



CITY OF TEXARKANA
CITY COUNCIL
AGENDA • JANUARY 25, 2021

Virtual**Regular Meeting****6:00 PM**

220 TEXAS BLVD
TEXARKANA, TX 75501

Special Notice and Meeting Procedures Due to COVID-19

Pursuant to the temporary suspension of certain open meetings laws to mitigate the spread of COVID-19, this meeting of the City Council will not be conducted in person and will not be conducted at City Hall. This meeting will be conducted by video conference and telephone call. At least a quorum of the City Council will be participating by video conference or telephone call in accordance with the provisions of Sections 551.125 or 551.127 of the Texas Government Code that have not been suspended by order of the Governor. To watch the meeting, the public may access the City's regular meeting by internet livestream through YouTube at <https://www.youtube.com/channel/UCKlffMCiYTNibow1ZL3Ic0g>. The public may access agenda packet materials at the city's website ci.texarkana.tx.us.

Public Hearings

Audio/video (A/V) conferencing for virtual two-way communication with the City Council will be made available for noticed public hearings only. If your computer or personal device is not capable of A/V conferencing, then you should use audio-only or telephone conferencing.

A/V conferencing may be accessed using an internet browser, going to the Zoom platform at this URL, <https://tinyurl.com/TXKTXCC012521>, following the registration instructions, and completing the registration process. **Registration must be completed by 5:00 p.m. on the day of the meeting.**

Telephone conferencing may be accessed by calling toll free 1 888-788-0099 or 1 877-853-5247, and when prompted enter Webinar ID 973-5459-0293 and passcode 01212021.

Public hearing participants should be ready to comment by following the Mayor's instructions during the meeting when he opens each public hearing.

Due to technical limitations, please do not use both A/V conferencing and telephone conferencing.

Open Forum

Anyone who wishes to speak before the City Council may use the telephone conferencing access numbers and codes referenced earlier in these instructions and should be ready to comment by following the Mayor's instructions during the meeting when reaching the "Open Forum" segment of the agenda. Please provide your name, subject of comment, address, and ward number if a resident of the City. Rules of decorum will apply to all public comments as would be applied during in-person meetings. Per Council rules, comment time is limited to five (5) minutes; the Council encourages groups of three or more persons to appoint one person to present the group's comment; and if the subject of the comment does not pertain to an item on the meeting agenda, the City Council cannot act, vote, or deliberate on the comment submitted.

In the event the number of requests exceed technical limits on virtual conferencing, priority for virtual conferencing will be afforded to public hearing participants.

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Betty Williams

Ward 5

Bill Harp

Ward 2

Mary Hart

Ward 4

Christie Alcorn

Ward 6

Jay Davis



The City Council reserves the right to convene into closed session on any agenda item or issue should the need arise and if applicable pursuant to authorization by the Texas Open Meetings Act (Title 5, Chapter 551 of the Texas Government Code).

If the City Council convenes into closed session, they will reconvene in one hour or less to take any final action, decision, or vote on a matter deliberated in closed session.

- I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM**
- II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JEAN MATLOCK**
- III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST**

Upcoming City Council Meetings:

Tuesday, January 26, 2021 at 5:30 p.m. (Special Meeting)

Monday, February 8, 2021 at 6:00 p.m.

Monday, February 22, 2021 at 6:00 p.m.

Parks & Recreation Events:

No upcoming events are scheduled. Any additional Parks & Recreation information can be found on the city's website at <http://www.ci.texarkana.tx.us> or by contacting staff at (903) 798-3978.

Other Events in the City:

The Bridge City Project's "Chili Cook-off" will be held on January 29th from 5:00 p.m. to 8:00 p.m. at 316 Hazel Street, Texarkana, Arkansas. To participate as a Chili Entry Contestant, you must complete registration at eventbrite.com. The registration fee is \$25.00.

Raffle tickets will be sold for prizes to include kitchen accessories, gift cards, and more. Admission is free to the public. Come join the Texarkana Homeless Coalition for some good chili, a great cause, and a night of fun!

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.

V. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

VI. ITEMS FOR CONSIDERATION***Consent Items***

1. Consider approval of the minutes of the Regular Meeting of the City Council held on January 11, 2021 at 6:00 PM.
2. Resolution No. 2021-005 authorizing the City Manager to accept the bid and execute a contract with Quality Electric Company, Inc. of El Dorado, Arkansas, in an amount not to exceed \$223,820, with budgeted funds, for the Millwood Water Treatment Plant Transfer Switch Project.

Public Hearing:

Council Vote: January 25, 2021

Action Items

[No action items]

VII. FIRST BRIEFINGS

1. Resolution No. 2021-006 approving Amendment No. 3 to the City's contract with Waste Management of Texas, Inc. for the collection of waste and recyclables, authorizing the City Manager to execute the necessary documents for such amendment, and approving the automatic five-year renewal term of said contract with Waste Management of Texas, Inc.

Public Hearing: February 8, 2021

Council Vote: February 8, 2021

VIII. PUBLIC HEARINGS

1. Ordinance No. 2020-133 rezoning a 5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433, located at 2800 West 15th Street. Multiple Family-1 to Planned Development-Neighborhood Service. Xiaoqing (Williams) Zhang, Texas Investments & Property, under contract to purchase. Bryan Henry, agent.

Public Hearing: January 25, 2021

Council Vote: January 25, 2021

2. Ordinance No. 2021-001 rezoning Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5 South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and 2100 block of South Spruce Street. Agriculture to Single Family-3. Keith Wiley and Southark Properties, LLC, owners. (A 3/4 vote of the City Council is required to approve this request.)

Public Hearing: January 25, 2021
Council Vote: January 25, 2021

3. Ordinance No. 2021-004 amending Chapter 28 “Offenses and Miscellaneous Provisions” of the Code of Ordinances by amending Article VI “Reserved” to “Operation and Landing of Helicopters”, and amending the Master Fee List for Fiscal Year 2021 to establish a fee for temporary landing permits.

Public Hearing: January 25, 2021
Council Vote: January 25, 2021

IX. ITEMS FOR DISCUSSION

Staff Updates

COVID-19 by Fire Chief Eric Schlotter

X. ADMINISTRATIVE COMMENTS

1. City Council
2. City Staff

XI. ADJOURNMENT



Jennifer Evans
City Secretary

This open meeting of a governmental entity is subject to the Texas Open Meetings Act (Chapter 551, Government Code). The “Council Chambers” is the room or property where the City Council will hold this meeting.

Pursuant to Section 46.035(c), Penal Code (unlawful carrying of handgun by license holder), a license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code,

regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for these services, please call 903.798.3917, Personnel or (TDD) 1.800.RELAY.TX (1.800.735.2989).



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • JANUARY 11, 2021

Virtual**Regular Meeting****6:00 PM**

220 TEXAS BLVD
TEXARKANA, TX 75501

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

**This council meeting was held entirely via the Zoom video conferencing platform.
 Council members participated from their separate respective locations.**

Member Name	Title	Status	Arrived
Bruggeman	Mayor	Present	
Matlock	Ward 1	Present	
Cart	Ward 2	Present	
Williams	Ward 3	Present	
Alcorn	Ward 4	Present	
p	Ward 5	Present	
is	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Jennifer Evans, Garrett Baker, Robby Robertson, Mashell Daniel, David Orr, Lisa Thompson, and Eric Schlotter.

Legal Counsel: Jeff Lewis.

II. INVOCATION LED BY COUNCIL MEMBER BETTY WILLIAMS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, January 25, 2021 at 6:00 p.m.
 Monday, February 8, 2021 at 6:00 p.m.
 Monday, February 22, 2021 at 6:00 p.m.

Parks & Recreation Events:

No events are scheduled. Any additional Parks & Recreation information can be found on the city's website at <http://www.ci.texarkana.tx.us> or by contacting staff at (903) 798-3978.

Opening the first council meeting of 2021, Mayor Bruggeman said he hoped everyone had a good Christmas and New Years holiday.

Minutes Acceptance: Minutes of Jan 11, 2021 6:00 PM (Consent Items)

The city received a letter from the Texas Chapter of the American Planning Association. The city was awarded a 2020 Certificate of Achievement in recognition of professional planning standards. The Mayor thanked council members, planning & zoning commission members, and city staff as collaborative efforts made this achievement possible.

The Mayor wished a belated "Happy Birthday" to his aunt Virginia Latimer, a resident of Ashdown, Arkansas. Ms. Latimer celebrated her 103rd birthday on Friday, January 1, 2021. What a remarkable achievement in her many years and long life!

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.

June Davis addressed council, on behalf of her sister and local citizen Dorothy Hervey, regarding unmanaged overgrowth at 1316 Lee Street. Though cut, she feels the unremoved overgrowth continues as a hazard and creates a breeding ground for rodents.

V. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

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

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:12 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on December 14, 2020 at 6:00 PM.

Action Items

[No action items]

VII. FIRST BRIEFINGS

1. Ordinance No. 2020-133 rezoning a 5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433, located at 2800 West 15th Street. Multiple Family-1 to Planned Development-Neighborhood Service. Xiaoqing (Williams) Zhang, Texas Investments & Property, under contract to purchase. Bryan Henry, agent.

Public Hearing: January 25, 2021

Council Vote: January 25, 2021

Mashell Daniel briefed this agenda item.

RESULT: MOVED FORWARD

Next: 1/25/2021 6:00 PM

2. Ordinance No. 2021-001 rezoning Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5 South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and 2100 block of Spruce Street. Agriculture to Single Family-3. Keith Wiley and Southark Properties, LLC, owners. (A 3/4 vote of the City Council is required to approve this request.)

Public Hearing: January 25, 2021

Council Vote: January 25, 2021

Mashell Daniel briefed this agenda item.

RESULT: MOVED FORWARD

Next: 1/25/2021 6:00 PM

3. Ordinance No. 2021-004 amending Chapter 28 “Offenses and Miscellaneous Provisions” of the Code of Ordinances by amending Article VI “Reserved” to “Operation and Landing of Helicopters”.

Public Hearing: January 25, 2021

Council Vote: January 25, 2021

Jeff Lewis briefed this agenda item.

RESULT: MOVED FORWARD

Next: 1/25/2021 6:00 PM

VIII. PUBLIC HEARINGS

[No public hearing items]

IX. ITEMS FOR DISCUSSION

Staff Updates

COVID-19 - by Fire Chief Eric Schlotter

The Emergency Operations Center is still fully activated. As far as Coronavirus cases, the local hospitals are full as well as those in the surrounding areas. Approximately, 4,000 first doses of the COVID-19 vaccine have been delivered to Bowie County. The vaccines received were a mix of both the Pfizer and Moderna versions.

Numbers show about 1,400 vaccines have been administered, however, there is significant lag time in reporting. January 11th was the first day that the second doses were administered in Texarkana. The city is in its fifth week for the vaccination schedule. Each week, various approved locations will receive allotments of the vaccine from the state. The city's Health Department staff will oversee a designated phone line dedicated to vaccine information.

As with any personal healthcare and medical treatment decisions, citizens were encouraged to speak with their primary care physician as to in depth COVID-19 vaccine related information.

X. ADMINISTRATIVE COMMENTS

1. City Council

Council had no administrative comments for staff.

2. City Staff

Staff had no administrative comments for council.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:36 p.m.)

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

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/20/2021 12:30 PM

Lead Department: TWU Administration **Action Officer:** Jennifer Evans, City Secretary
Resolution No. 2021-005 authorizing the City Manager to accept the bid and
execute a contract with Quality Electric Company, Inc. of El Dorado, Arkansas,
Subject: in an amount not to exceed \$223,820, with budgeted funds, for the Millwood
Water Treatment Plant Transfer Switch Project.

Briefing: 1/25/2021 **Public Hearing:** **Council Vote:** 1/25/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Bids were received on Thursday, January 7, 2021, for the Millwood Water Treatment Plant Transfer Switch Project. Three (3) contractors bid on the project. Quality Electric Company, Inc. of El Dorado, Arkansas, was the low bidder with a low Base Bid of \$223,820. This project consists of removing and disposing of the existing transfer switch and furnishing and installing a new transfer switch at the Millwood Water Treatment Plant. This switch is used to transfer the power supply for the Millwood Water Treatment Plant from AEP/SWEPCO to the emergency generator. Quality Electric Company, Inc. has completed numerous projects around El Dorado, Arkansas. Quality Electric Company is recommended by the Utility and A. L. Franks Engineering.

Potential Options:

- None
-

Fiscal Implications:

This project was budgeted in the Utility's 2020-2021 Budget in the Millwood Water Treatment Plant Depreciation Fund at \$200,000. Additional funds are available in the Millwood Depreciation Fund.

Staff Recommendation:

Utility staff recommends approval.

Advisory Board/Committee Review:

NONE

City of Texarkana, Texas

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-005 RES Millwood WTP Transfer Switch (DOCX)
- b. 2021-005 ATTH 01 Bid Tab (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	
	01/20/2021 12:30 PM			
TWU Administration	Jennifer Evans	Admin Approval	Skipped	01/20/2021
12:30 PM				
Water Utilities	JD Phillips	Water Utilities Review	Completed	
	01/20/2021 1:07 PM			
TWU Finance	Jennifer Evans	TWU Finance Review	Skipped	01/20/2021
12:31 PM				
City Manager	Jennifer Evans	City Manager Review	Completed	01/22/2021
11:17 AM				
City Council	Vicky Coopwood	Meeting	Pending	01/25/2021
6:00 PM				

Meeting History

RESOLUTION NO. 2021-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH QUALITY ELECTRIC COMPANY, INC. OF EL DORADO, ARKANSAS, IN AN AMOUNT NOT TO EXCEED \$223,820, FOR THE MILLWOOD WATER TREATMENT PLANT TRANSFER SWITCH PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on January 7, 2021, three (3) bids were received, a copy of which is attached hereto as **ATTH01**, by Texarkana Water Utilities for the Millwood Water Treatment Plant Transfer Switch Project; and

WHEREAS, the project will consist of removing the existing transfer switch at the Millwood Water Treatment Plant and furnishing and installing a new transfer switch; and

WHEREAS, the lowest and best bid by a responsible vendor for this project was submitted by Quality Electric Company, Inc. of El Dorado, Arkansas, a copy of which is attached hereto as **ATTH01**, in an amount not to exceed \$223,820; and

WHEREAS, funds currently budgeted in the Texarkana Water Utilities 2020-2021 Budget in the Millwood Water Treatment Plant Depreciation Fund are available in the amount of \$200,000. Additional funds are available in the Millwood Depreciation Fund.

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

SECTION 1: That the lowest and best bid by a responsible vendor, submitted by Quality Electric Company, Inc. of El Dorado, Arkansas, a copy of which is attached hereto as **ATTH01**, be and is hereby approved, in an amount not to exceed \$223,820, for the removal of the existing transfer switch at the Millwood Water Treatment Plant and furnishing and installing a new transfer switch.

SECTION 2: That the City Manager be and is authorized to contract with Quality Electric Company, Inc. of El Dorado, Arkansas for the above-described services.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of January, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2021-005 RES Millwood WTP Transfer Switch (2432 : 2021-005 RES Millwood WTP transfer switch)



January 7, 2021

Mr. J.D. Phillips, P.E.
Executive Director
Texarkana Water Utilities
801 Wood Street
Texarkana, Texas 75501

Re: Texarkana Water Utilities
Millwood Lake Water Treatment Plant Transfer Switch

Dear Mr. Phillips:

As you are aware, sealed bids were received and opened on January 7, 2021 with reference to the captioned project. The successful Contractor was Quality Electric Company, Inc. with a Base Bid of \$223,820.00, as shown on the attached Bid Tabulation.

We have worked successfully with Quality Electric Company, Inc. and are familiar with their workmanship and management. I therefore, recommend project award to Quality Electric Company, Inc. for the Base Bid in the amount of \$223,820.00 with Contract execution and construction to begin as soon as possible.

If you have any questions or require additional information, please contact me.

Sincerely,

A.L. FRANKS ENGINEERING, INC.

Anthony L. (Andy) Franks, P.E.
Principal

TEXARKANA WATER UTILITIES
MILLWOOD LAKE WATER TREATMENT PLANT TRANSFER SWITCH
THURSDAY, JANUARY 7, 2021
BID TABULATION

ITEM	QTY	UNIT	DESCRIPTION	QUALITY ELECTRIC CO., INC.		H & K ELECTRIC		INTEGRITY ELECTRIC	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	1	L.S.	Remove and Dispose of existing electrical transfer switch per plans and specs, (the owner reserves the right to retain any equipment for future benefit to the utility):	\$3,500.00	\$3,500.00	\$3,566.20	\$3,566.20	\$8,650.00	\$8,650.00
2	1	L.S.	Provide and Install all equipment planned and required for a complete and operation 5KV Transfer Switch including, but not limited to, site work, concrete pad, and pedestrian access per plans and specs:	\$220,320.00	\$220,320.00	\$222,471.11	\$222,471.11	\$235,000.00	\$235,000.00
TOTAL BASE BID					\$223,820.00		\$226,037.31		\$243,650.00



Anthony L. Franks
ANTHONY L. FRANKS, P.E., PROJECT ENGINEER

*Note correction made by A.L. Franks Engineering

2021-005 ATTH 01

6.2.b

STATEMENT OF QUALIFICATIONS:

Quality Electric Co., Inc.
Bidder

PO Box 207 El Dorado, AR 71730
Address

1. NAME OF PROJECT: Union County Softball Fields
OWNER: Union County ADDRESS: Champagnolle Rd.
DATE STARTED: 8/2019 DATE COMPLETED: 3/2020
APPROX. QUANTITIES OF MAJOR ITEMS: _____

VALUE OF CONTRACT: \$180,000

2. NAME OF PROJECT: El Dorado Street Lights
OWNER: City of El Dorado ADDRESS: _____
DATE STARTED: _____ DATE COMPLETED: _____
APPROX. QUANTITIES OF MAJOR ITEMS: _____

VALUE OF CONTRACT: \$156,000

3. NAME OF PROJECT: El Dorado Soccer Fields
OWNER: Union County ADDRESS: Champagnolle Rd
DATE STARTED: 9/2020 DATE COMPLETED: 11/2020
APPROX. QUANTITIES OF MAJOR ITEMS: _____

VALUE OF CONTRACT: \$34,250

4. NAME OF PROJECT: _____

TEXARKANA WATER UTILITIES
MILLWOOD LAKE WATER TREATMENT PLANT
TRANSFER SWITCH

BID PROPOSAL

<u>ITEM</u>	<u>QTY/UNIT</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
1.	1 L.S.	Remove and Dispose of existing electrical transfer switch per plans and specifications. (The Owner reserves the right to retain any equipment for future benefit to the Utility) for the lump sum price of <u>Three thousand, Five Hundred</u> Dollars and <u>No</u> Cents/L.S.	XXXXXXXXXX	<u>\$3,500.⁰⁰</u>
2.	1 L.S.	Provide and Install all equipment planned and required for a Complete and operational 5KV Transfer Switch Including, but not limited to, site work, concrete pad, And pedestrian access per the plans and specifications for the lump sum price of <u>Two hundred twenty thousand, three hundred th twenty</u> Dollars and <u></u> Cents/L.S.	XXXXXXXXXX	<u>\$220,320.⁰⁰</u>
TOTAL BASE BID				<u>\$223,820.⁰⁰</u>

NOTES: 1. Miscellaneous items, directed work, connections, etc., not specifically listed but required to complete the proposed Switch Gear to a complete and operational system shall be included.
2. Time required to complete work shall be 150 calendar days.

P-2

PROPOSAL

TO: JD Phillips
Executive Director

FOR: Texarkana Water Utilities
Electrical Transfer Switch at Millwood Lake
Water Treatment Plant

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm, or corporation; that he has carefully examined the form of Contract, Notice to Bidders, and Specifications therein referred to, and has carefully examined the locations, conditions and classes of materials of the proposed work; and agrees that he will provide all the necessary labor, machinery, tools, apparatus, and other items incidental to construction, and will do all the work and furnish all the materials called for in the Contract and Specifications in the manner prescribed therein and according to the requirements of the Engineer as therein set forth.

It is further agreed that the quantities of work to be done at unit prices and materials to be furnished may be increased or diminished as may be considered necessary, in the opinion of the Engineer, to complete the work fully as planned and contemplated, and that all quantities of work, whether increased or decreased, are to be performed at the unit prices set forth below except as provided for in the Specifications.

It is further agreed that lump sum prices may be increased to cover additional work ordered by the Engineer, but not required by the Specifications, in accordance with the provisions of the General Conditions. Similarly, they may be decreased to cover deletion of work so ordered.

It is understood and agreed that the work is to be completed in full within **150 calendar days** beginning on the date stated in the work order on which work is to be commenced. The Texarkana Water Utilities shall withhold, permanently from the Contractor's total compensation, the sum of One Thousand Dollars (\$1,000.00) per calendar day for liquidated damages.

Accompanying this proposal is a certified or cashier's check or bid bond, payable to the Texarkana Water Utilities for

Eleven thousand one hundred ninety one ⁹/₁₀₀ Dollars (\$ 11,191.⁰⁰).

The bid security accompanying this proposal shall be returned to the bidder, unless in case of the acceptance of the proposal the bidder shall fail to execute a Contract and to file a performance and payment bonds within fifteen days after its acceptance, in which case the bid security shall become the property of the Texarkana Water Utilities, and shall be considered as payment for damages due to delay and other inconveniences suffered by the Owner on account of such failure of the bidder.

It is understood that the Texarkana Water Utilities reserves the right to reject any and all bids and to waive any informalities in the bidding.

In the event of the award of a Contract to the undersigned, the undersigned will furnish a Performance and Payment Bond each for the full amount of the Contract to secure proper compliance with the terms and provisions of the Contract, to insure and guarantee the work until final completion and acceptance, and to guarantee Payment of all lawful claims for labor performed and materials furnished in the fulfillment of the Contract.

The undersigned certifies that the bid prices contained in this proposal have been carefully checked and are submitted as correct and final.

NOTE:—Unit and lump sum prices must be shown in words and in figures for each item listed in this Proposal, and in the event of discrepancy, the words shall control. Should bid prices on any items be omitted, the right is reserved to apply the lowest prices submitted under this Proposal. In the event of discrepancies, the Owner reserves the right to accept or reject informalities.

Receipt is hereby acknowledged of the following addenda to the Contract Documents:

Addendum No. 1 dated _____	Rec. via mail _____	Rec. via fax _____
Addendum No. 2 dated _____	Rec. via mail _____	Rec. via fax _____
Addendum No. 3 dated _____	Rec. via mail _____	Rec. via fax _____
Addendum No. 4 dated _____	Rec. via mail _____	Rec. via fax _____
Addendum No. 5 dated _____	Rec. via mail _____	Rec. via fax _____

CONTRACTOR: Quality Electric Co., Inc.

BY: [Signature]

NAME: Brad Edgerton

TITLE: President

ADDRESS: 101 Nick Springs Rd.
(Street Address or Physical Address)

MAILING ADDRESS: PO Box 207
(P. O. Box)

CITY, COUNTY & STATE: El Dorado, Union AR.

ZIP: 71731

TELEPHONE: 870-862-9958

FAX TELEPHONE: 870-862-9957

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/22/2021 11:26 AM

Lead Department: Public Works Department **Action Officer:** Jennifer Evans, City Secretary
Resolution No. 2021-006 approving Amendment No. 3 to the City's contract with Waste Management of Texas, Inc. for the collection of waste and recyclables, authorizing the City Manager to execute the necessary documents for such amendment, and approving the automatic five-year renewal term of said contract with Waste Management of Texas, Inc.

Subject: said contract with Waste Management of Texas, Inc.

Briefing: 1/25/2021 **Public Hearing:** 2/8/2021 **Council Vote:** 2/8/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City was notified back in September 2020 that MRF, where the recycling materials were being transported to in Shreveport, Louisiana, would no longer be accepting materials. Doug Sims, with Waste Management, gave a presentation to City Council on September 14, 2020, concerning this issue. Over the next few months, City Staff and Waste Management worked on creating multiple service options related to the recycling program. On October 12, 2020, Doug Sims presented the options to the City Council. At the next meeting on October 26, 2020, City Staff received input from City Council that feedback from residents indicated they wanted to continue with the current recycling program and would be willing to pay the extra \$3.77/month charge.

Since that time, City Staff and Waste Management have been working on an amendment to the current contract. To help reduce the charge, Staff has agreed to reduce the number of free roll offs from 250 to 100 per year. This reduced the charge to \$3.42 per month. Waste Management has agreed to offset this charge as well. Half or (\$1.71) will be take effect when they start transporting material to the new MRF. This is expected to start no later than October 1, 2021. The remaining \$1.71 will be charged starting on October 1, 2022.

The City entered into a Municipal Solid Waste Collection and Transportation Agreement (the "Agreement") with Waste Management of Texas, Inc. on March 1, 2017, to provide for waste and recyclable collection and the initial term was for 5 years. Further, under the terms of the Agreement, the City is required to give notice of renewal or non-renewal by February of 2021. City staff recommends renewal of the contract for 5 additional years that would begin on March 1, 2022.

Potential Options:

- Approve
- Deny

City of Texarkana, Texas

Fiscal Implications:

Amendment 3: Increase to water bill \$1.71 effective upon Recyclable pickup to owned facility. Additional \$1.71 increase October 2022.
 Agreement: Renewal for additional five-year term.

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-006 RES WM recyclables renewal agreement REVISED (DOCX)
- b. 2021-006 EXH 'A' Amend No. 3 - Waste Mgmt (DOC)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	01/22/2021 10:53 AM		
Public Works Department	Jennifer Evans	Reviewer	Skipped
	01/22/2021 10:53 AM		
City Manager	Jennifer Evans	City Manager Review Completed	01/22/2021
10:53 AM			
City Council	Vicky Coopwood	Meeting	Pending
6:00 PM			01/25/2021

Meeting History

RESOLUTION NO. 2021-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING AMENDMENT NO. 3 TO THE CITY’S CONTRACT WITH WASTE MANAGEMENT OF TEXAS, INC. FOR THE COLLECTION OF WASTE AND RECYCLABLES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS FOR SUCH AMENDMENT; APPROVING THE AUTOMATIC FIVE-YEAR RENEWAL TERM OF SAID CONTRACT WITH WASTE MANAGEMENT OF TEXAS, INC.; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City and Waste Management of Texas, Inc. executed a Municipal Solid Waste Collection and Transportation Agreement which took effect on March 1, 2017, and an Amendment No. 2, signed on or about October 10, 2017 (collectively, the “Agreement”); and

WHEREAS, the facility accepting recyclables for Waste Management of Texas, Inc. has discontinued its service; and

WHEREAS, Waste Management of Texas, Inc. and the City desire to amend the terms of the Agreement to provide for the changed condition and additional terms relating to the City’s recyclables as set forth in the proposed Amendment No. 3 attached to this Resolution as **Exhibit “A”** and incorporated herein by reference for all purposes; and

WHEREAS, the City Council also intends for the Agreement, as amended, to automatically renew for an additional five-year term, under the terms and conditions as set forth in the Agreement, Amendment No. 2, and Amendment No. 3.

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

SECTION 1: That Amendment No. 3 to the Agreement with Waste Management of Texas, Inc., is hereby approved, and the City Manager is authorized to execute the necessary documents to enter into such Amendment under the terms and conditions set forth therein.

SECTION 2: That the City Council approves the automatic renewal of the Agreement with Waste Management of Texas, Inc., for an additional five-year term, under the terms and conditions as set forth in the Agreement, Amendment No. 2, and Amendment No. 3.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **8th** day of **February, 2021**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2021-006 RES WM recyclables renewal agreement REVISED (2433 : 2021-006 RES WM renew agreement for recyclables)

Amendment No. 3 to Municipal Solid Waste Collection And Transportation Agreement

The City of Texarkana, Texas (“City”) and Waste Management of Texas, Inc. (“Contractor”), both acting by and through their duly authorized representatives, desire to amend, as more particularly set forth below, the Municipal Solid Waste Collection and Transportation Agreement between the City and Contractor, which took effect on March 1, 2017, and Amendment 2, signed on or about October 10, 2017 (collectively, the “Agreement”).

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, and pursuant to Section 23 of the Agreement, the parties agree to amend the Agreement as follows:

1. Section 5.08 (iii)(a) of the Agreement as set out in Amendment No. 2, and entitled “Additional Services,” is hereby replaced with the following language:
 - (a) Contractor shall provide the City with 100, 30-yard Roll-Off Bin hauls annually (January 1 through December 31) for house demolition, neighborhood cleanups, or other City projects. In lieu of 30-yard Roll Off Bins hauled by Contractor, City may substitute hauls by City trucks and count those hauls as part of the 100 total. The designated annual time frame under Amendment 2 remains as a Calendar Year January 1 through December 31.
2. Contractor has requested an increase in Base Rates in the Agreement due to the decision of the third-party facility that was processing the Residential Recyclables to cease accepting and processing those materials. Contractor requested an increase in the Base Rates of \$3.42 per Residential Unit per month to offset the increase in its costs for handling Residential Recyclable Materials. The City and Contractor have agreed to the following language to compensate Contractor for the increase in its costs:

The City has approved an increase to the current Base Rates (\$20.82) by \$3.42 per Residential Unit per month for the collection of Residential Waste and Recyclable Materials on the following conditions:

- (a) One-half, or \$1.71, of the Residential Unit per month increase shall take effect on the date Contractor begins transporting Residential Recyclable Materials it collects within the City to one of the Material Recovery Facilities (“MRF”) that Contractor owns. Contractor expects such transportation to its MRF to begin on or before October 1, 2021 so long as it has received all necessary local and state approvals for the transfer station Contractor will use in providing the Residential Unit recycling services. Contractor shall provide City written notice once such transportation of Recyclable Materials to Contractor’s own MRF has commenced. If Contractor fails to commence the transportation of Residential Recyclable Materials to one of its MRF

- facilities for processing by October 1, 2021, then City shall be released from the exclusivity provisions set forth in the Agreement as it pertains to the collection of Recyclable Materials and City shall be free to contract directly with another provider to provide Recyclable collection, transportation and processing services. In such event, City will have the right, but not the obligation, to allow Contractor to continue to collect, transport and dispose of such Recyclable Materials until such time as the City may contract directly with another provider. If the collection and processing of Recyclable Material ends, City shall be entitled to a reduction in the base residential rate of \$6.40 per month per household.
- (b) In the event transportation of the Recyclable Materials has commenced as set forth above, the remaining \$1.71 of the increase to Base Rates attributed to the transportation and processing of Recyclable Materials to Contractor's MRF shall be implemented effective October 1, 2022.
- (c) The increase set forth in Paragraph 2 of this Amendment does not supersede or supplant Contractor's entitlement to adjust its Base Rates in 2021 as prescribed in sections 9.01 and 9.02 of the Agreement.
4. A new section 5.03(e) is added to the Agreement as follows:
- Contractor agrees to provide City with reports on a monthly basis detailing the percentage of unacceptable Recyclable Material (contamination rate). Contractor shall tag any Customer recyclable containers that are contaminated instructing the Customer of acceptable materials. In the event the continued level of contamination in the Recyclable Materials has the effect of substantially increasing Contractor's cost, or if there is a change in law, or a substantial change in market conditions, Contractor has the right to submit documentation evidencing such and petition the City for consideration of those additional costs of handling and processing Recyclable Materials. Both parties agree to engage in good faith negotiations to resolve this issue within 90 days after the City receives written notice of the change in conditions. Contractor acknowledges any changes are subject to City Council approval. Nothing herein shall be construed to require or create an obligation on City to pay Contractor for the increased costs in the event the parties cannot reach a mutual agreement.
5. Nothing contained herein shall be deemed to amend or modify the Agreement, except as expressly set forth herein. In the event of a conflict between the terms of the Agreement and this Amendment No. 3, the terms of this Amendment No. 3 shall control.

EFFECTIVE AS OF THE date last signed below.

CITY:

Texarkana, Texas

CONTRACTOR:

Waste Management of Texas, Inc.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/22/2021 11:09 AM

Lead Department: Planning & Zoning Commission **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2020-133 rezoning a 5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433, located at 2800 West 15th Street. Multiple Family-1 to Planned Development-Neighborhood Service. Xiaoqing (Williams) Zhang, Texas Investments & Property, under contract to purchase. Bryan Henry, agent.

Subject: Henry, agent.

Briefing: 1/25/2021 **Public Hearing:** 1/25/2021 **Council Vote:** 1/25/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Z-20-24: This is a request by Xiaoqing Zhang, Texas Investments & Property, under contract to purchase, and Brian Henry, agent to rezone an approximate 5-acre tract of land being Tract 7D, M E P & P RWY Co. HRS, A-433, located at 2800 W. 15th Street from Multiple Family-1 to Planned Development Neighborhood Service This property was originally a governmental armory and has been vacant for many years. It should be noted that this property is in a flood plain. The proposed use is mixed uses such a flea market, retail and wholesale for new and used goods.

The adjacent zoning is Single Family-2 to the north, and Multiple Family-1 to the east, south and west. The adjacent land use is a residence to the north, residences and multi-family use to the west, and vacant wooded area to the south and east.

The Future Land use map designated this property as "High Density Residential".

If this request is approved, staff would suggest the following stipulations be placed in the Ordinance:

1. Monument style sign (6' x 8') be allowed. (No CEVMS)
2. Hours of operation to be 9:00 am to 5:00 pm.
3. Any outdoor lighting be shielded and directed away from residential uses in the area.

This property has been vacant for many years. West 15th is a heavily used thoroughfare similar to Milam Street in the Rosehill area. Staff recommends for approval of this request with stipulations.

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, flood plain, 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:

City of Texarkana, Texas

- 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 with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 7, 2020

Attachments

- a. 2020-133 ORD rezoning at 2800 W 15th Street (DOCX)
- b. 2020-133 EXH 'A' Legal Description (PDF)
- c. 2020-133 ATTH 01 Maps (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Department Head Review
Skipped	01/08/2021 10:52 AM	
City Council	Jennifer Evans	Meeting Completed 01/11/2021
6:00 PM		

Meeting History

01/11/21 City Council MOVED FORWARD Next: 01/25/21
 Mashell Daniel briefed this agenda item.

ORDINANCE NO. 2020-133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 5-ACRE TRACT OF LAND BEING TRACT 7D IN THE M E P & P RWY. CO. HRS, A-433, LOCATED AT 2800 WEST 15TH STREET IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM MULTIPLE FAMILY-1 TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE; 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 5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433 (EXH 'A') located at 2800 West 15th Street in the City of Texarkana, Bowie County, Texas, from **Multiple Family-1 to Planned Development-Neighborhood Service**; 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 Multiple Family-1 to Planned Development-Neighborhood Service on an approximate 5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433 (EXH 'A') located at 2800 West 15th 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 **Multiple Family-1 to Planned Development-Neighborhood Service** 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 5-acre tract of land being Tract 7D in the M E P & P Rwy. Co. HRS, A-433 (EXH 'A') located at 2800 West 15th Street in the City of Texarkana, Bowie County, Texas, from **Multiple Family-1 to Planned Development-Neighborhood Service**.

SECTION 2: That the following terms and conditions are imposed and made a part of this ordinance:

1. Monument style sign (6' x 8') be allowed. (No CEVMS)
2. Hours of operation to be 9:00 am to 5:00 pm.
3. Any outdoor lighting be shielded and directed away from residential uses in the area.

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: 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 **25th day of January, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2020-133 EXH 'A'

Z-220-24

EXHIBIT A**Legal Description****Tract No. A-100:**

A tract or parcel of land in the city of Texarkana, Bowie County, Texas, being a part of Lot "H" of Block 7 of the subdivision of a part of the M.E.P. and P.Ry. Survey, Abstract No. 433, and being more particularly described as:

Beginning at a point on the centerline of West 15th Street, said point being 104.00 feet East of the intersection of the centerline of West 15th and Victory Drive, said point being the Point of Beginning; thence continuing East along the centerline of West 15th Street 362.60 feet; thence S. 17° 27' W. 305.5 feet; thence South 438.64 feet, more or less, to a point on the centerline of West 13th Street extended; thence West along the extended centerline of West 13th Street, 280.0 feet, more or less, to a point, said point being the Southeast corner of a tract owned by the Texarkana Housing Authority; thence North 730.0 feet, more or less to the Point of Beginning. The area is designated as Tract No. A-100 – USAR Training Center Site, Texarkana, Texas, and contains 5.00 acres, more or less.

Tract No. A-101:

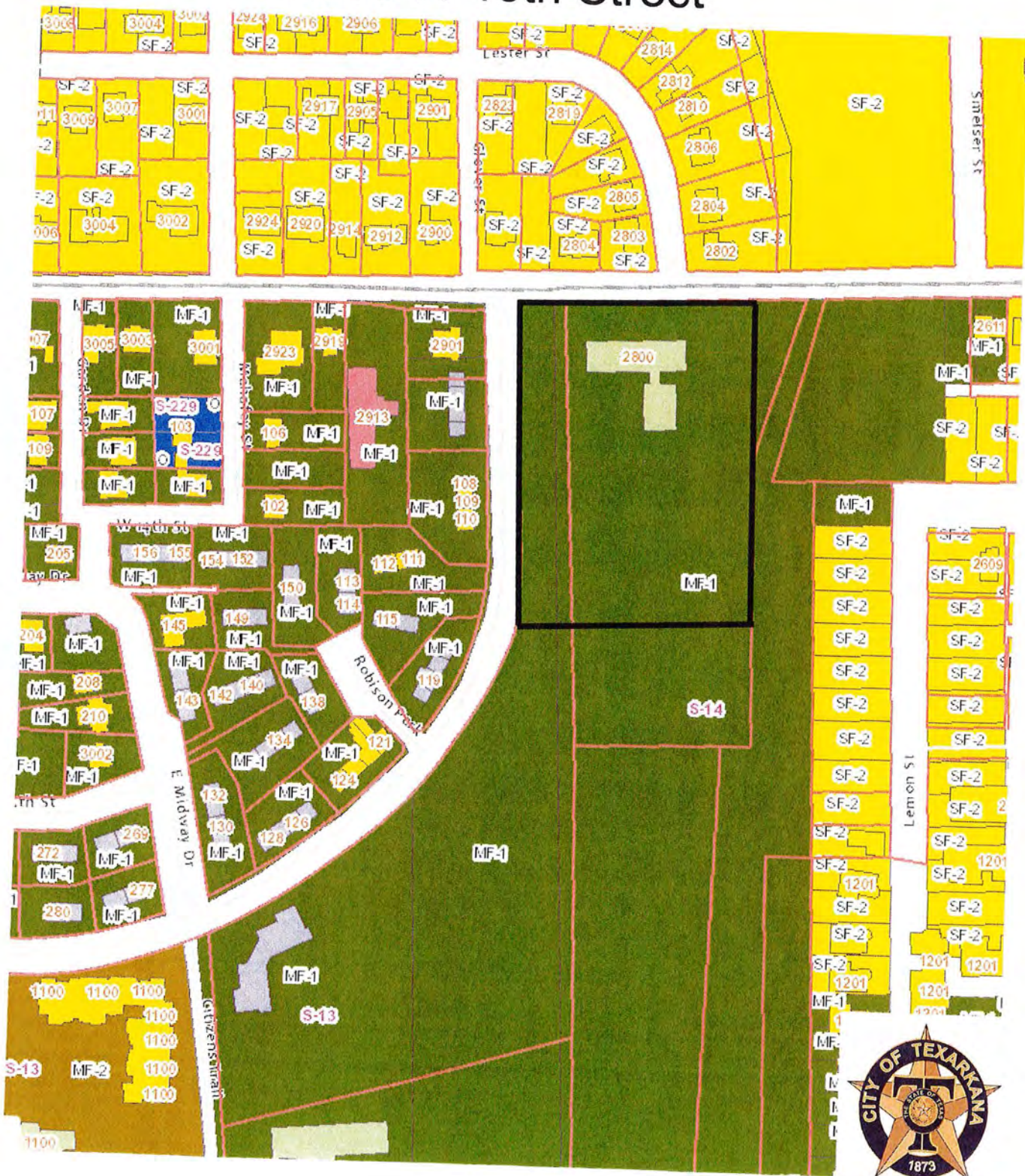
A tract or parcel of land in the city of Texarkana, Bowie County, Texas, being a part of Lot "H" of Block 7 of the subdivision of a part of the M.E.P. and P.Ry. Survey, Abstract No. 433, and being more particularly described as:

Beginning at the intersection of the centerlines of West 15th and Victory Drive; thence East 104.0 feet along the centerline of said West 15th Street; thence South 730.00 feet, more or less, to a point on the centerline of West 13th Street extended; thence 195.0 feet, more or less to a point on the centerline of said Victory Drive; thence in a northeasterly and northerly direction along centerline of Victory Drive to the Point of Beginning. The area is designated Tract No. A-101, USAR Training Center Site, Texarkana, Texas, and contains 2.00 acres, more or less.

2020-133 ATTH 01

Z-20-24

2800 W 15th Street

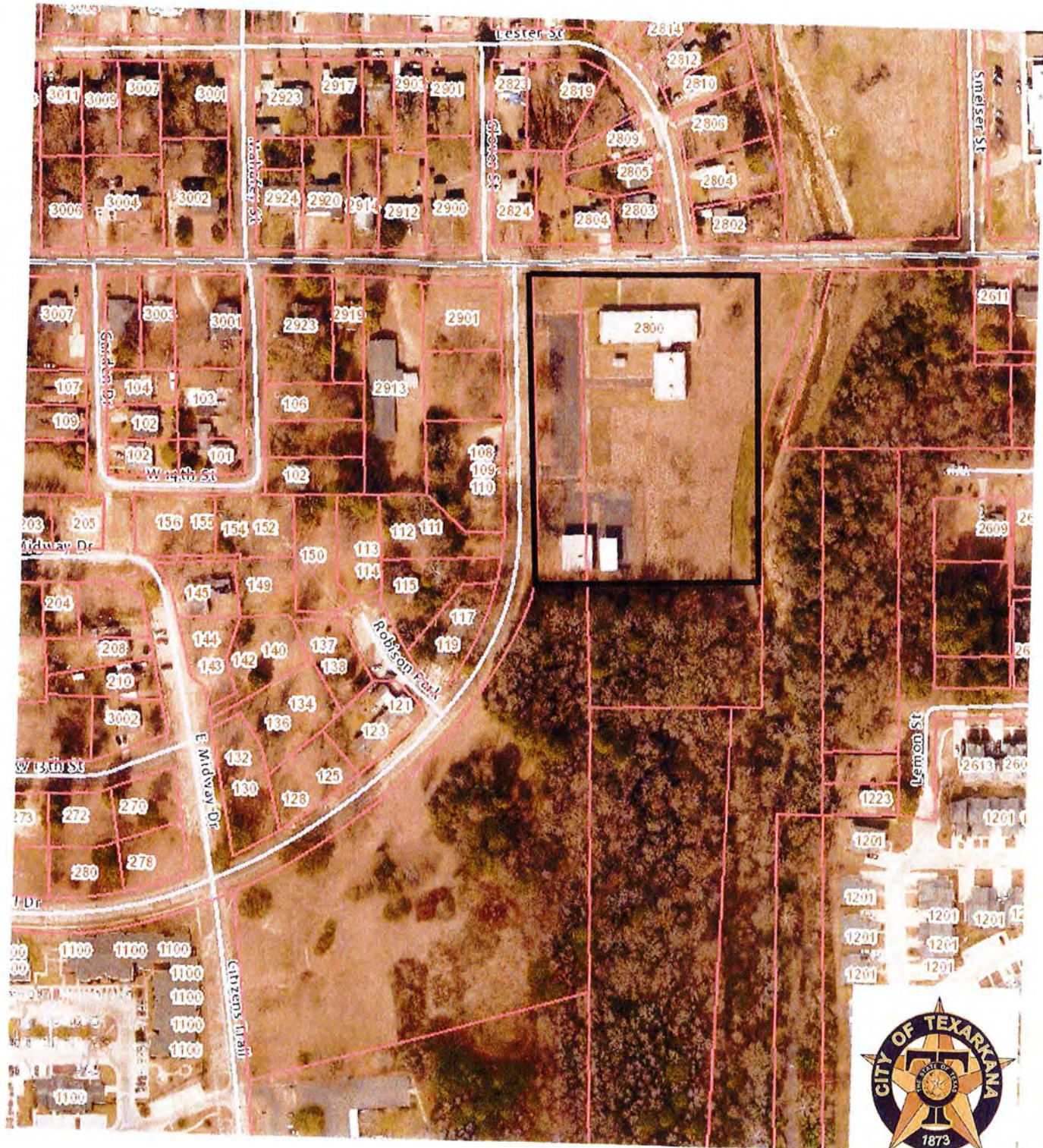


Attachment: 2020-133 ATTH 01 Maps (2427 : 2020-133 ORD rezoning 2800 W. 15th)

2020-133 ATTH 01

Z-20-24

2800 W 15th Street



Attachment: 2020-133 ATTH 01 Maps (2427 : 2020-133 ORD rezoning 2800 W. 15th)

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/22/2021 11:06 AM

Lead Department: Planning & Zoning Commission **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2021-001 rezoning Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5 South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and 2100 block of South Spruce Street. Agriculture to Single Family-3. Keith Wiley and Southark Properties, LLC, owners. (A 3/4 vote of the City Council is required to approve this request.)

Subject:

Briefing: 1/25/2021 **Public Hearing:** 1/25/2021 **Council Vote:** 1/25/2021

Item Schedule

Updates/History of Briefing:

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:

Z-20-26: This is a request by Keith Wiley, representing Southark Properties, LLC, owners, to rezone Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5, South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and the 2100 block of Spruce Street from Agriculture to Single Family-3. These properties are mostly vacant lots with two of the lots having homes on them. Single family housing is proposed for these lots.

The adjacent zoning is Agriculture to the north, south and west and the City of Texarkana Arkansas to the east. The adjacent land use is residential.

The Future Land use map designated this property as "Rural Residential".

The proposed use is the construction of small two-bedroom and three-bedroom single family homes on each lot. The lots in this area were platted with a 50' width. The reason for rezoning is that Single Family-3 zoning allows 50' wide lots. The construction of new single-family homes is a revitalization to this area located south of town. Therefore, staff recommends for approval of this request.

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

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

Potential Options:

- Approve or deny.
-

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 recommended for approval by a vote of five (5) to one (1).

Advisory Board/Committee Meeting Date and Minutes:

December 7, 2020

Attachments

- a. 2021-001 ORD rezoning 2000-2100 S State Line (DOCX)
- b. 2021-001 ATTH 01 Maps (PDF)
- c. 2021-001 ATTH 02 Letter of Opposition (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Department Head Review
Skipped	01/08/2021 10:51 AM	
City Council	Jennifer Evans	Meeting
6:00 PM	Completed	01/11/2021

Meeting History

01/11/21 City Council MOVED FORWARD Next: 01/25/21
 Mashell Daniel briefed this agenda item.

Z-20-26

ORDINANCE NO. 2021-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 4-6, BLOCK 4, LOTS 1-6 AND LOTS 9-12, BLOCK 5, SOUTH TEXARKANA ADDITION, LOCATED IN THE 2000-2100 BLOCK OF SOUTH STATE LINE AVENUE AND 2100 BLOCK OF SOUTH SPRUCE STREET IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM AGRICULTURE TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5, South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and 2100 block of South Spruce Street** in the City of Texarkana, Bowie County, Texas, from **Agriculture 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 after holding hearings and affording a full and fair hearing 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 four (4) to one (1) to recommend for approval of the application for rezoning from Agriculture to Single Family-3** 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 **Agriculture to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City;

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 4-6, Block 4, Lots 1-6 and Lots 9-12, Block 5, South Texarkana Addition, located in the 2000-2100 block of South State Line Avenue and 2100 block of South Spruce Street** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Single Family-3**.

Attachment: 2021-001 ORD rezoning 2000-2100 S State Line (2426 : 2021-001 ORD rezoning 2100 blk S.State Ln & S.Spruce)

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 **25th day of January, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

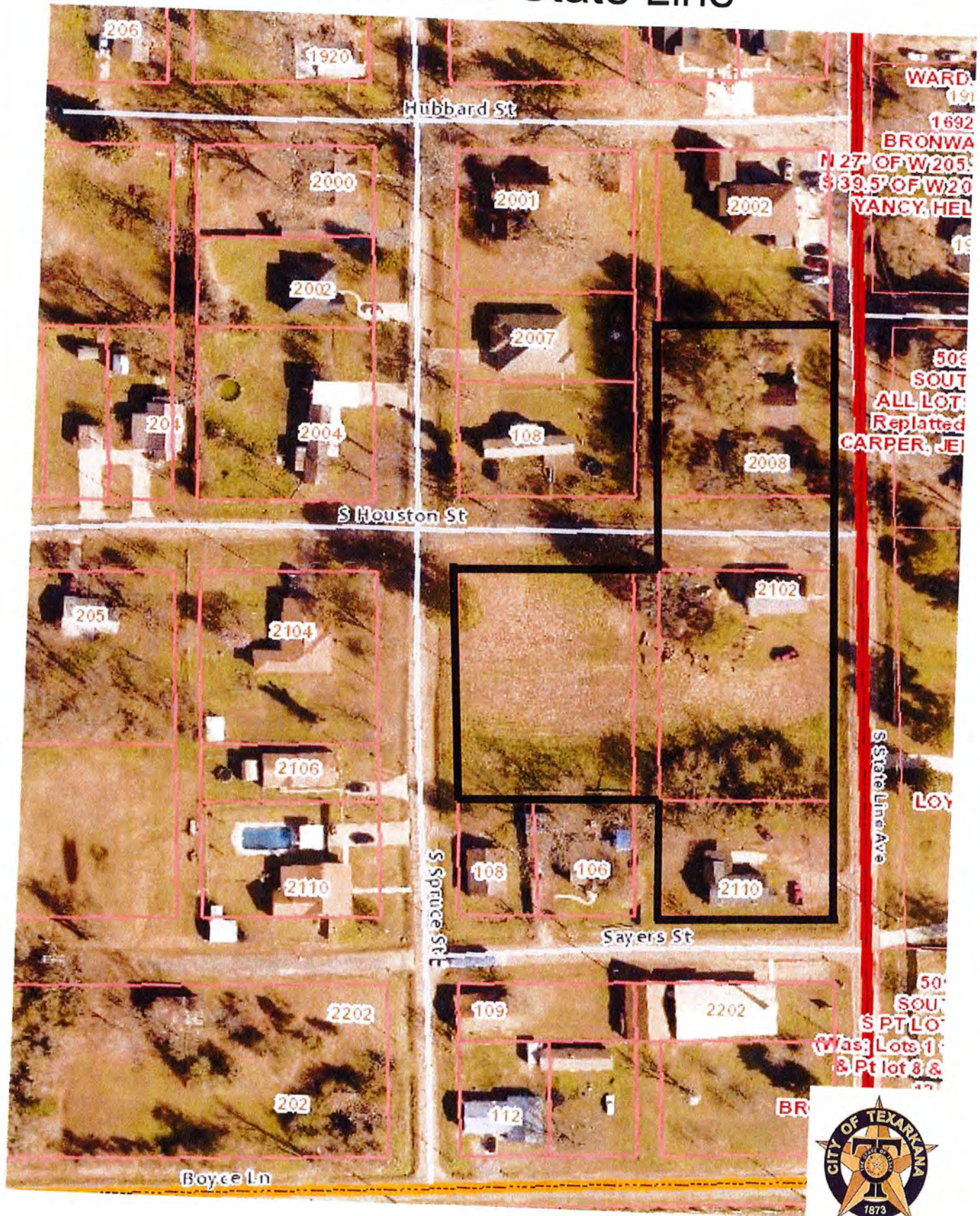
BOB BRUGGEMAN, MAYOR

2000-2100 S State Line



Attachment: 2021-001 ATTH 01 Maps (2426 : 2021-001 ORD rezoning 2100 blk S.State Ln & S.Spruce)

2000-2100 S State Line



Attachment: 2021-001 ATTH 01 Maps (2426 : 2021-001 ORD rezoning 2100 blk S.State Ln & S.Spruce)

NEIGHBORHOOD OPPOSITION TO REZONING

This shall serve as a petition in protest/opposition to rezoning as proposed in case number Z-20-26, affecting areas in the 2000 and 2100 block of South Stateline and the 2100 block of S. Spruce Street.

This area is a stable community comprised of lifelong residents, many of whom are elderly, retirees, disabled, and some working class families with small children. The neighborhood is quiet and peaceful and we would like it to stay that way. We, the undersigned neighbors and property owners in this area, vehemently object to rezoning for the following reasons:

We contend Mr. Wiley knew or should have known of the current zoning prior to purchase from Mr. Paddock, who tried to rezone the property for multi-family dwelling.

We contend that there are plenty of other options in the City already zoned for the use purpose Mr. Wiley desires, rather than spot zoning in our neighborhood.

We contend that the significant and intense jump from agriculture to SF-3 would bring high density growth, heavy traffic, noise, elimination of adjoining neighbors' privacy, and potential rise in crime, as opposed to a slower growth plan of nice SF-1 homes and plans of potential privacy fencing, maintained alley ways, widened roads. We contend this is just an end-run around the system to place as many structures and people on one block of property as possible, diminishing the value of land of other property owners, disrespecting the peace and dignity of the current neighbors. This magnitude of change will have the same or similar affect of multi-family housing.

We also contend Mr. Wiley is not currently maintaining the structures or land he currently owns in this neighborhood which would lead us to presume he is not going to be concerned with the future structures and their affects on the neighborhood.

The majority, if not all, neighbors, and 100 percent of the neighbors within 200 feet of this property, oppose the rezoning. No one relishes the idea of months of construction, increased traffic and noise, overcrowding of a very quiet neighborhood and especially not waking up to a possible trailer park in our front and back doors.

So as neighbors, property owners and voters in the City of Texarkana Texas, we urge you to decline a zoning change for this property.

Signatures in Opposition to the Rezoning as proposed:

Signature and Printed Name of resident/owner

Address

Tabbatha Kopech Tabbatha Kopech adjoining property
106 Sayers TXK TX

Jeff Jackson Jeff Jackson 106 Sayers TXK. TX

Paula Jackson Paula JACKSON 106 SAYER TX, TX.

~~with~~ Cody Power & Shanda Power 202 Boyce L. TX. 7

~~2007 S. Spruce TX TX~~

Rebecca B. Cook 2104 S. Spruce TX TX 21 yrs

Eddy Cook 2104 S Spruce 21 yrs

Cocina Hall 53 years

Charles E Hartman 204 Houston^{TX} 34 YEARS

Elaine Hartman 204 Houston Tex TX 34 years

Josh Davis 2004 S Spruce st, TX. 7 years

Courtney Davis 2004 S Spruce, TX 7 years

David Webb 2110 S Spruce Street Texarkana Tex.

Georgia Webb 2110 S Spruce Street Texarkana Tex. 3

David Webb 108 Sayers Street Texarkana Tex

David Webb 109 Sayers Street Texarkana Tex

Pastor Roosevelt Thompson FCH 2202 SOUTH STATE LINE TX

David Webb 2106 S Spruce Street Texarkana Tex

Attachment: 2021-001 ATTH 02 Letter of Opposition (2426 : 2021-001 ORD rezoning 2100 blk S. State Ln & S. Spruce)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/22/2021 11:16 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2021-004 amending Chapter 28 "Offenses and Miscellaneous
Provisions" of the Code of Ordinances by amending Article VI "Reserved" to
Subject: "Operation and Landing of Helicopters", and amending the Master Fee List for
Fiscal Year 2021 to establish a fee for temporary landing permits.

Briefing: 1/25/2021 **Public Hearing:** 1/25/2021 **Council Vote:** 1/25/2021

Item Schedule

Updates/History of Briefing:

The first briefing on this proposed ordinance occurred during the City Council's regular meeting held on January 11, 2021. Revisions discussed at that meeting have been made to the proposed ordinance: (a) The distance limiter for temporary touchdown areas in relation to a church, school, library, public road, or public park has been reduced from 1,000 feet to 500 feet; (b) a general prohibition on releasing items from an airborne helicopter has been deleted --- in the event that permission from the public or private landowner has not been obtained for such a release, other ordinances (such as the prohibition for litter) provide adequate enforcement authority. An additional section has been added to establish a temporary landing permit fee for the remainder of the current fiscal year.

Executive Summary and Background Information:

In December 2020, it was brought to the Mayor's attention that a helicopter had been landing at ground level about twice a week in the vicinity of an elementary school within the city limits when children were present on the school campus. The Mayor requested that the City Attorney research and submit for review to the Council an ordinance addressing public safety issues of helicopter ground landings.

After a review of certain ordinances of other Texas home-rule municipalities and certain FAA regulations, the City Attorney prepared the attached ordinance for the Council's review and consideration. Generally, unless an exception applies, if an area which is neither a heliport nor helistop is intended to be used as a helicopter landing area, this draft ordinance focuses City oversight on the safety of the public in the vicinity of that area and the helicopter's approach to that area by requiring the landowner of the intended "temporary touchdown area" to secure a "temporary landing permit" for the helicopter.

The exceptions fall within three general categories: (1) law enforcement and licensed air medical providers; (2) federal/state/local government authorization for helicopter landing

City of Texarkana, Texas

and take-off on grounds owned or operated by such governmental entities; and (3) use authorized by the City Council, Mayor, City Manager, Chief of Police, Fire Chief / Emergency Management Coordinator, or their respective designees.

Potential Options:

All options – adopting, revising, committing to further study, or declining adoption – are available to the Council

Fiscal Implications:

If the Council desires to adopt this ordinance, City staff recommends amending the Master Fee List to provide for a “temporary landing permit” fee of \$335 per permit for the remainder of the fiscal year. This fee is intended to cover clerical and plan review costs in addition to safety inspections of the intended temporary touchdown area.

Staff Recommendation:

Staff defers to the discretion of the City Council.

Advisory Board/Committee Review:

N/A

Board/Committee Recommendation:

N/A

Advisory Board/Committee Meeting Date and Minutes:

N/A

Attachments

- a. 2021-004 ORD Helicopters [revised 2] (DOCX)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	01/08/2021 10:52 AM		
Municipal Prosecutor	Jennifer Evans	Asst. City Attorney Review	Skipped
	01/08/2021 10:31 AM		
City Attorney	Jennifer Evans	City Attorney Review	Skipped 01/08/2021
	10:31 AM		
City Manager	Jennifer Evans	City Manager Review	Completed 01/08/2021
	10:52 AM		
City Council	Jennifer Evans	Meeting	Completed 01/11/2021
	6:00 PM		

Meeting History

City of Texarkana, Texas

01/11/21 City Council MOVED FORWARD Next: 01/25/21
Jeff Lewis briefed this agenda item.

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ORDINANCE NO. 2021 – 004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 28 “OFFENSES AND MISCELLANEOUS PROVISIONS” OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING ARTICLE VI “RESERVED” TO “OPERATION AND LANDING OF HELICOPTERS”; PROVIDING DEFINITIONS, RESTRICTIONS ON OPERATION AND EXCEPTIONS, REQUIREMENTS FOR TEMPORARY TOUCHDOWN AREAS AND CRITERIA FOR TEMPORARY LANDING PERMITS; AMENDING RESOLUTION NO. 2020-087 TO ESTABLISH A FEE FOR TEMPORARY LANDING PERMITS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, (“City”), a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City Charter for the City of Texarkana, Texas, possesses authority to adopt and implement necessary and reasonable ordinances in the best interest and safety of its citizenry; and

WHEREAS, the City Council determines that it is in the best interest of the citizens of the City to amend the Code of Ordinances by adopting provisions addressing the safe operation, landing, and take-off of helicopters within the City’s corporate limits.

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

SECTION 1: Article VI “Reserved” of Chapter 28, “Offenses and Miscellaneous Provisions”, of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

Article VI. – Operation and Landing of Helicopters.

Section 28-181. – Definitions.

For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them, except where the context clearly indicates a different meaning:

FAA. The Federal Aviation Administration of the United States government.

FAR. The Federal Aviation Regulations found in Title 14, Code of Federal Regulations.

Attachment: 2021-004 ORD Helicopters [revised 2] (2428 : 2021-004 ORD Helicopter Operations Chap 28)

Helicopter. Any rotorcraft that depends principally for its support and motion in the air upon the lift generated by one (1) or more power-driven rotors, rotating on a substantially vertical axis.

Heliport. A touchdown area used or intended to be used for the landing and taking off of helicopters, and accessory uses thereto, and any adjacent areas, buildings, or facilities used or intended to be used for heliport buildings and heliport facilities.

Helistop. A helistop shall be construed the same as a heliport except that no refueling, maintenance, repairs, or storage of helicopters is permitted. *Helistop* shall not include an area of land or water or a structural surface which is used exclusively or intended for exclusive use for the landing and take-off of aerial helicopter ambulances used in emergency situations.

Touchdown area. That area of ground surface, elevated platform, or roof of a building or parking garage which is used for landing and take-off of helicopters.

Section 28-182. – Restrictions on operation; exceptions.

- (a) It shall be unlawful to operate a helicopter within the corporate limits of the city unless each of the following criteria are met:
 - (1) Each and every helicopter must be registered with the FAA and have an existing (not revoked) airworthiness certificate issued by the FAA;
 - (2) Each and every person operating such helicopter must possess a current, valid pilot's license issued by the FAA;
 - (3) The operation and flight of the helicopter within the corporate limits of the city must comply with applicable FAR and Texas law; and
 - (4) The operation and flight of the helicopter must be to or from a heliport or helistop; provided, however, that the landing and take-off at temporary touchdown areas (i.e., sites other than heliports or helistops) may be authorized in advance by the landowner requesting and obtaining a written, temporary landing permit issued by the city manager or designee pursuant to section 28-183 of this article.
- (b) Exceptions: The provisions of subsection (a)(4) of this section shall not apply to any helicopter or pilot of a helicopter under the following circumstances:
 - (1) a helicopter used either by law enforcement agencies or licensed air medical providers; or

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- (2) a helicopter authorized by a federal, state, or local governmental entity for landing on and/or take-off from areas owned or controlled by such governmental entity;
- (3) a helicopter used by authority of the City Council, Mayor, City Manager, Chief of Police, Fire Chief / Emergency Management Coordinator, or their respective designees.

Section 28-183. – Temporary touchdown areas; temporary landing permits.

- (a) The owner of the land on which a temporary touchdown area is located shall be responsible for implementing and maintaining each of the following requirements of this subsection:
 - (1) The touchdown area shall be sufficiently fenced or otherwise restricted from public access during landing and take-off operations and at such other times as may be deemed reasonably appropriate for safety and security purposes.
 - (2) The touchdown area must be a minimum 75 ft by 75 ft. (150 sq. ft.) and have a visual means to determine wind direction (e.g., wind sock, weather vane, smoke stack, flags, etc.).
 - (3) The touchdown area must have at least one clear approach and departure path.
 - (4) The touchdown area must have additional lighting for night landings and takeoffs.
 - (5) The touchdown area shall not contain loose objects that may be blown up into the rotor system or engine intakes.
 - (6) The landing surface must be dry, firm, level, and able to support the weight of the aircraft.
 - (7) Passenger protection must be provided at all times when the helicopter is operated on the ground; passengers must never approach or depart the helicopter unless escorted by a crewmember or ground personnel trained in helicopter safety procedures.
 - (8) A high and low reconnaissance of the touchdown area must be performed prior to committing to a landing.
 - (9) A person on the ground responsible for safety of the touchdown area must be present for any landing and must be in radio contact with the helicopter pilot before and during the landing process.

- (10) The touchdown area complies with or exceeds the minimum standards required by the FAA and the FAR.
- (b) A temporary landing permit may be requested on a case-by-case basis only by the landowner of the property on which a temporary touchdown area is intended to be located. Such request shall be in writing directed to the city manager, must specify the desired effective date and time for the permit, and must provide documentation evidencing or otherwise satisfying each of the following criteria:
- (1) The temporary touchdown area complies with subsection 28-183(a) of this article [and the name and contact information of the person on the ground responsible for safety of the touchdown area, *see* subsection 28-183(a)(9), must be disclosed].
 - (2) Approach areas to and from the temporary touchdown area shall be reasonably clear of obstruction, and no obstruction should extend above an imaginary line outward from the temporary touchdown area at an angle of seven feet (7') to one foot (1') of height, that is, one foot (1') of height allowable for each seven feet (7') of distance from the landing area.
 - (3) There must be an undeveloped path of approach and takeoff from the temporary touchdown area to safely facilitate a forced landing in the event of a malfunction or other emergency.
 - (4) All approach and take-off paths must avoid congested areas, heavily populated urban areas, existing air traffic operations, and environmentally sensitive areas.
 - (5) The temporary touchdown area shall not be located within 500 feet of a church, school, library, public road, or public park; provided, however, that the city manager or designee may modify this criterion when the requesting landowner provides the city manager with written consent of any and all affected persons and entities.
 - (6) The airworthiness certificate for any helicopter that will be using the temporary touchdown area [*see* subsection 28-182(a)(1) of this article], and any accident and/or incident information involving such helicopter reported to the FAA within two (2) years from the date of the request.
 - (7) The pilot's license for any pilot that will be using the temporary touchdown area [*see* subsections 28-182(a)(1), (a)(2) of this article] and any accident and/or incident information involving such pilot reported to the FAA within two (2) years from the date of the request.
 - (8) A written agreement signed by the landowner, owner of the helicopter, pilot of the helicopter, and any passenger or passengers of the helicopter,

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agreeing to release, indemnify, and hold harmless the City of Texarkana, Texas, and its elected officials, officers, employees, agents, and representatives, against all claims of liability and causes of action resulting from injury or damage to property or person (including death) arising out of or in any way relating to the temporary landing area and/or the issuance of the requested temporary landing permit.

In addition to these criteria, the city manager or designee may specify, and the landowner shall submit, any additional information as may be required for administrative review of the request.

The city manager may designate one or more city departments to review the request.

The city manager shall have final authority to grant or deny a request for a temporary landing permit. The city manager may deny without prejudice to resubmission an incomplete or deficient request. The city manager may deny with prejudice to resubmission serial incomplete or deficient requests. Any request received by the city manager within sixty (60) days of the desired effective date may be deemed untimely and denied without review.

- (c) A fee shall be paid to the city for the issuance of a temporary landing permit under this article. This fee shall be for the purpose of defraying the cost of the issuance of permit, administrative costs, and costs of inspection. The permit fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or website.

Section 28-184. – Administrative Regulations.

The city manager may promulgate administrative regulations and forms for the administration of this article.

Section 28-185. – Disclaimer of liability.

The city in no event shall be liable for any injury or damage to property or person (including death) occasioned in any way in connection with the construction, establishment, maintenance, or operation of any touchdown area or in connection with the issuance of a temporary landing permit.

Section 28-186. – Penalty; injunctive relief.

- (a) Any person, firm, or corporation violating any of the provisions or terms of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

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- (b) Any person, firm, or corporation violating any of the provisions or terms of this article may be enjoined by a suit filed by the city in a court of competent jurisdiction, and this remedy shall be in addition to other penalty provisions.

Secs. 28-187—28-200. - Reserved.

SECTION 2: The City Council finds and determines that adopting the foregoing provisions addressing the safe operation, landing, and take-off of helicopters within the city is in the best interest of the citizens of the City for the protection of their health, welfare, and safety.

SECTION 3: Resolution No. 2020-087 (adopting the Fiscal Year 2021 Master Fee List) is amended for the limited purpose of establishing a fee for temporary landing permits, per the requirement of Section 28-183(c) of the Code of Ordinances created by this ordinance, in the amount of \$335 for the remainder of Fiscal Year 2021.

SECTION 4: 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 5: 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 6: 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 25th day of January, 2021.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR