ Moores Ln Development Email (PDF)
- m. 2023-006 Goals & Perspectives (DOCX)
- n. 2023-006 ORD SPA for 1521 Moores Ln signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
01/04/2023 1:00 PM			
City Manager	David Orr	Review	Completed
2:54 PM			01/04/2023
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			01/09/2023

Meeting History

01/09/23 City Council MOVED FORWARD Next: 01/23/23

Amendment to PD-22-3 (C)

ORDINANCE NO. 2023-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-22-3 (GR) FOR SITE PLAN APPROVAL ON AN APPROXIMATE 3.5-ACRE TRACT OF LAND (BEING TRACT 28), WILLIS OLDHAM HRS, A-458, LOCATED AT 1521 MOORES LANE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting the approval of a **site plan (Exhibit ‘A’)** on an **approximate 3.5-acre Tract of Land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit ‘B’)**, located at 1521 Moores Lane in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-22-3 (C)], and approval of the site plan (**Exhibit ‘A’**) would constitute an amendment to PD-22-3 (C); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously by a vote of five (5) to zero (0) to recommend for denial of the petition for a site plan (Exhibit ‘A’)** to the City Council of the City of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that the approval of the site plan for the above described property is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the site plan (**Exhibit ‘A’)** on an **approximate 3.5-acre Tract of Land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit ‘B’)**, located at 1521 Moores Lane in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-22-3 (C).

Attachment: 2023-006 ORD site plan approval 1521 Moores Ln (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

SECTION 2: PD-22-3 (C) is hereby amended by approval of the site plan (**Exhibit ‘A’**), incorporated herein by reference for all purposes and includes the following:

1. Three new buildings 12,000 sq. ft. each and one building 3,750 sq. ft.
2. The façade will be metal panels.
3. One hundred and seventy eight (178) parking places including seven (7) handicapped spaces. Each parking space must be a minimum of 180 sq. ft. (9’x20’ or 10’x18’). A two-foot overhang is allowed on perimeter parking spaces as long as overhang is contained on property.
4. One 6’X8’ monument style sign on the front of the building. No electronic messaging will be allowed.
5. Two screened dumpster sites.
6. Site design must meet new drainage ordinance and stormwater design manual (additional easements may be needed after design is complete).
7. Traffic Impact Study required as part of design phase.
8. Detention pond.
9. Provide dedicated trail easement for both lots.
10. Fire hydrant must be located where it is accessible and not blocked by parking spots. It must be located to reach the most remote part of any building on the lot within 400 fee hose lay.

The following uses are restricted: Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, outdoor storage, mini-warehouses, pawn shop, pet shop, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), dance hall or night club, golf course, pistol and fire range, zoo (private or public), union hall, bus station, hauling or storage company, parking lot (truck or commercial), auto painting or repair, motorcycle or ATV sales and repair, tire retreading or capping, food truck court, mini ware houses, real estate model homes, boat sale and repair, building material sales, contractor equipment yard, heavy machinery sales or rental, trailer or mobile homes sales or rental, welding or machine shop, green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

SECTION 3: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Property Description
8.027 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the Willis Oldham Headright Survey, Abstract 458, Bowie County, Texas, being all of that certain tract of land described as 8.053 acres in the deed from Susan Karen Simmons, et al, to Emanuel Sanchez, et ux, dated August 23, 2022, recorded in Document No. 2022-00010237 of the Real Property Records, Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), found for a corner, lying in the South right-of-way line Moores Lane, the Northwest corner of the said 8.053 acre tract, and the Northeast corner of that certain tract of land described as 4.013 acres in the deed from Stonegate SNF Properties, LP to Sanctuary LTC, LLC, dated September 23, 2021, recorded in Document No. 2021-00011803 of the Real Property Records, Bowie County, Texas;

THENCE North 87 degrees 52 minutes 31 seconds East a distance of 379.99 feet along the North line of the said 8.053 acre tract and the South right-of-way line of Moores Lane to a 1/2 inch steel rod (control monument), found for a corner, the Northeast corner of the said 8.053 acre tract and the Northwest corner of that certain tract of land described as 5.00 acres in the deed from P. S. Cork, et ux to Jack N. Boyd, et al, dated October 9, 1963, recorded in Volume 429, Page 100 of the Deed Records of Bowie County, Texas;

THENCE South 01 degrees 44 minutes 53 seconds East a distance of 848.22 feet along the East line of the said 8.053 acre tract and the West line of the said 5.00 acre tract to a 1/2 inch steel rod, found for a corner, the Southeast corner of the said 8.053 acre tract, the Southwest corner of the said 5.00 acre tract, and lying in the North right-of-way line of St. Michael Drive (Interstate Highway 30 frontage road), at the beginning of a circular curve to the left;

THENCE in a Southwesterly direction along the arc of said circular curve a distance of 403.91 feet, with a delta angle of 02 degrees 22 minutes 25 seconds, a radius of 9749.25 feet, a chord bearing of South 66 degrees 42 minutes 54 seconds West, and a chord distance of 403.88 feet to a 1/2 inch steel rod, capped DENNEY RPLS 6516, found for a corner, the Southwest corner of the said 8.053 acre tract and the Southeast corner of that certain tract of land described as 3.284 acres in the deed from Crossroads, Inc. to State of Texas, dated February 27, 1974, recorded in Volume 570, Page 648 of the Deed Records of Bowie County, Texas;

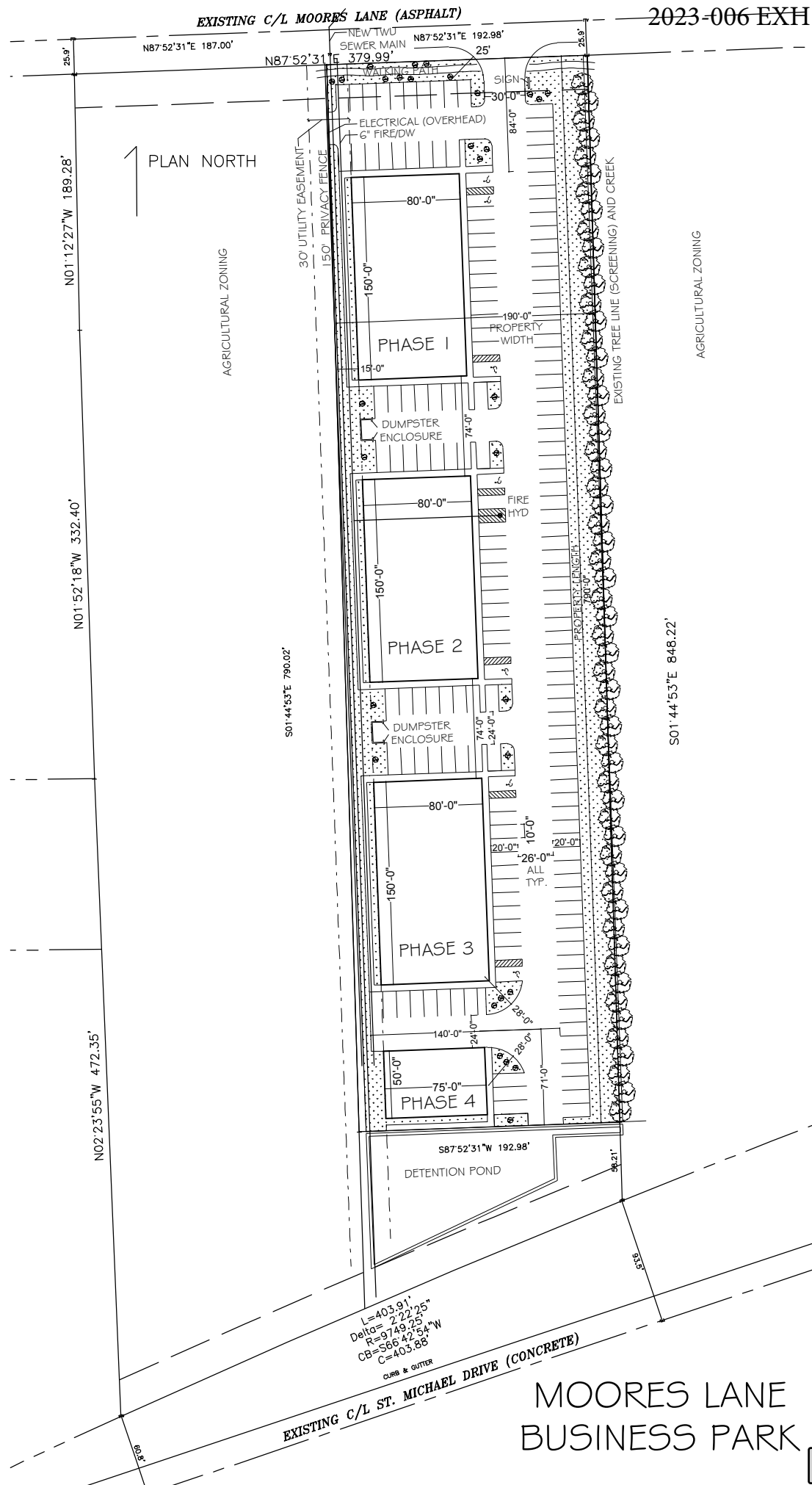
THENCE North 02 degrees 23 minutes 55 seconds West a distance of 472.35 feet along the West line of the said 8.053 acre tract, the East line of the said 3.284 acre tract, and the East line of that certain tract of land being the remainder of a called 4.983 acre tract from Purvis S. Cork, Jr. to John V. Rich, et ux, dated June 18, 1992, recorded in Volume 1787, Page 279 of the Real Property Records, Bowie County, Texas to a 1/2 inch steel rod, found for the Southeast corner of the said 4.013 acre tract;

THENCE North 01 degrees 52 minutes 18 seconds West a distance of 332.40 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to a 1/2 inch steel rod, found for a corner, at an angle point;

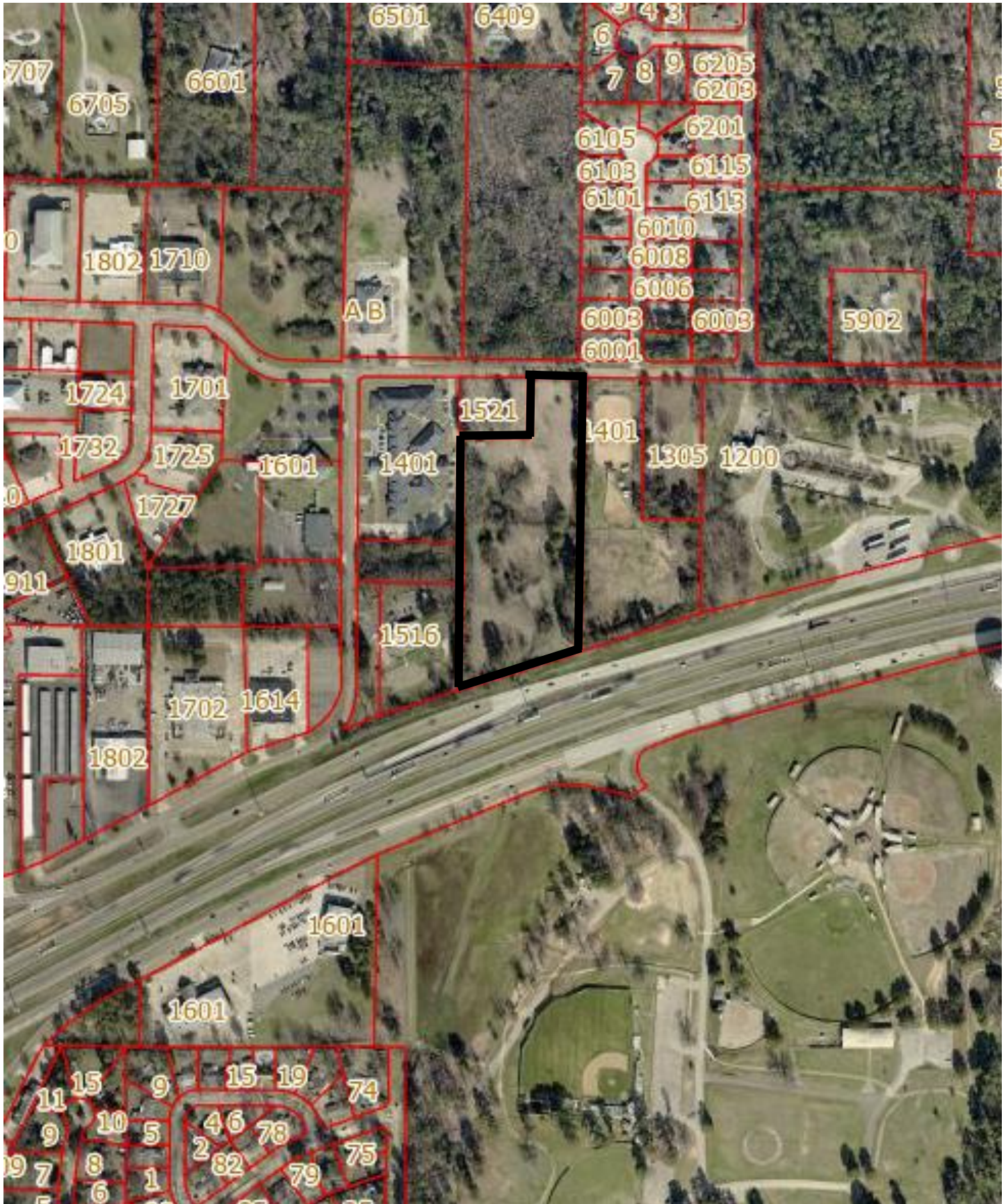
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FLOOD STATEMENT:

By graphic plotting only, a portion of this property is in Zone "X" areas determined to be outside the 1% Annual Chance Flood. In Community of the City of Texarkana, Number 480060, Panel 0360, Suffix E, Map Number 48037C0360E, Dated December 21, 2017. No field surveying was performed to determine this zone and an elevation certification may be needed to verify this determination or apply for variance from the Federal Emergency Management Agency.



1521 Moores Lane



Attachment: 2023-006 ATTH 01 (Maps) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

Z-22-23



Attachment: 2023-006 ATTH 02 (Renderings) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)



Attachment: 2023-006 ATTH 02 (Renderings) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)



Attachment: 2023-006 ATTH 02 (Renderings) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)



To: The City Council of the City of Texarkana, Texas

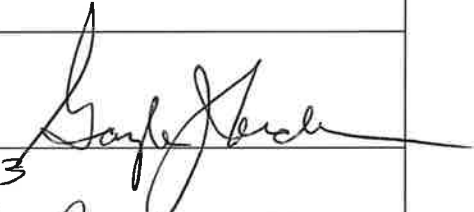
220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within 200 feet of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Number of Pages: 1

Printed Name	Home Address	Signature
GAYLE JORDAN	6001 RUSTIN Rd TEXARKANA, TX 75503	
Malinda Crews President TBSC	1401 Moores Lane	
DOROTHY MURPHY	1301 Moores Lane Texarkana, Tx 75503	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Marsha R. Burris	6007 Ruston Rd	Marsha R Burris
LINDA OSWALD	6005 RUSTON RD	Linda Oswald
Michael Bradford	6009 Ruston Rd	Michael Bradford
Larry Faulkner	6103 Ruston Rd	Larry D. Faulkner
Janice Moore	6104 Ruston Rd	Janice Moore
JOHN R. REVELS	6010 RUSTON RD.	John R. Revels
Pamela Revels	6010 Ruston Rd	Pamela Revels

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PAGE 1 of 11

To: The City Council of the City of Texarkana, Texas

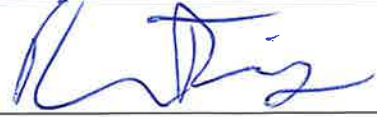
220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Megan Revels	6010 Ruston Rd.	
John Upchurch	6006 Ruston Rd	
Tonja Upchurch	6006 Ruston Rd	
Jacob Upchurch	6006 Ruston Rd	
Aaron Jennings	6004 Ruston RD	
Darin Jennings	6004 Ruston Rd	
Tim Murry	6008 Ruston Rd	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

PAGE 2 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
RAY McFALL	6002 Ruston Rd	Ray mcfall
Kelly McFall	6002 Ruston Rd	Kelly McFall
Randy O'Brian	2314 Pine St	Randy O'Brian
Kaleigh Dodson	1317 Rio Grande Ave	Kaleigh Dodson
Nicky Dickert	6007 N Park	Nicky Dickert
Joseph Compton	6113 N Park	Joseph Compton
Kimberly Scott	6115 N Park Rd	Kimberly Scott

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 3 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
John David Barrett II	620 IN PARK	John David Barrett II
Sue Gibbs	3 Gregory Lane	Sue Gibbs
Steve Gibbs	3 Gregory Lane	Steve Gibbs
Sharon Faint	4 Gregory Ln	Sharon Faint
Sandra Hoover	8 Gregory Ln.	Sandra Hoover
Glenda Forte	5811 Winchester Dr	Glenda Forte
Donald Forte	5811 Winchester Dr	Donald Forte

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

PAGE 11 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Vicky Benton	6003 N. Park Rd. Tx. Tx. 75503	Vicky Benton
Willie Benton	6003 N. Park Rd. Tx. Tx. 75503	Willie Benton
Tyler Neal	8 Space Dr Txk, TX 75503	Tyler Neal
JoSarah M. Harrell	6009 N. Park Rd. Texarkana, TX 75503	JoSarah M Harrell
JEFF HARRELL	6009 N. Park Rd. TEXARKANA TX 75503	Jeff Harrell
Wanda Boyette	5627 Century Lane Texarkana, TX 75503	Wanda Boyette
Mike O. Boyette	5621 Century Lane Texarkana TX 75503	Mike O. Boyette

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

PAGE 5 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Vicki Orr	1 Devon Lane	Vicki Orr
BEVERLY SIMPSON	20 ENCLAVE	Beverly Simpson
LARRY BUNN	13 Enclave Cir	Larry Bunn
Sally Patton	15 Enclave Circle	Sally Patton
DIANA DAVIS	26 Enclave	Diana Davis
Gill Davis	6603 Beverly Circle	Gill Davis
Ashley Gish	2901 Stonegate	Ashley Gish

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PAGE 6 of 11

Attachment: 2023-006 ATTH 04 (Opposition outside 200' area) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

To: The City Council of the City of Texarkana, Texas

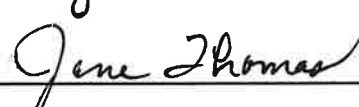
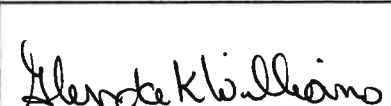
220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Barbara Yowell	19 Enclave	
Jane Thomas	21 Enclave	
Larry Thomas	21 Enclave	
Michael Guellet	42 Enclave	
Jimmy Redford	44 Enclave	
Glenda Williams	48 Enclave	
Stan Stuent	50 Enclave	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 7 of 11

To: The City Council of the City of Texarkana, Texas

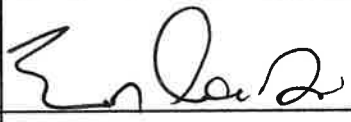
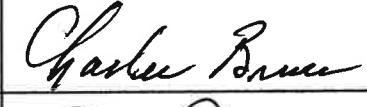
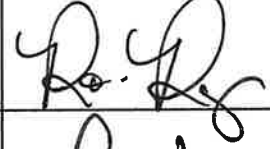
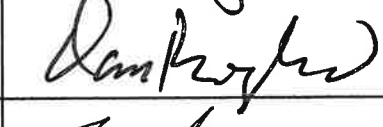
220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
E. N. LAMB	6306 NORTH PARK RD	
Dr Charles Bruce	#6 LADERA	
Robin Rogers	#8 Cindaywood Texarkana, Tx 75503	
Dan Boyles	19 Northridge Circle	
ZACK AMES	6409 N. PARK RD	
Maurice Orr	1 DEXON DR.	
William Thompson	7 LADERA DR	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 8 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
GAYLA STEWART	502 W. CAVE	Gayla Stewart
Paula Tompkins	7 Ladera Dr.	
Josephine Kahle	6306 N Park Rd	Josephine Kahle
Paula Tompkins	7 Ladera Dr.	Paula Tompkins
Janis Robbins	27 Northridge Cir	Janis Robbins
Patricia E Rogers	3640 Shilking Rd	Patricia E Rogers
Emily Orr	8 Cindywood	Emily Orr

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 9 of 11

To: The City Council of the City of Texarkana, Texas

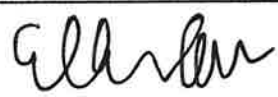
220 Texas Blvd

Texarkana Texas 75501

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I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Ellen Orr	8 Cindycourt Drive ^{Cindycourt}	
Beth Pesek	13 Cindycourt	Beth Pesek
Doninda McElhannon Doninda McElhannon	6005 N. Park Rd 6005 N. Park Rd	Doninda McElhannon Doninda McElhannon

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

PAGE 10 of 11

To: The City Council of the City of Texarkana, Texas

220 Texas Blvd

Texarkana Texas 75501

Whereas: Home owners against the rezoning of 1521 Moores Lane Texarkana, Texas 75503 from Agriculture to Commercial zone. With concern of increasing traffic, noise and strain on local utilities. All the undersigned are within the area (farther than 200 feet) of the property being rezoned.

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Total Number of Pages: 11

Printed Name	Home Address	Signature
Rick Bogner	5627 CENTURY 4	
Nicole Wilson	5624 Century	
ELAINE MITCHELL	5623 CENTURY	
Ronnie Mitchell	5623 Century	
Dorothy Hayes	25 Northridge Cir.	
Kevin Hayes	"	

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

PAGE 11 of 11

11

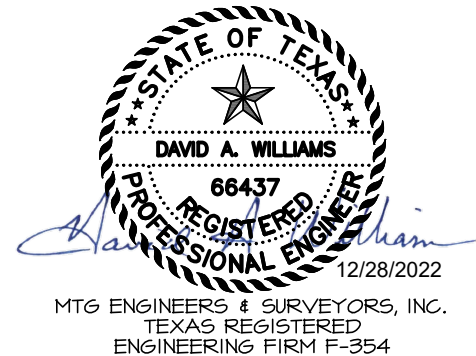
Traffic Impact Analysis

Date: 12/20/2022

City: Texarkana

County: Bowie

Impacted Roadways: Moores Lane



1. Purpose of Analysis: *Explain the impact of the proposed development.*

A proposed business park, Moores Lane Business Park is proposed on the South side of Moores Lane. The analysis will demonstrate that the existing Moores Lane is not adversely impacted by the ultimate development of the proposed project.

2. Proposed use of the property: *Operations, facilities, frequency of access use, types and sizes of vehicles for each individual year of the next three year period.*

The proposed development will be a proposed 39,750 square foot business park.

Based on ITE trip generations, the full buildout of the development is anticipated to generate the following trips:

- 494 total average daily trips (247 entering/247 exiting).
- 56 total AM Peak Hour trips (48 entering/8 exiting).
- 50 total PM Peak Hour trips (13 entering/37 exiting).

Additionally, the developments should not generate a minimal number of large delivery trucks, however it will generate the normal parcel deliveries such as UPS & Fed-Ex.

3. Participant(s) in the request process: *Including as applicable city, county, developers, consultants, legal counsel, etc.*

Developer – RKM Properties, LLC

City of Texarkana

Traffic Impact Consultant – MTG Engineers & Surveyors, Inc

4. Highway layout showing the requested access site and upstream/downstream roadway system and other associated access: *Attach vicinity map (surrounding area), project location map (adjacent highway/ramps and local streets), location of access breaks (in relationship to property boundaries).*

Attached to this form are the following exhibits:

- Area Map with ADT Count (Attachment 1),
- ADT Count Station Data Sheet (Attachment 2),
- Proposed Site Plan (Attachment 3),
- Trip Generation Summary (Attachment 4).
- Moores Lane Existing Conditions Level of Service Analysis (Attachment 5), and

- Moores Lane Proposed Conditions Level of Service Analysis (Attachment 6).

5. Existing roadway characteristics: *ADT, number/width of lanes/shoulders, posted speed, bridge structures, utility overhead and underground (location/relocation), pavement (structure, width, and material).*

The 2018 AADT for Moores Lane east of the proposed site is 1,314.

Moores Lane Drive is an approximate 24' wide asphalt street with sod shoulders and open ditches.

6. Proposed driveway:

Proposed radii, throat width and length, entry/exit width

The proposed driveways for the Moores Lane Business Park will be a 30' wide concrete driveway with 10' radii.

7. Summary:

Utilizing the Highway Capacity Manual for a transitioning urban area type and a two-lane roadway, a Level of Service analysis was performed on the existing conditions and on the ultimate buildout of the proposed conditions. A traffic distribution factor of 75% was used based on the primary direction of traffic flow in a Westerly direction. Additionally, a K factor of 12% was utilized based on the information provided in the TxDOT ADT Count Station Data Sheet.

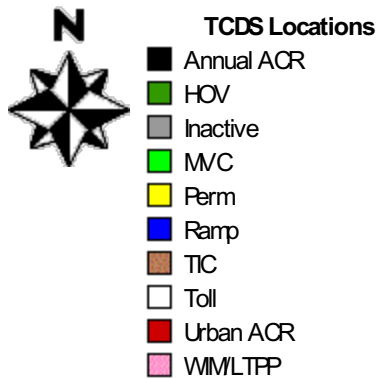
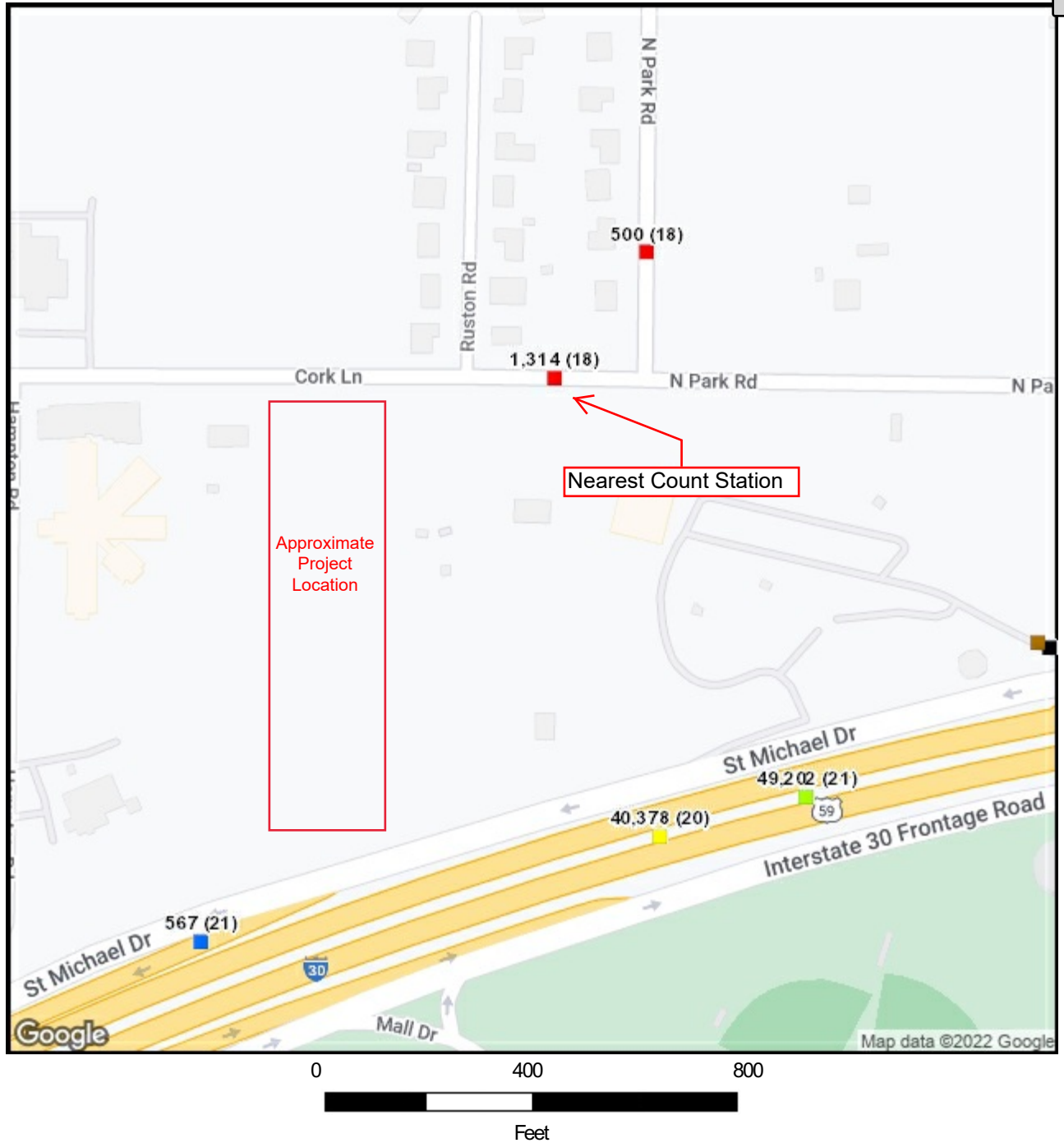
With the existing ADT on Moores Lane, The level of service (LOS) analysis of the existing roadway was determined to be a LOS of C as detailed in Attachment 4. LOS C is defined as "Driver speeds are near the unimpeded free flow speed (FFS), and maneuvering requires driver focus and care. Negative conditions regarding service quality will impact drivers, and any significant blockages or incidents are likely to cause queues.

The proposed traffic from the ultimate development of the Moores Lane Business Park was added to the existing traffic to perform the proposed LOS analysis on Moores Lane. The proposed conditions indicate that after ultimate buildout, the proposed LOS of C should be experienced as detailed in Attachment 5.

A two-lane roadway is generally considered adequate to accommodate 5,900 vehicles per day for a LOS C on level terrain with a K factor of 12%. With the existing traffic and proposed traffic generated by the business park, the projected ADT should remain approximately 1/3 of the 5,900 AADT threshold.

Additionally, the projected hourly turning movements generated by the development in the ultimate buildout are less than the thresholds provided in Table 2-3: Auxiliary Lane Thresholds from the TxDOT Access Management Manual, thus turn lanes are not proposed as part of the project.

Based on this analysis, the Level of Service C on Moores Lane should not be altered as a result of the proposed development of the Moores Lane Business Park.



12/20/2022



Traffic Count Database System (TCDs)

[Home](#) [Login](#) [+ Locate](#) [+ Locate All](#)
[Email This](#)
[Auto-Locate ON](#)
[List View](#)
[All DIRs](#)
[Report Center](#)

Record	1	of 1	Goto Record	go
Location ID	19HP5020		MPO ID	211
Type	SPOT		HPMS ID	ASSIGNED
SF Group	ATLANTA FC 3	Route Type	FC	
AF Group	REGION 2 FC 5	Route	0000	
GF Group	ATLANTA FC 5	Active	Yes	
Class Dist Grp		Category	URBAN ACR	
Seas Class Grp	ATLANTA			
WIM Group				
QC Group	Volume Group 2			
Funct'l Class	(5)Major Collector			
Located On	Cork Ln			
Loc On Alias	264225			
More Detail				
STATION DATA				

 Directions: **2-WAY**

AADT								
	Year	AADT	DHV-30	K %	D %	PA	BC	Src
	2018	1,314	153	12				
	2013	1,487						
	2007	3,330						
	2002	2,020						

Travel Demand Model										
	Model Year	Model AADT	AM PHV	AM PPV	MD PHV	MD PPV	PM PHV	PM PPV	NT PHV	NT PPV

VOLUME COUNT			
	Date	Int	Total
	Mon 4/30/2018	15	1,483
	Mon 4/22/2013	15	1,549

VOLUME TREND	
Year	Annual Growth
2018	-2%
2013	-13%
2007	11%

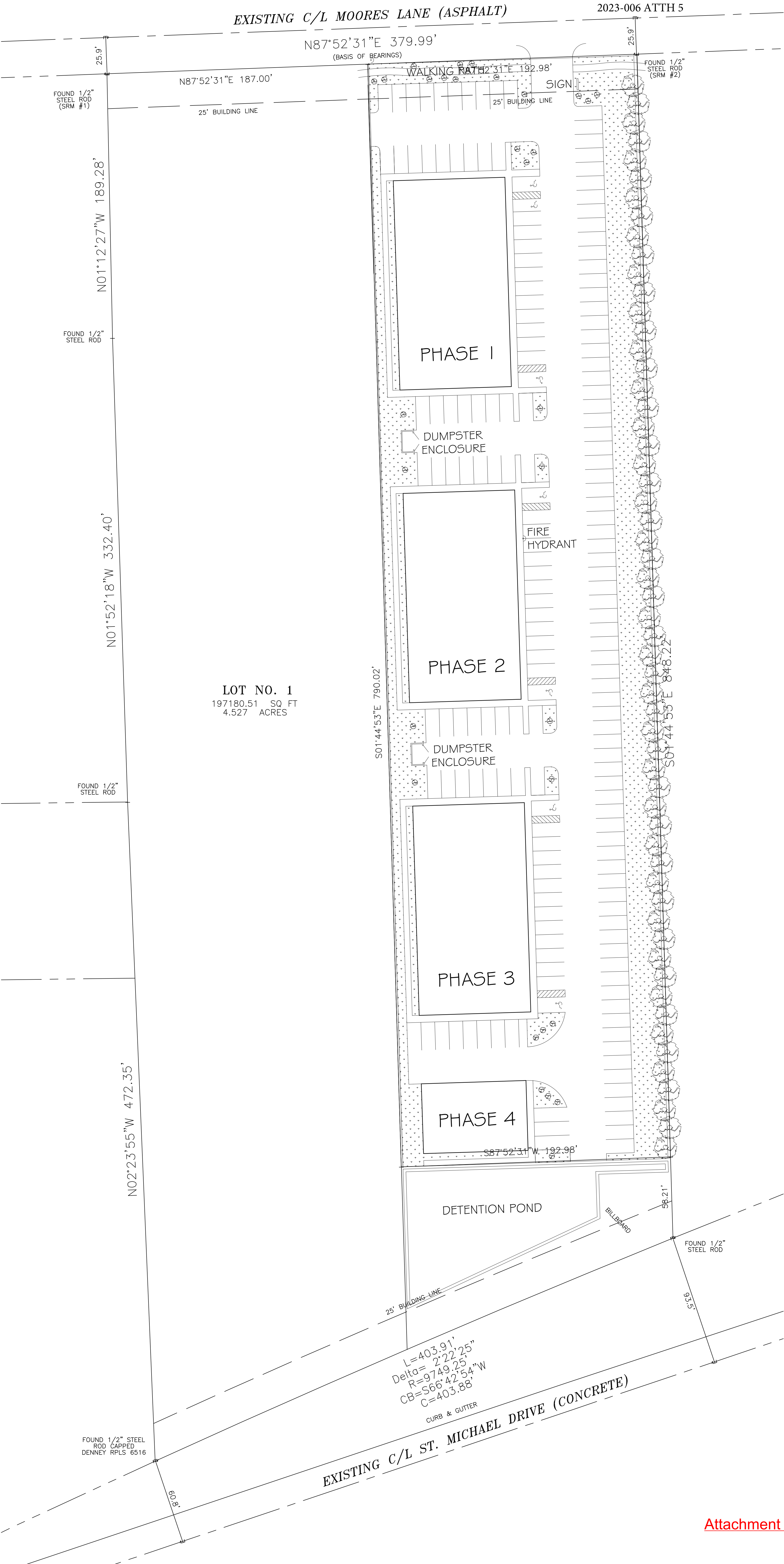
SPEED				
	Date	Int	Pace	85th
	No Data			

CLASSIFICATION			
	Date	Int	Total
	No Data		

WEIGH-IN-MOTION			
	Date	Axles	Avg GVW
	No Data		

PER VEHICLE				
	Date	Axles	85th	Total
	No Data			

GAP			
	Date	Int	Total
	No Data		



Attachment: 2023-006 ATTH 05 (Traffic Impact Study) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

Trip Generation Summary

Alternative: Alternative 1

Phase:

Open Date: 12/20/2022

Project: MOORES LANE BUSINESS PARK

Analysis Date: 12/20/2022

		Weekday Average Daily Trips				Weekday AM Peak Hour of Generator				Weekday PM Peak Hour of Generator			
ITE	Land Use	*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
770	PARKBUSINESS 1		247	247	494		48	8	56		13	37	50
	39.75 1000 Sq. Ft. GFA												
Unadjusted Volume			247	247	494		48	8	56		13	37	50
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			247	247	494		48	8	56		13	37	50

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Generator Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Generator Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 10th Edition

TRIP GENERATION 10, TRAFFICWARE, LLC

P. 1

ARTPLAN 2012 Conceptual Planning Analysis

Project Information

Analyst	DAW	Arterial Name	MOORES LANE	Study Period	Kother
Date Prepared	12/20/2022 9:57:06 AM	From		Modal Analysis	Auto Only
Agency		To		Program	ARTPLAN 2012
Area Type	Transitioning/Urban	Peak Direction	Westbound	Version Date	12/12/2012
Arterial Class	1				
File Name	X:\2023 Projects\2023 New Projects\Gaylor Moores Lane TIA\EXISTING LOS.xap				
User Notes					

Arterial Data

K	0.12	PHF	1	Control Type	FullyActuated
D	0.75	% Heavy Vehicles	3	Base Sat. Flow Rate	1950

Automobile Intersection Data

Cross Street	Cycle Length	Thru g/C	Arr. Type	INT # Dir.Lanes	% Left Turns	% Right Turns	Left Turn Lanes	Left Turn Phasing	# Left Turn Lanes	LT Storage Length	Left g/C	Right Turn Lanes
	120	0.44	3	2	12	12	No	None	N/A	N/A	N/A	No

Automobile Segment Data

Segment #	Length	AADT	Hourly Vol.	SEG # Dir.Lanes	Posted Speed	Free Flow Speed	Median Type	On-Street Parking	Parking Activity
1 (to)	2235	1314	118	2	30	40	None	No	N/A

Automobile LOS

Segment #		Thru Mvmt Flow Rate	Adj. Sat. Flow Rate	v/c	Control Delay	Int. Approach LOS		Queue Ratio		Speed (mph)	Segment LOS
1 (to)		118	2185	0.123	19.91	B		0.00		26.04	C
Arterial Length	0.4301	Weighted g/C	0.44	FFS Delay	21.37	Threshold Delay	0.00	Auto Speed	26.04	Auto LOS	C

ARTPLAN 2012 Conceptual Planning Analysis

Project Information

Analyst	DAW	Arterial Name	MOORES LANE	Study Period	Kother
Date Prepared	12/20/2022 9:57:06 AM	From		Modal Analysis	Auto Only
Agency		To		Program	ARTPLAN 2012
Area Type	Transitioning/Urban	Peak Direction	Westbound	Version Date	12/12/2012
Arterial Class	1				
File Name	X:\2023 Projects\2023 New Projects\Gaylor Moores Lane TIA\PROPOSED LOS.xap				
User Notes					

Arterial Data

K	0.12	PHF	1	Control Type	FullyActuated
D	0.75	% Heavy Vehicles	5	Base Sat. Flow Rate	1950

Automobile Intersection Data

Cross Street	Cycle Length	Thru g/C	Arr. Type	INT # Dir.Lanes	% Left Turns	% Right Turns	Left Turn Lanes	Left Turn Phasing	# Left Turn Lanes	LT Storage Length	Left g/C	Right Turn Lanes
	120	0.44	3	2	12	12	No	None	N/A	N/A	N/A	No

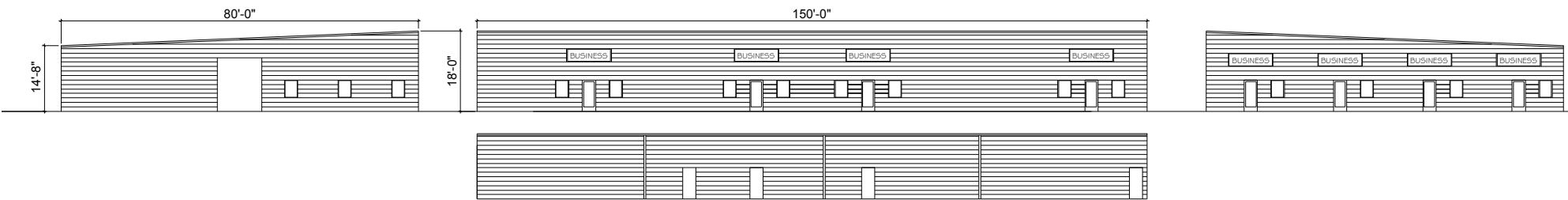
Automobile Segment Data

Segment #	Length	AADT	Hourly Vol.	SEG # Dir.Lanes	Posted Speed	Free Flow Speed	Median Type	On-Street Parking	Parking Activity
1 (to)	2235	1808	163	2	30	40	None	No	N/A

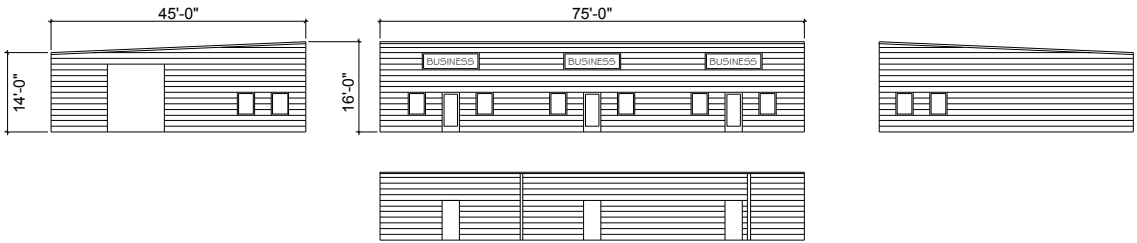
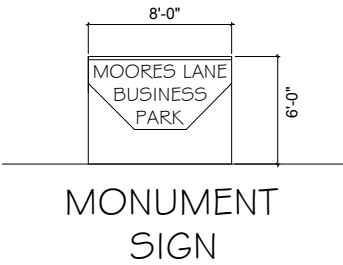
Automobile LOS

Segment #		Thru Mvmt Flow Rate	Adj. Sat. Flow Rate	v/c	Control Delay	Int. Approach LOS		Queue Ratio		Speed (mph)	Segment LOS
1 (to)		163	2137	0.173	20.40	C		0.00		25.80	C
Arterial Length	0.4301	Weighted g/C	0.44	FFS Delay	21.91	Threshold Delay	0.00	Auto Speed	25.80	Auto LOS	C

2023-006 ATTH 06



PHASE 1, 2, 3



PHASE 4

MOORES LANE BUSINESS PARK

Attachment: 2023-006 ATTH 06 (Elevations) (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan





From: [TEX-Daniel, Mashell](#)
To: [TEX-Evans, Jennifer](#)
Subject: FW: Moores Ln Development
Date: Thursday, January 19, 2023 3:58:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Moores Ln Development_TXDOT Drive Access.lq](#)

From: TEX-Henslee, Dustin <dustin.henslee@txkusa.org>
Sent: Thursday, January 19, 2023 2:07 PM
To: TEX-Orr, David <david.orr@txkusa.org>; Tommy.Bruce@txdot.gov
Cc: TEX-Daniel, Mashell <mhodges@txkusa.org>; TEX-Puckett, Laura <lpuckett@txkusa.org>
Subject: RE: Moores Ln Development

David,

I just spoke with Tommy about this. He did say the State would be willing to work with the developer for an access point out to Hampton Road.

Thanks,

Dusty Henslee, P.E., CFM, CPM
Assistant City Manager/Director of Public Works
City of Texarkana, Texas
Office: (903)-798-3953
Cell: (903)-908-1808

Email communications through this office may be subject to Texas Public Records laws and may be shared with others.

From: TEX-Orr, David <david.orr@txkusa.org>
Sent: Monday, January 9, 2023 12:53 PM
To: [Tommy.Bruce@txdot.gov](#)
Cc: TEX-Henslee, Dustin <dustin.henslee@txkusa.org>
Subject: Moores Ln Development

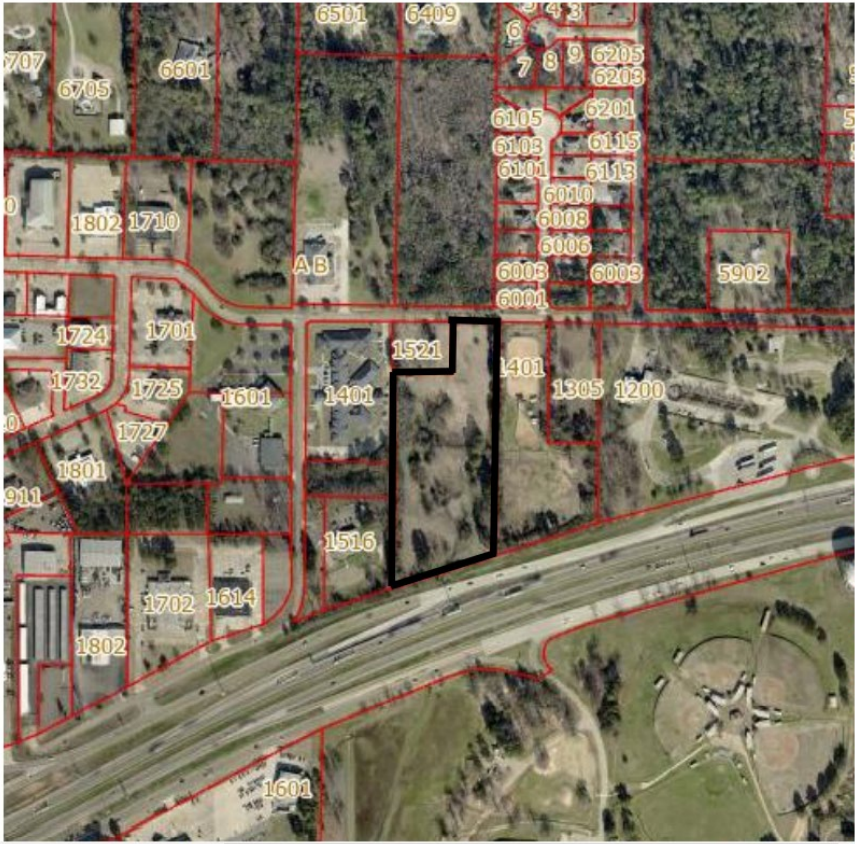
Tommy,

As follow-up to our conversation, here's the information on the proposed Moores Ln development that will have a first briefing tonight and City Council consideration on January 23rd. The agenda item starts on pg 98 through pg 157. To make it easier, I have included the driveway access scenario along Hmaption Rd attached and a few screenshots of the development proposal below. Access to this development has been the main issue voiced by our Planning & Zoning Commission and by area residents along Moores Ln. We would appreciate your thoughts and any alternatives for access through TXDOT controlled ROW. Thanks

[Agenda - Monday, January 9, 2023 \(iqm2.com\)](#)

2023-006 ATTH 01
Amendment to PD-22-3

1521 Moores Lane

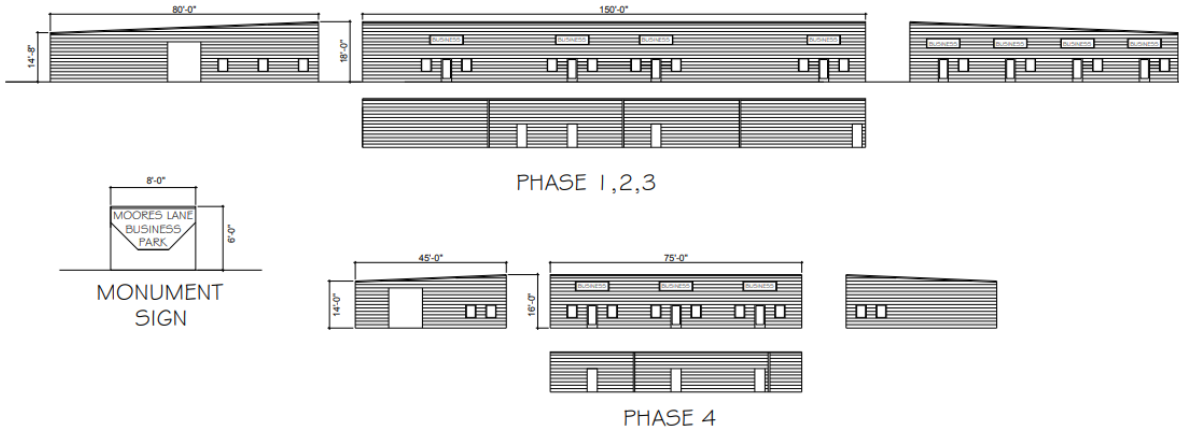


2023-006 ATTH 01 (Maps) (3908 : 2023-006 ORD Amendment to PD-22-3 (C) site plan approval 1521 Moores)



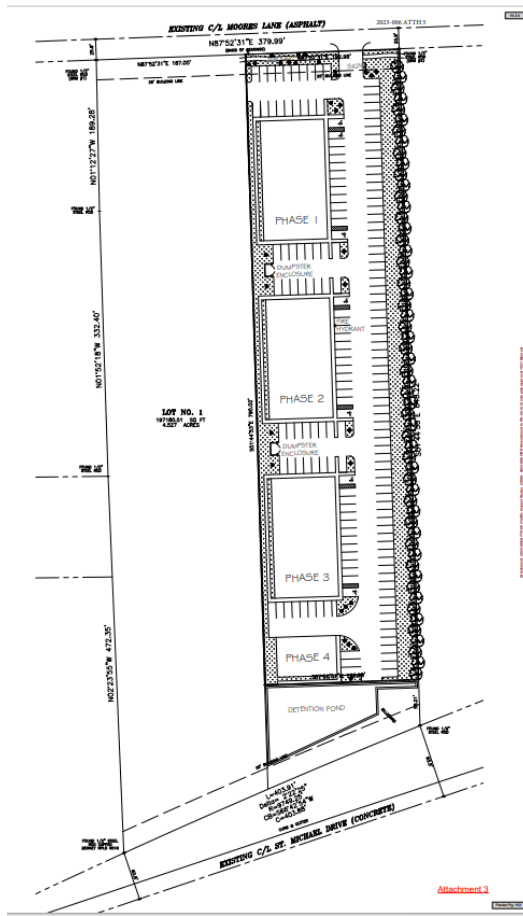
1/2 (Renderings) (3908 : 2023-006 ORD Amendment to PD-22-3 (C) site plan approval 1521 Moores)

2023-006 ATTH 06



MOORES LANE BUSINESS PARK

Attachment: 2023-006 ATTH 06 (Elevations) (3908 : 2023-006 ORD Amendment to PD-22-3 (C) site plan



David Orr
City Manager

City of Texarkana, Texas
Office: (903) 798-3902
Cell: (903) 278-7735
Fax: (903) 798-3913
Email: david.orr@txkusa.org

Email communications through this office may be subject to Texas Public Records laws and may be shared with others.

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:

Amendment to PD-22-3 (C)

ORDINANCE NO. 2023-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-22-3 (GR) FOR SITE PLAN APPROVAL ON AN APPROXIMATE 3.5-ACRE TRACT OF LAND (BEING TRACT 28), WILLIS OLDHAM HRS, A-458, LOCATED AT 1521 MOORES LANE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting the approval of a **site plan (Exhibit ‘A’)** on **an approximate 3.5-acre Tract of Land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit ‘B’), located at 1521 Moores Lane** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-22-3 (C)], and approval of the site plan **(Exhibit ‘A’)** would constitute an amendment to PD-22-3 (C); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously by a vote of five (5) to zero (0) to recommend for denial of the petition for a site plan (Exhibit ‘A’)** to the City Council of the City of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that the approval of the site plan for the above described property is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the site plan **(Exhibit ‘A’)** on **an approximate 3.5-acre Tract of Land (being Tract 28), Willis Oldham HRS, A-458 (Exhibit ‘B’), located at 1521 Moores Lane** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-22-3 (C).

Attachment: 2023-006 ORD SPA for 1521 Moores Ln signed (3908 : 2023-006 ORD amendment to PD-22-3 (C) site plan approval 1521 Moores)

SECTION 2: PD-22-3 (C) is hereby amended by approval of the site plan (**Exhibit 'A'**), incorporated herein by reference for all purposes and includes the following:

1. Three new buildings 12,000 sq. ft. each and one building 3,750 sq. ft.
2. The façade will be metal panels.
3. One hundred and seventy eight (178) parking places including seven (7) handicapped spaces. Each parking space must be a minimum of 180 sq. ft. (9'x20' or 10'x18'). A two-foot overhang is allowed on perimeter parking spaces as long as overhang is contained on property.
4. One 6'X8' monument style sign on the front of the building. No electronic messaging will be allowed.
5. Two screened dumpster sites.
6. Site design must meet new drainage ordinance and stormwater design manual (additional easements may be needed after design is complete).
7. Traffic Impact Study required as part of design phase.
8. Detention pond.
9. Provide dedicated trail easement for both lots.
10. Fire hydrant must be located where it is accessible and not blocked by parking spots. It must be located to reach the most remote part of any building on the lot within 400 fee hose lay.

The following uses are restricted: Duplexes, apartments, townhouses, hotel/motel, modular or factory fabricated dwellings, fraternity, sorority, carwash, auto laundry, minor vehicle repair, gas station, new or used auto sale (indoor/outdoor lot), bakery, furniture or appliance store, outdoor storage, mini-warehouses, pawn shop, pet shop, tattoo studio, tool rental, animal clinic/hospital (no outside/inside pens), dance hall or night club, golf course, pistol and fire range, zoo (private or public), union hall, bus station, hauling or storage company, parking lot (truck or commercial), auto painting or repair, motorcycle or ATV sales and repair, tire retreading or capping, food truck court, mini ware houses, real estate model homes, boat sale and repair, building material sales, contractor equipment yard, heavy machinery sales or rental, trailer or mobile homes sales or rental, welding or machine shop, green house or nursery, maintenance and service repair for buildings, self-contained aluminum recycling machine.

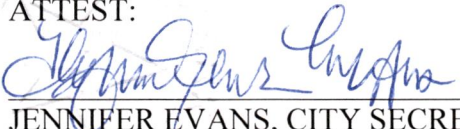
SECTION 3: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

7:39 p.m.

Property Description
8.027 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the Willis Oldham Headright Survey, Abstract 458, Bowie County, Texas, being all of that certain tract of land described as 8.053 acres in the deed from Susan Karen Simmons, et al, to Emanuel Sanchez, et ux, dated August 23, 2022, recorded in Document No. 2022-00010237 of the Real Property Records, Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), found for a corner, lying in the South right-of-way line Moores Lane, the Northwest corner of the said 8.053 acre tract, and the Northeast corner of that certain tract of land described as 4.013 acres in the deed from Stonegate SNF Properties, LP to Sanctuary LTC, LLC, dated September 23, 2021, recorded in Document No. 2021-00011803 of the Real Property Records, Bowie County, Texas;

THENCE North 87 degrees 52 minutes 31 seconds East a distance of 379.99 feet along the North line of the said 8.053 acre tract and the South right-of-way line of Moores Lane to a 1/2 inch steel rod (control monument), found for a corner, the Northeast corner of the said 8.053 acre tract and the Northwest corner of that certain tract of land described as 5.00 acres in the deed from P. S. Cork, et ux to Jack N. Boyd, et al, dated October 9, 1963, recorded in Volume 429, Page 100 of the Deed Records of Bowie County, Texas;

THENCE South 01 degrees 44 minutes 53 seconds East a distance of 848.22 feet along the East line of the said 8.053 acre tract and the West line of the said 5.00 acre tract to a 1/2 inch steel rod, found for a corner, the Southeast corner of the said 8.053 acre tract, the Southwest corner of the said 5.00 acre tract, and lying in the North right-of-way line of St. Michael Drive (Interstate Highway 30 frontage road), at the beginning of a circular curve to the left;

THENCE in a Southwesterly direction along the arc of said circular curve a distance of 403.91 feet, with a delta angle of 02 degrees 22 minutes 25 seconds, a radius of 9749.25 feet, a chord bearing of South 66 degrees 42 minutes 54 seconds West, and a chord distance of 403.88 feet to a 1/2 inch steel rod, capped DENNEY RPLS 6516, found for a corner, the Southwest corner of the said 8.053 acre tract and the Southeast corner of that certain tract of land described as 3.284 acres in the deed from Crossroads, Inc. to State of Texas, dated February 27, 1974, recorded in Volume 570, Page 648 of the Deed Records of Bowie County, Texas;

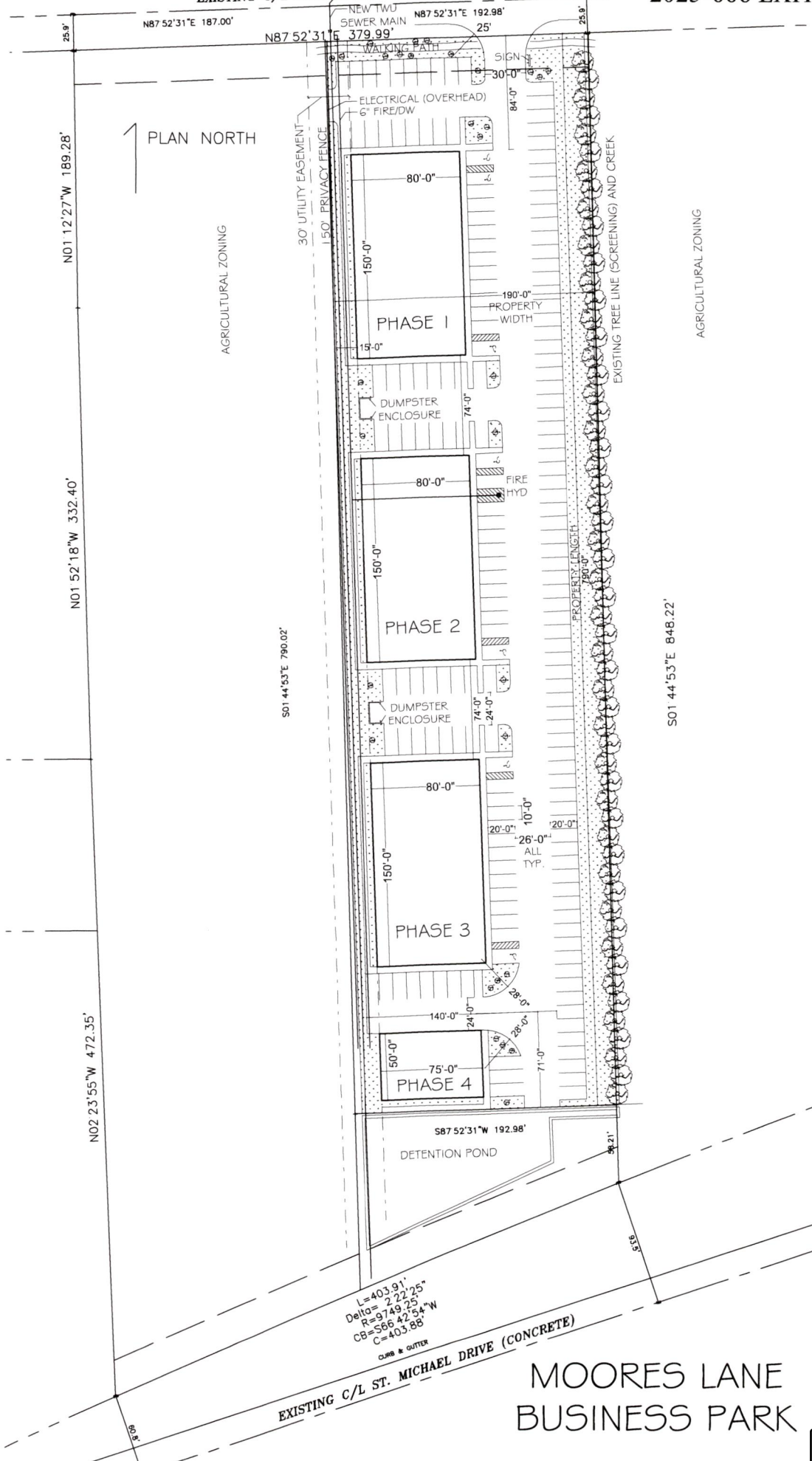
THENCE North 02 degrees 23 minutes 55 seconds West a distance of 472.35 feet along the West line of the said 8.053 acre tract, the East line of the said 3.284 acre tract, and the East line of that certain tract of land being the remainder of a called 4.983 acre tract from Purvis S. Cork, Jr. to John V. Rich, et ux, dated June 18, 1992, recorded in Volume 1787, Page 279 of the Real Property Records, Bowie County, Texas to a 1/2 inch steel rod, found for the Southeast corner of the said 4.013 acre tract;

THENCE North 01 degrees 52 minutes 18 seconds West a distance of 332.40 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to a 1/2 inch steel rod, found for a corner, at an angle point;

THENCE North 01 degrees 12 minutes 27 seconds West a distance of 189.28 feet along the West line of the said 8.053 acre tract and the East line of the said 4.013 acre tract to the Point of Beginning and containing 8.027 acres of land, at the time of this survey.

FLOOD STATEMENT:

By graphic plotting only, a portion of this property is in Zone "X" areas determined to be outside the 1% Annual Chance Flood. In Community of the City of Texarkana, Number 480060, Panel 0360, Suffix E, Map Number 48037C0360E, Dated December 21, 2017. No field surveying was performed to determine this zone and an elevation certification may be needed to verify this determination or apply for variance from the Federal Emergency Management Agency.



City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 12/29/2022 1:42 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2023-007 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lot 8, Block 48, Grandview Addition located at 3704 Jones Street. Janice Jamison, owner.

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

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Janice Jamison, owner, for a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lot 8, Block 48, Grandview Addition, located at 3704 Jones Street. This is currently vacant land.

The adjacent zoning is Single Family-3 to the north, east, and west and Single Family-2 to the south. The adjacent land use is residential to the north and east, and vacant land to the south and west.

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

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

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

1. That one 2016 or newer single wide HUD code manufactured home be allowed on this property.
2. That the single wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the single wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.

City of Texarkana, Texas

6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 5, 2022

Attachments

- a. 2023-007 ORD SUP to allow HUD code mnfctrd home 3704 Jones St (DOCX)
- b. 2023-007 ATTH 01 (Maps) (PDF)
- c. 2023-007 ATTH 02 (Floorplans) (PDF)
- d. 2023-007 Goals & Perspectives (DOCX)
- e. 2023-007 ORD SUP HUD home 3704 Jones St signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
01/04/2023 1:00 PM			
City Manager	David Orr	Reviewer	Completed 01/04/2023
2:54 PM			
City Council	Jennifer Evans	Meeting	Completed 01/09/2023
6:00 PM			

Meeting History

01/09/23 City Council MOVED FORWARD Next: 01/23/23

ORDINANCE NO. 2023-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-769 TO ALLOW THE LOCATION OF A SINGLE WIDE HUD CODE MANUFACTURED HOME ON LOT 8, BLOCK 48, GRANDVIEW ADDITION, LOCATED AT 3704 JONES STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a HUD code manufactured home on **Lot 8, Block 48, Grandview Addition, located at 3704 Jones Street**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a single wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-769 for the location of a single wide HUD code manufactured home on Lot 8, Block 48, Grandview Addition, located at 3704 Jones Street**, in the City of Texarkana, Bowie County, Texas.

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

1. That one 2016 or newer single wide HUD code manufactured home be allowed on this property.
2. That the single wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the single wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

S-769

3704 Jones Street

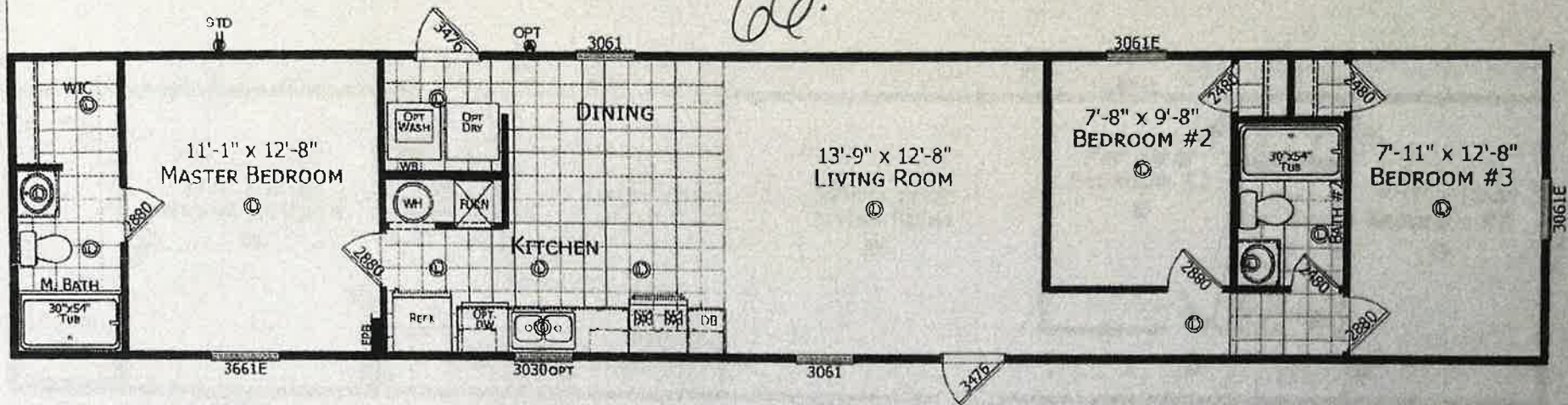


Attachment: 2023-007 ATTH 01 (Maps) (3909 : 2023-007 ORD granting SUP to allow HUD code manufactured home 3704 Jones St.)

3704 Jones Street



Attachment: 2023-007 ATTH 01 (Maps) (3909 : 2023-007 ORD granting SUP to allow HUD code manufactured home 3704 Jones St.)



1800 Piney Rd.
 Texarkana, TX 75501
 Ph: 903-735-9921
 Fax: 903-735-9963

WHERE QUALITY COMES FIRST!

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

ORDINANCE NO. 2023-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-769 TO ALLOW THE LOCATION OF A SINGLE WIDE HUD CODE MANUFACTURED HOME ON LOT 8, BLOCK 48, GRANDVIEW ADDITION, LOCATED AT 3704 JONES STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a HUD code manufactured home on **Lot 8, Block 48, Grandview Addition, located at 3704 Jones Street**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a single wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-769 for the location of a single wide HUD code manufactured home on Lot 8, Block 48, Grandview Addition, located at 3704 Jones Street**, in the City of Texarkana, Bowie County, Texas.

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

1. That one 2016 or newer single wide HUD code manufactured home be allowed on this property.
2. That the single wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the single wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

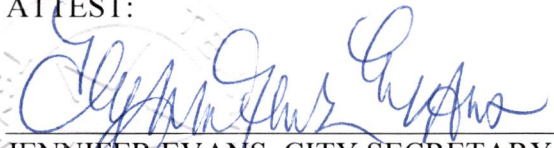
SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

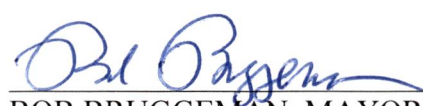
SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

7:41 p.m.

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 12/29/2022 1:40 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator

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

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

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Electra Walker, owner, and Robin Junior, agent, for a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street. This is currently vacant land.

The adjacent zoning is Single Family-2 to the north and south, Single Family-3 to the east and west. The adjacent land use is vacant land to the north and south, and residential to the east and west.

The Future Land Use Map designates this property as “Neighborhood Residential”.

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

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

1. That one 2016 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner’s responsibility to renew this permit.

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 5, 2022

Attachments

- a. 2023-008 ORD SUP HUD code mnfctrd home 2500 block of Findley (DOCX)
- b. 2023-008 ATTH 01 (Maps) (PDF)
- c. 2023-008 ATTH 02 (Floor plan) (PDF)
- d. 2023-008 Goals & Perspectives (DOCX)
- e. 2023-008 ORD SUP HUD home 2500 blk Findley signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
01/04/2023 1:01 PM			
City Manager	David Orr	Reviewer	Completed 01/04/2023
2:55 PM			
City Council	Jennifer Evans	Meeting	Completed 01/09/2023
6:00 PM			

Meeting History

01/09/23 City Council MOVED FORWARD Next: 01/23/23

S-770

ORDINANCE NO. 2023-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-770 TO ALLOW THE LOCATION OF A DOUBLE WIDE HUD CODE MANUFACTURED HOME ON LOT 6, BLOCK 3, WINDSOR PARK 2ND, LOCATED IN THE 2500 BLOCK OF FINDLEY STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a HUD code manufactured home on **Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-770 for the location of a double wide HUD code manufactured home on Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street**, in the City of Texarkana, Bowie County, Texas.

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

1. That one 2016 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

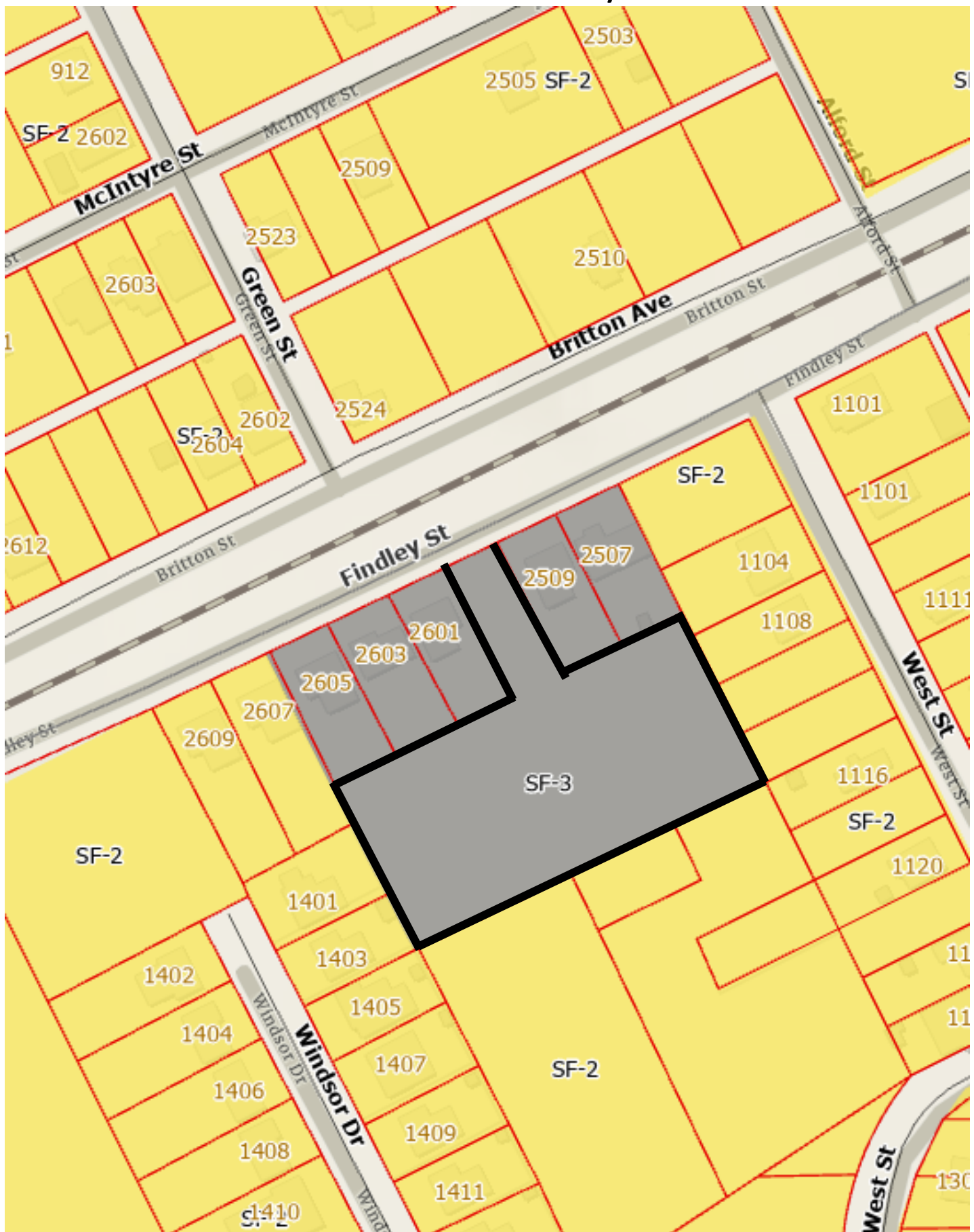
PASSED AND APPROVED in Regular Council Session on this the **23rd** day of **January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2500 Block of Findley Street



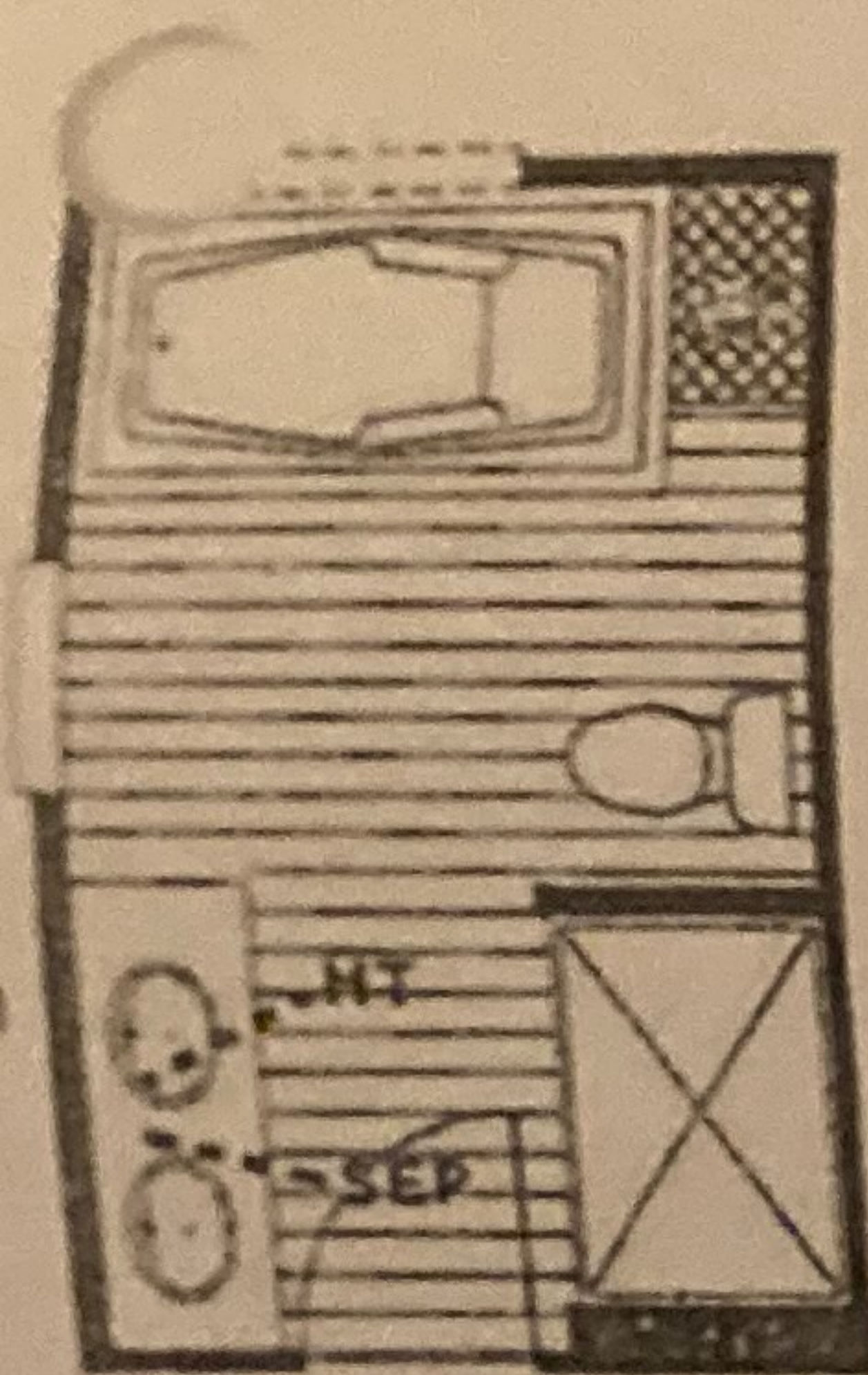
Attachment: 2023-008 ATTH 01 (Maps) (3910 : 2023-008 ORD granting SUP for HUD code manufactured home 2500 block Findley)

2500 Block of Findley Street

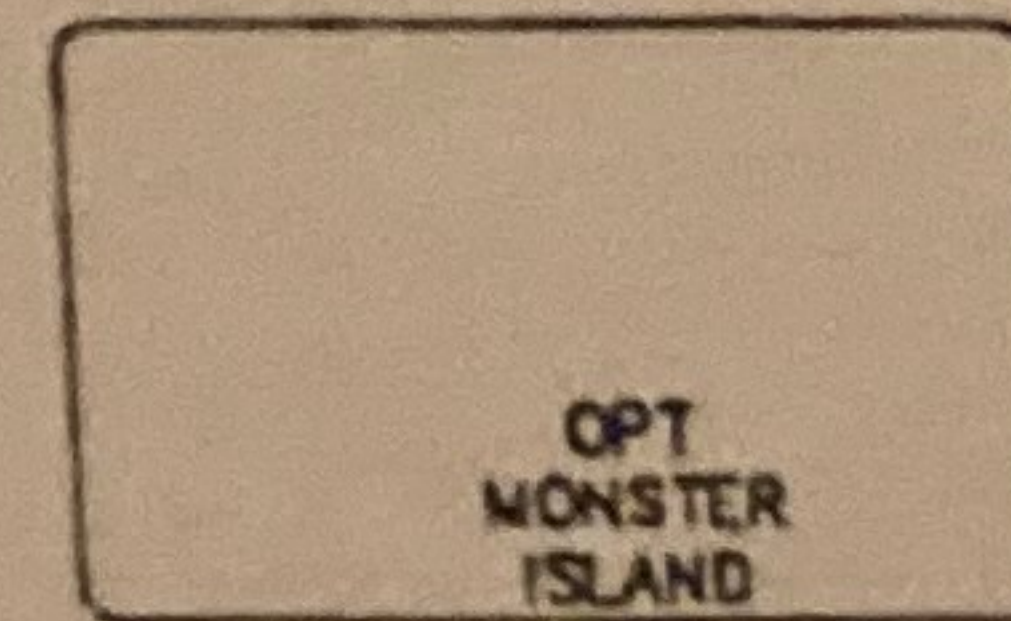


Attachment: 2023-008 ATTH 01 (Maps) (3910 : 2023-008 ORD granting SUP for HUD code manufactured home 2500 block Findley)

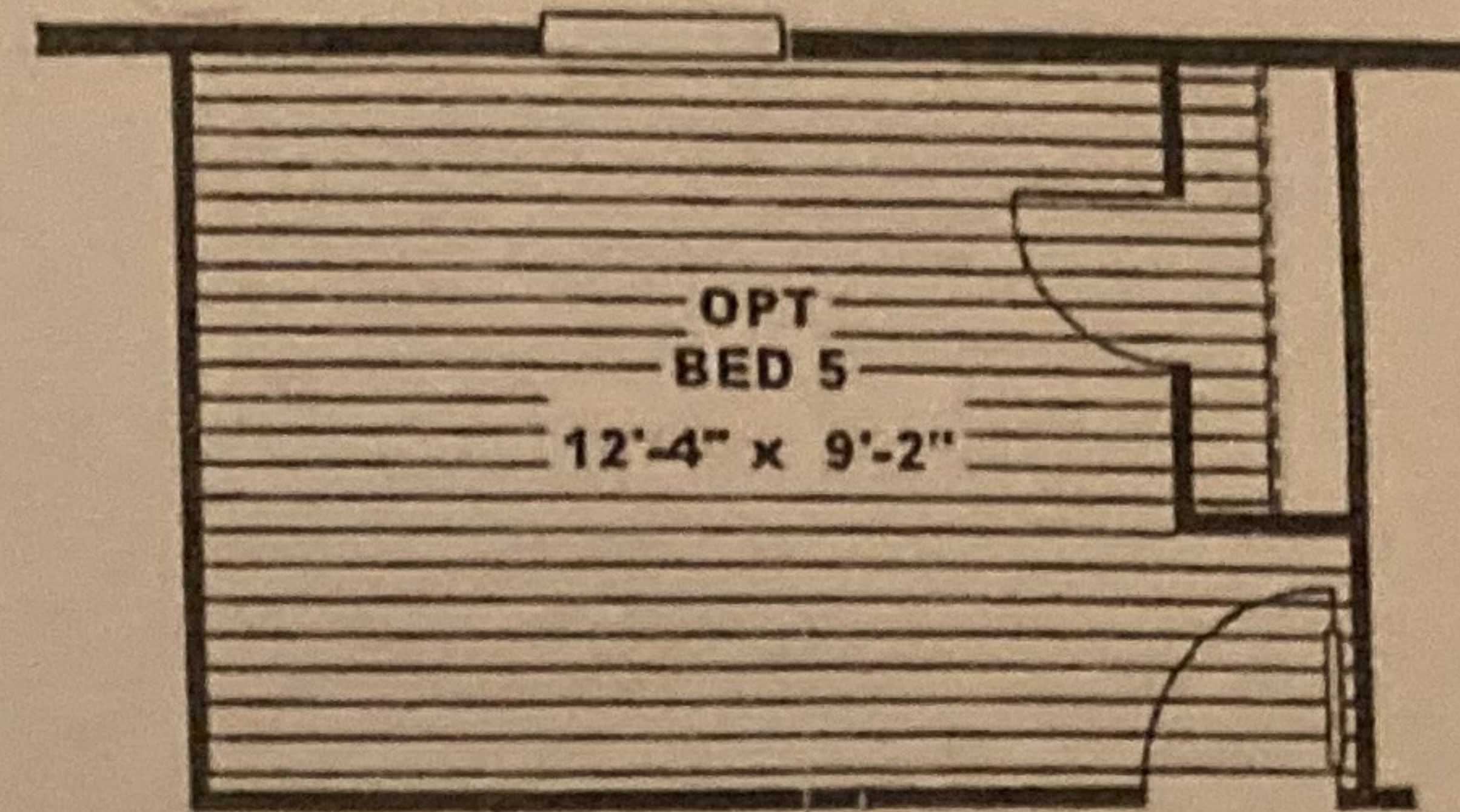
2023-008 ATTH 02



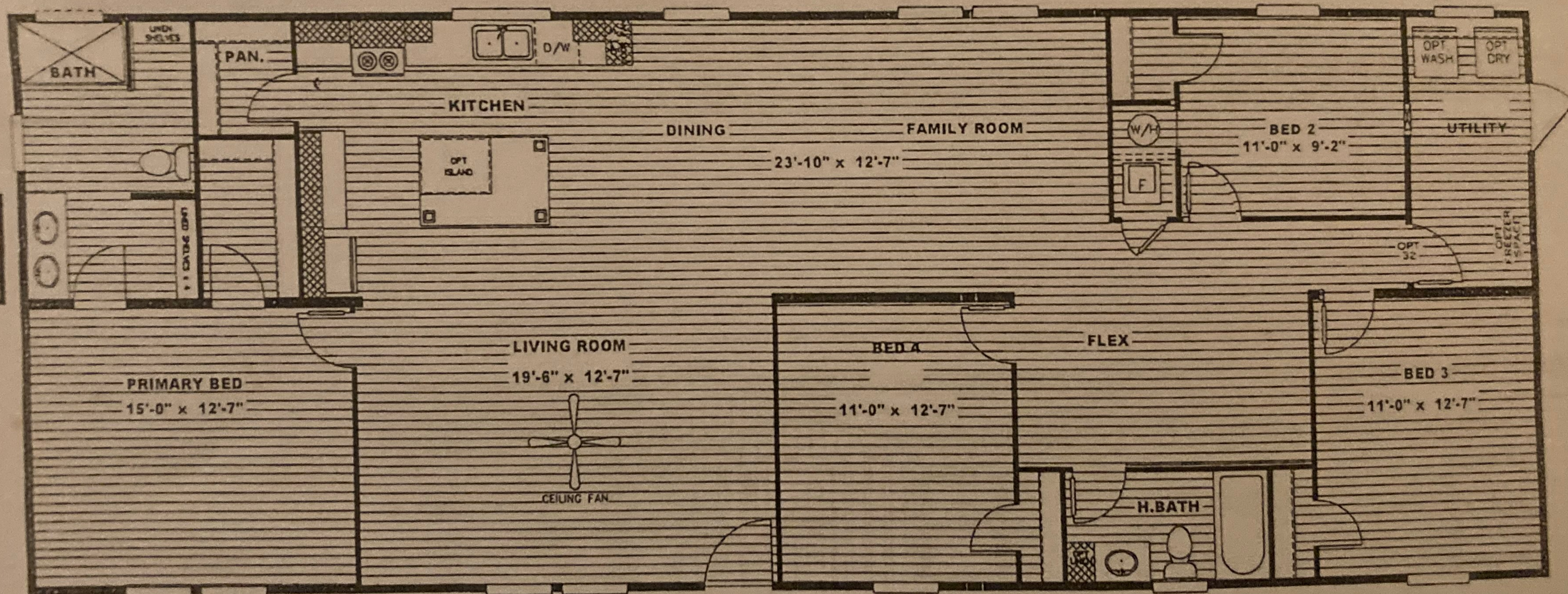
OPT. LUXURY BATH



OPT
MONSTER
ISLAND



OPT
BED 5
12'-4" x 9'-2"



MODEL #SLT28724A
DRAWING # 38M161

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

ORDINANCE NO. 2023-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-770 TO ALLOW THE LOCATION OF A DOUBLE WIDE HUD CODE MANUFACTURED HOME ON LOT 6, BLOCK 3, WINDSOR PARK 2ND, LOCATED IN THE 2500 BLOCK OF FINDLEY STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a HUD code manufactured home on **Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-770 for the location of a double wide HUD code manufactured home on Lot 6, Block 3, Windsor Park 2nd, located in the 2500 block of Findley Street**, in the City of Texarkana, Bowie County, Texas.

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

1. That one 2016 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

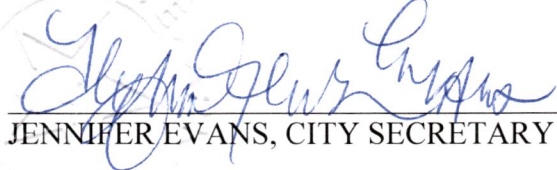
SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

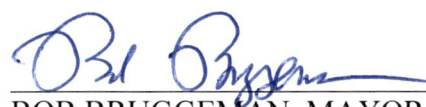
SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

7:46p.m.

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 12/29/2022 1:47 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2023-009 rezoning Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street from Commercial to Single Family-3. Angela Forte, owner.

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

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Angela Forte, owner, to rezone Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street from Commercial to Single Family-3. The property is currently vacant land. The proposed use is a single wide HUD code manufactured home.

The adjacent zoning is Commercial to the north, south, east, and west. The adjacent land use is residential to the north, and east, vacant land to the south, and west.

The Future Land Use Map designates this property as “Downtown District and Flood Plain”.

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

HUD code manufactured housing looks like some of the existing frame pier and beam houses in the area. This type housing could also be a revitalization housing alternative to traditional site-built homes. Therefore, staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

City of Texarkana, Texas

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

December 5, 2022

Attachments

- a. 2023-009 ORD rezoning C to SF-3 south of 1008 Cedar (DOCX)
- b. 2023-009 ATTH 01 (Maps) (PDF)
- c. 2023-009 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
	01/04/2023 1:01 PM		
City Manager	David Orr	Reviewer	Completed 01/04/2023
2:55 PM			
City Council	Jennifer Evans	Meeting	Completed 01/09/2023
6:00 PM			

Meeting History

01/09/23	City Council	MOVED FORWARD	Next: 01/23/23
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Z-22-24

ORDINANCE NO. 2023-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 10 AND 11, BLOCK 180, TRIGGS ADDITION, LOCATED SOUTH OF 1008 CEDAR STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM COMMERCIAL TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar Street** in the City of Texarkana, Bowie County, Texas, **from Commercial to Single Family-3**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Commercial to Single Family-3 on Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Commercial to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar Street** in the City of Texarkana, Bowie County, Texas, from **Commercial to Single Family-3**.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

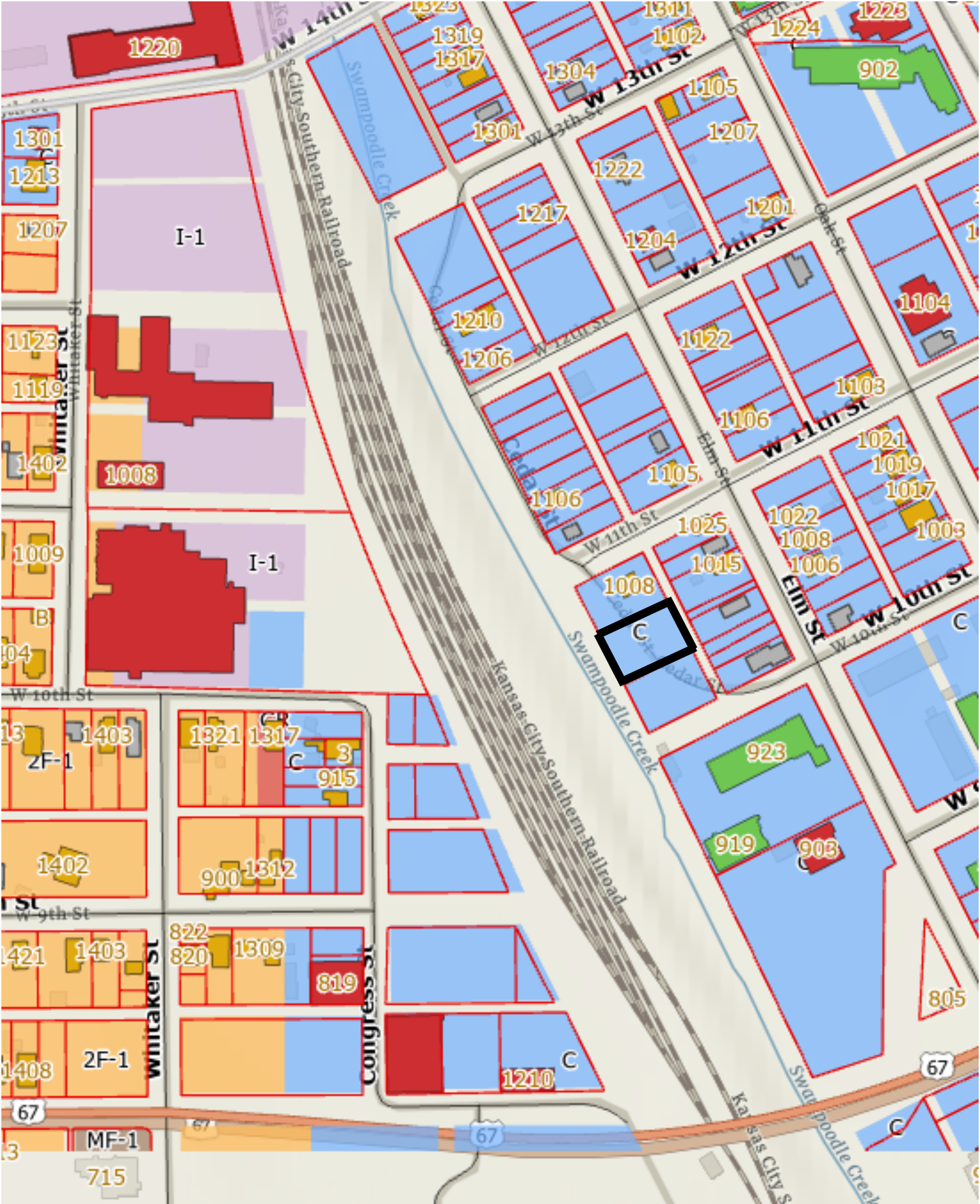
PASSED AND APPROVED in Regular Council Session on this the **23rd day of January, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

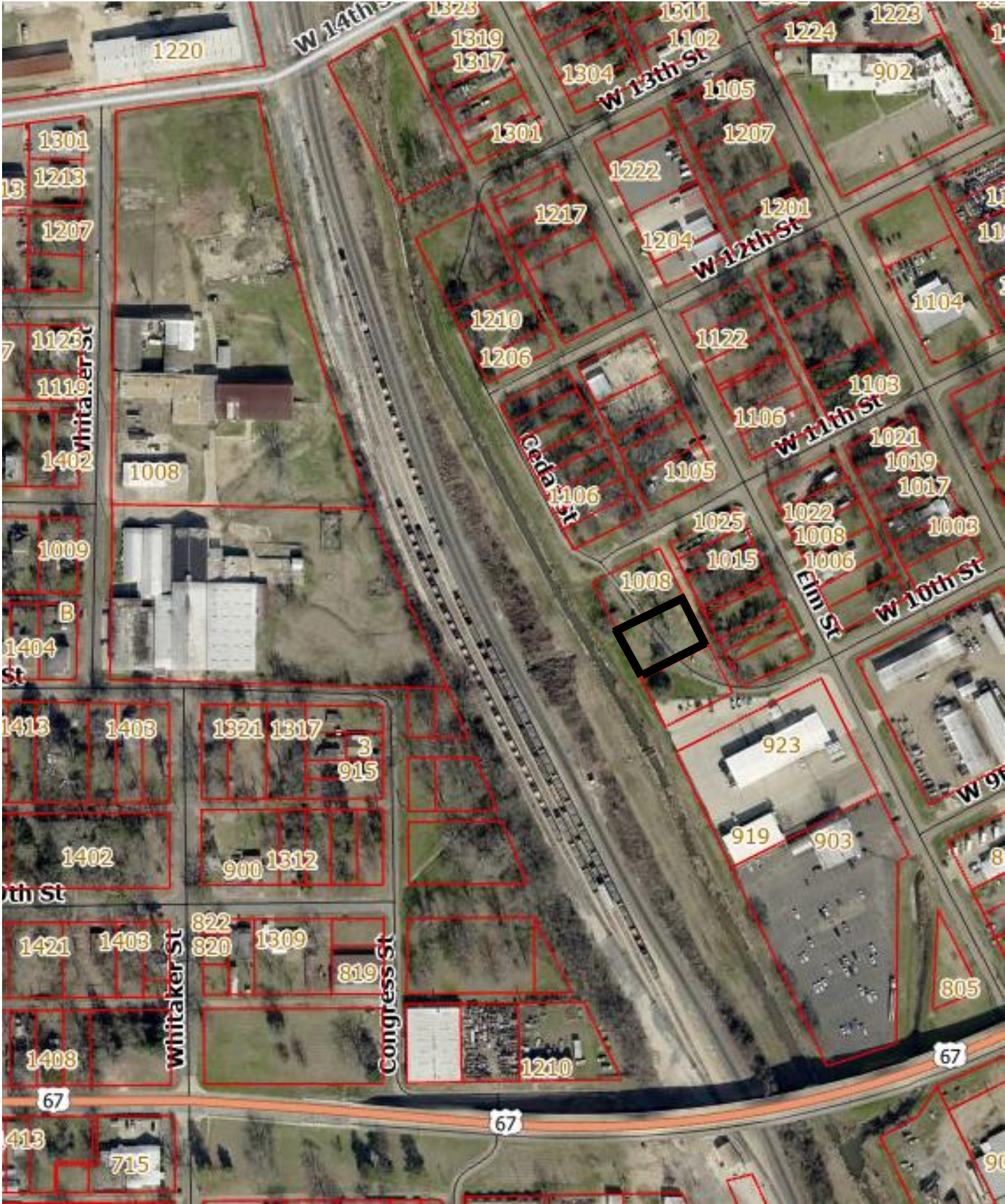
BOB BRUGGEMAN, MAYOR

Cedar Street



Attachment: 2023-009 ATTH 01 (Maps) (3911 : 2023-009 ORD rezoning Commercial to SF-3 south of 1008 Cedar)

Cedar Street



Attachment: 2023-009 ATTH 01 (Maps) (3911 : 2023-009 ORD rezoning Commercial to SF-3 south of 1008 Cedar)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/18/2023 4:26 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2023-010 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street. Angela Forte, owner.
Briefing: 1/23/2023 **Public Hearing:** 1/23/2023 **Council Vote:** 1/23/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Angela Forte, owner, for a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street. This is currently vacant land.

The adjacent zoning is Commercial to the north, south, east, and west. The adjacent land use is residential to the north and east, vacant land to the south, and west.

The Future Land Use Map designates this property as “Downtown District and Flood Plain”.

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

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

1. That one 2016 or newer single wide HUD code manufactured home be allowed on this property.
2. That the single wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the single wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner’s responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.

City of Texarkana, Texas

6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 5, 2022

Attachments

- a. 2023-010 ORD SUP HUD code mnfctrd home south of 1008 Cedar (DOCX)
- b. 2023-010 ATTH 01 (Maps) (PDF)
- c. 2023-010 ATTH 02 (Photos) (PDF)
- d. 2023-010 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
01/04/2023 1:01 PM			
City Manager	David Orr	Reviewer	Completed 01/04/2023
2:55 PM			
City Council	Jennifer Evans	Meeting	Completed 01/09/2023
6:00 PM			

Meeting History

01/09/23 City Council MOVED FORWARD Next: 01/23/23

S-771

ORDINANCE NO. 2023-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-771 TO ALLOW THE LOCATION OF A SINGLE WIDE HUD CODE MANUFACTURED HOME ON LOTS 10 AND 11, BLOCK 180, TRIGGS ADDITION, LOCATED SOUTH OF 1008 CEDAR STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a HUD code manufactured home on **Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar Street**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a single wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-771 for the location of a single wide HUD code manufactured home on Lots 10 and 11, Block 180, Triggs Addition, located south of 1008 Cedar Street**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2023-010 ORD SUP HUD code mnfctrd home south of 1008 Cedar (3912 : 2023-010 ORD granting SUP to allow HUD code

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

1. That one 2016 or newer single wide HUD code manufactured home be allowed on this property.
2. That the single wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the single wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

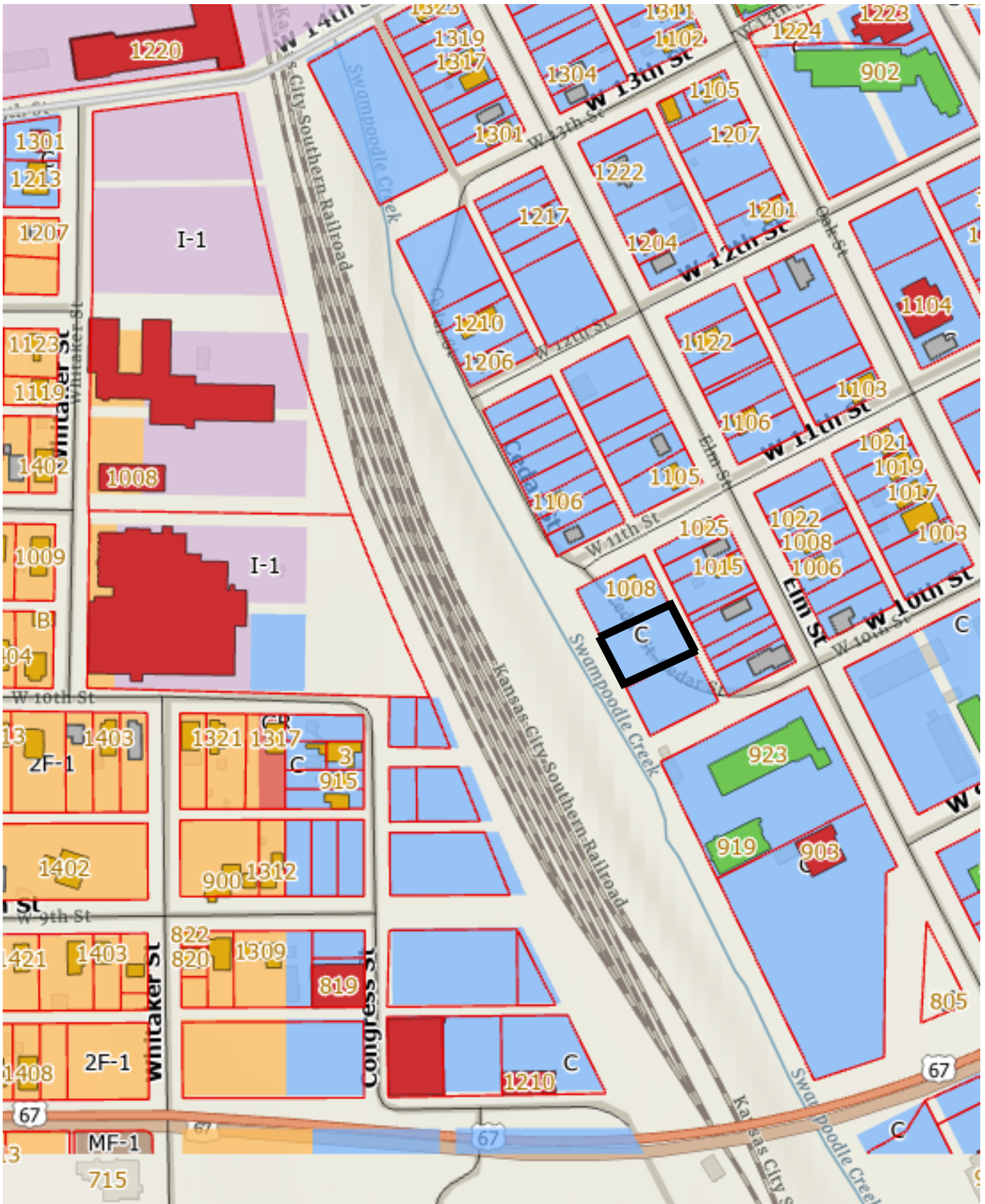
PASSED AND APPROVED in Regular Council Session on this the **23rd** day of **January, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Cedar Street



Attachment: 2023-010 ATTH 01 (Maps) (3912 : 2023-010 ORD granting SUP to allow HUD code manufactured home south of 1008 Cedar)

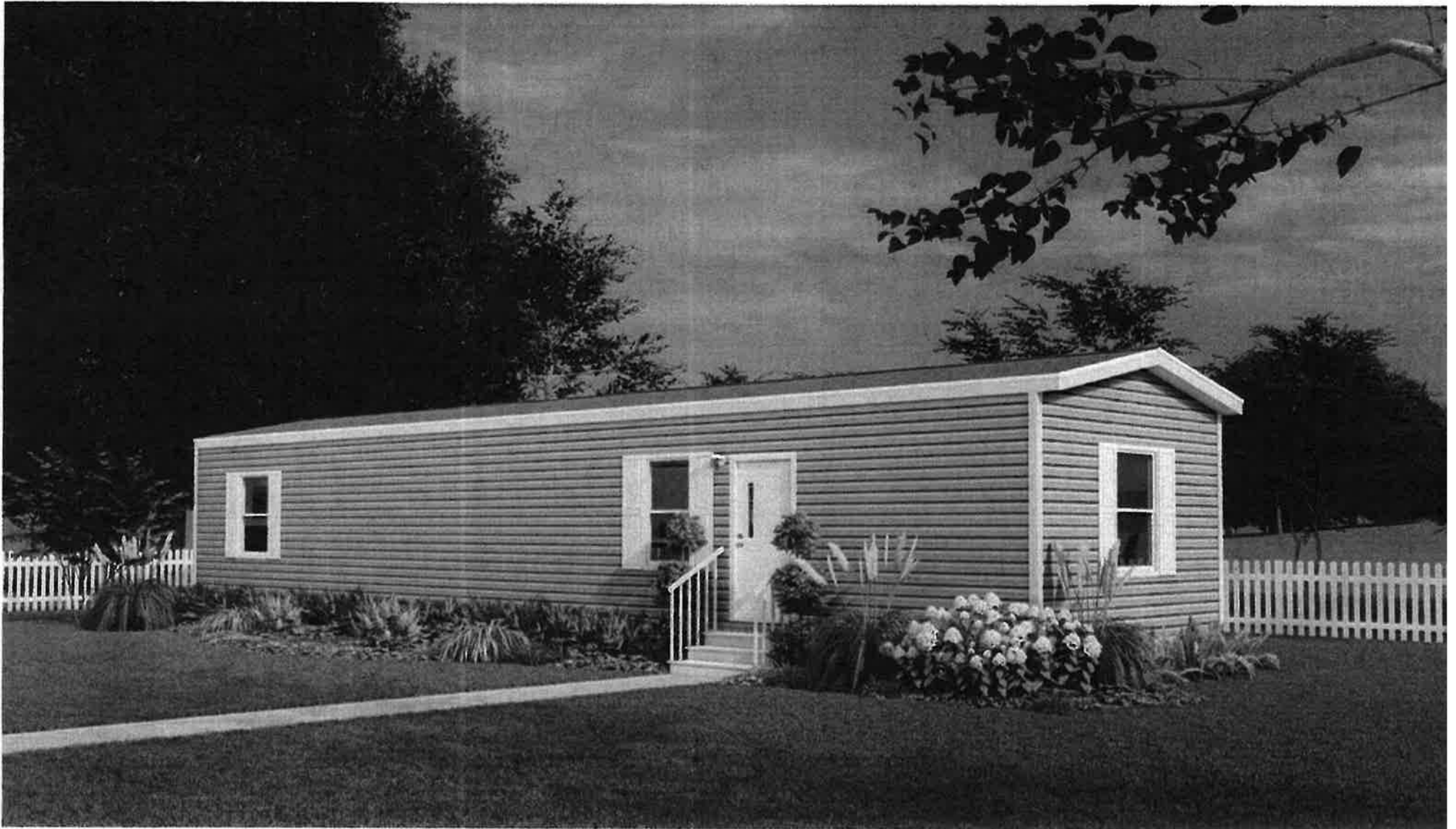
Cedar Street



Attachment: 2023-010 ATTH 01 (Maps) (3912 : 2023-010 ORD granting SUP to allow HUD code manufactured home south of 1008 Cedar)

2023-010 ATTH 02

S-771



Attachment: 2023-010 ATTH 02 (Photos) (3912 : 2023-010 ORD granting SUP to allow HUD code



Attachment: 2023-010 ATTH 02 (Photos) (3912 : 2023-010 ORD granting SUP to allow HUD code

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/18/2023 4:24 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2023-012 amending Chapter 21 of the Code of Ordinances by
adding Section 21-1(b) providing for a variance to distance prohibitions
applicable solely to a place of business lawfully selling alcoholic beverages
prior to April 9, 2018, in the specific instance of the business changing
Subject: ownership or management.

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

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

A request for an alcoholic beverage permit was received from a new applicant for an existing business that recently changed ownership. The place of business is within 300 feet of a public school but had been in business for many years prior to April 9, 2018, the date when the City Council enacted Chapter 21 of the Code of Ordinances. Chapter 21 provides for prohibitions on sale of alcoholic beverages within 300 feet of a church, public school, or private school, extended hours for sale and consumption of mixed beverages, and enforcement and penalty provisions, as allowed by Texas law.

The new application brought attention to an unintended effect of the distance prohibition in Section 21-1(a) of the Code of Ordinances that would frustrate change of ownership of a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management, and the new owner or manager seeks to secure by application to the Texas Alcoholic Beverage Commission a classification of beverage permit that does not expand upon the permit held by the prior ownership or management.

City staff recommends that the City Council find and determine that this unintended effect of Section 21-1(a) of the Code of Ordinances creates an undue hardship on an applicant for a license or permit governed by the Texas Alcoholic Beverage Code, unduly restricts the commercial use of real property, and should be addressed by providing for a variance to said section as authorized by Texas law applicable solely to a place of business lawfully selling alcoholic beverages prior to April 9, 2018 [the date of enacting Ch. 21 of the Code], in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management (and providing that an application requesting

City of Texarkana, Texas

extended hours of consumption as allowed by the Code of Ordinances should not be construed as an expansion on the same classification of beverage permit under this proposed variance).

The text of the proposed variance / new Section 21-1(b) of the Code is as follows:

(b) Subsection (a) shall not apply to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management; provided that an application requesting extended hours of consumption as allowed by Section 21-2 of this Code shall not be construed as an expansion on the same classification of beverage permit under this subsection.

Potential Options:

- Approve addition to Sec. 21-1 of the Code of Ordinances
- Not approve addition to Sec. 21-1 of the Code of Ordinances

Fiscal Implications:

N/A

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2023-012 ORD Amd Ch 21 alcohol distance variance (DOCX)
- b. 2023-012 Goals & Perspectives (DOCX)
- c. 2023-012 ORD Amd ch 21 Alcohol distance variance signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	12/29/2022 3:20 PM		
City Manager	David Orr	City Manager Review Completed	12/30/2022
9:16 AM			
City Council	Jennifer Evans	Meeting	Completed 01/09/2023
6:00 PM			

City of Texarkana, Texas**Meeting History**

01/09/23 City Council MOVED FORWARD Next: 01/23/23

ORDINANCE NO. 2023-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY ADDING SECTION 21-1(b) PROVIDING FOR A VARIANCE TO SECTION 21-1(a) PROHIBITIONS APPLICABLE SOLELY TO A PLACE OF BUSINESS LAWFULLY SELLING ALCOHOLIC BEVERAGES PRIOR TO APRIL 9, 2018, IN A ZONING DISTRICT WITHIN WHICH SUCH SALE IS A PERMITTED USE, IN THE SPECIFIC INSTANCE OF THE BUSINESS CHANGING OWNERSHIP OR MANAGEMENT; CONTAINING A SUPERSEDING CLAUSE; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

Recitals

WHEREAS, by Ordinance No. 2018-030, effective April 9, 2018, the City Council enacted Chapter 21 of the Code of Ordinances of the City of Texarkana, Texas, providing for prohibitions on sale of alcoholic beverages within 300 feet of a church, public school, or private school [§ 21-1(a)], extended hours for sale and consumption of mixed beverages [§§ 21-2, 21-3], and enforcement and penalty provisions [§ 21-4]], as allowed by Chapter 109, Subchapter C, of the Texas Alcoholic Beverage Code; and

WHEREAS, Chapter 109, Subchapter C, Section 109.33(e), of the Texas Alcoholic Beverage Code, further provides in pertinent part that the governing board of a city or town that has enacted a regulation prohibiting the sale of alcoholic beverages within 300 feet of a church, public school, or private school, may also allow variances to the regulation if the governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community; and

WHEREAS, the City Council has been made aware of an unintended effect of Section 21-1(a) that would frustrate change of ownership of a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management, and the new owner or manager seeks to secure by application to the Texas Alcoholic Beverage Commission a classification of beverage permit that does not expand upon the permit held by the prior ownership or management; and

WHEREAS, the City Council finds and determines that this unintended effect of Section 21-1(a) creates an undue hardship on an applicant for a license or permit governed by the Texas Alcoholic Beverage Code, unduly restricts the commercial use of real property, and should be addressed by providing for a variance to said section as authorized by Section 109.33(e) of the Texas Alcoholic

Beverage Code applicable solely to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management (and providing that an application requesting extended hours of consumption as allowed by Section 21-2 of the Code shall not be construed as an expansion on the same classification of beverage permit under this variance).

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

SECTION 1: Chapter 21 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add subsection 21-1(b), as follows:

(b) Subsection (a) shall not apply to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management; provided that an application requesting extended hours of consumption as allowed by Section 21-2 of this Code shall not be construed as an expansion on the same classification of beverage permit under this subsection.

SECTION 2: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

SECTION 3: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 4: This Ordinance shall be in full force and effect immediately upon its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

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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Recitals

WHEREAS, by Ordinance No. 2018-030, effective April 9, 2018, the City Council enacted Chapter 21 of the Code of Ordinances of the City of Texarkana, Texas, providing for prohibitions on sale of alcoholic beverages within 300 feet of a church, public school, or private school [§ 21-1(a)], extended hours for sale and consumption of mixed beverages [§§ 21-2, 21-3], and enforcement and penalty provisions [§ 21-4)], as allowed by Chapter 109, Subchapter C, of the Texas Alcoholic Beverage Code; and

WHEREAS, Chapter 109, Subchapter C, Section 109.33(e), of the Texas Alcoholic Beverage Code, further provides in pertinent part that the governing board of a city or town that has enacted a regulation prohibiting the sale of alcoholic beverages within 300 feet of a church, public school, or private school, may also allow variances to the regulation if the governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community; and

WHEREAS, the City Council has been made aware of an unintended effect of Section 21-1(a) that would frustrate change of ownership of a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management, and the new owner or manager seeks to secure by application to the Texas Alcoholic Beverage Commission a classification of beverage permit that does not expand upon the permit held by the prior ownership or management; and

WHEREAS, the City Council finds and determines that this unintended effect of Section 21-1(a) creates an undue hardship on an applicant for a license or permit governed by the Texas Alcoholic Beverage Code, unduly restricts the commercial use of real property, and should be addressed by providing for a variance to said section as authorized by Section 109.33(e) of the Texas Alcoholic

Beverage Code applicable solely to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management (and providing that an application requesting extended hours of consumption as allowed by Section 21-2 of the Code shall not be construed as an expansion on the same classification of beverage permit under this variance).

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

SECTION 1: Chapter 21 of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add subsection 21-1(b), as follows:

(b) Subsection (a) shall not apply to a place of business lawfully selling alcoholic beverages prior to April 9, 2018, in a zoning district within which such sale is a permitted use, in the specific instance of the business changing ownership or management and the application made to the Texas Alcoholic Beverage Commission does not expand on the same classification of beverage permit held by the prior ownership or management; provided that an application requesting extended hours of consumption as allowed by Section 21-2 of this Code shall not be construed as an expansion on the same classification of beverage permit under this subsection.

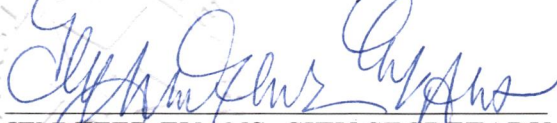
SECTION 2: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

SECTION 3: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 4: This Ordinance shall be in full force and effect immediately upon its passage and approval.

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

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

7:54 p.m.