



CITY OF TEXARKANA

CITY COUNCIL

AGENDA • FEBRUARY 24, 2014

Council Chambers

Regular Meeting

6:00 PM

**220 TEXAS BLVD.
TEXARKANA, TX 75501**

Mayor

Bob Bruggeman

Ward 1

Brad Casteel

Ward 3

Tina Veal-Gooch

Ward 5

Bill Miller

Ward 2

Willie Ray

Ward 4

Brian Matthews

Ward 6

Josh 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 BY COUNCILMEMBER**
- III. IMPORTANT DATES, APPOINTMENTS TO BOARDS AND COMMISSIONS, PRESENTATIONS, PUBLIC RECOGNITION**

Important Dates to remember

Council Meeting Dates:

- Monday, March 10, 2014 at 6:00 p.m.
- Monday, March 24, 2014 at 6:00 p.m.
- Monday, April 14, 2014 at 6:00 p.m.
- Monday, April 28, 2014 at 6:00 p.m.

Parks & Recreation Dates:

- February 27-28, 2014:
22nd Annual Fishing Derby at Spring Lake Park
- March 10 - 14, 2014:
Spring Break Mini-Camp at Southwest Center
- March 21 - 27, 2014:
Huggins Memorial Baseball Tournament at Spring Lake Park

Appointments to Boards & Commissions

KTB Presentations

KTB award presentations for home and business of the month

- IV. OPEN FORUM: COMMENTS FROM THE PUBLIC (LIMIT 5 MINUTES EACH)**
- V. ITEMS FOR CONSIDERATION**

Consent Items

1. Consider approval of the minutes of the Regular Meeting of the City Council held on February 10, 2014 at 6:00 PM.

2. Ordinance No. 2014-015 approving the assumption by Mary Lee Pops, heir of L. Lee Richardson, of that certain 2010 Community Block Grant (CDBG) HUD Program, Owner Occupied Housing Reconstruction Assistance Grant, Deferred-Forgivable Loan to L. Lee Richardson of 3311 Davis Street, Texarkana, Texas for home reconstruction and real property improvements and ratifying past actions.

Public Hearing: February 10, 2014

Second Briefing:

Council Vote: February 24, 2014

3. Resolution No. 2014-030 authorizing the development of the Texarkana Housing Authority Robison Terrace Development.

Public Hearing: February 24, 2014

Second Briefing: February 24, 2014

Council Vote: February 24, 2014

4. Resolution No. 2014-034 supporting the submission of an application to the 2014 Competitive Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) by the Housing Authority of the City of Texarkana, Texas as Robison Redevelopment, L.P. for the project known as "Robison Terrace" located at 1010 Dan Haskins Way.

Public Hearing:

Second Briefing:

Council Vote: February 24, 2014

5. Resolution No. 2014-032 approving the agreement between the state of Texas and the City of Texarkana, Texas, for the maintenance, control, supervision, and regulation of certain state highways and/or portions of state highways in the City of Texarkana, Texas, and providing for the execution of said agreement.

Public Hearing:

Second Briefing:

Council Vote: February 24, 2014

Action Items

6. Resolution No. 2014-031 Acknowledging the receipt of the 2013 Police Department Racial Profiling Report

Public Hearing:

Second Briefing:

Council Vote: February 24, 2014

7. Resolution No. 2014-035 in support of the submission of an application to the 2014 Competitive Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) by Palladium Texarkana, LTD for the project known as "Palladium Texarkana".

Public Hearing:

Second Briefing:

Council Vote: February 24, 2014

VI. FIRST BRIEFINGS

1. Consider Ordinance No. 2014-033 amending Section 3103.1.1 of the International Building Code as adopted in Chapter 5, Section 1.1 of the Code of Ordinances of the City of Texarkana, Texas pertaining to temporary structures.

Public Hearing: March 10, 2014

Second Briefing: March 24, 2014

Council Vote: April 14, 2014

VII. PUBLIC HEARINGS

1. Ordinance No. 2014-019 amending PD-14 for site plan approval to allow the location of an additional sign in Block 19, Ghio-Fish Boulevard Addition, located at 4220 Texas Boulevard. William Dudley, Jr., owner. Terrie Jarvis, agent. (Due to Planning and Zoning Commission denial, a 3/4 vote by the City Council will be required to approve this request)

Public Hearing: February 24, 2014
Second Briefing: March 10, 2014
Council Vote: March 24, 2014

2. Ordinance No. 2014-027 rezoning a 1.48 acre tract of land being part of the H.S. Janes HRS, A-306, located at 3723 South Lake Drive. Single Family-2 to Commercial. Carl Daily, owner. Landon Huffer, agent.

Public Hearing: February 24, 2014
Second Briefing: March 10, 2014
Council Vote: March 24, 2014

3. Ordinance No. 2014-028 rezoning Lots 114, 115, 116, 117, part of 118, 140, 141, 142, 143, west part of 144 and 170, Belmont Subdivision, located south of Arizona Avenue in the 900 block of North Bishop Road. Single Family-2 to Commercial. Carl Daily, owner. Landon Huffer, agent.

Public Hearing: February 24, 2014
Second Briefing: March 10, 2014
Council Vote: March 24, 2014

4. Ordinance No. 2014-029 granting a Specific Use Permit to allow the one additional use of a tattoo studio on a .31 acre tract of land being part of the Howard Ethridge HRS, A-182, located at 1414 New Boston Road. Sammie Strange, owner. Reggie Keith, agent.

Public Hearing: February 24, 2014
Second Briefing: March 10, 2014
Council Vote: March 24, 2014

VIII. SECOND BRIEFING WITH UPDATES

IX. SECOND BRIEFING WITHOUT UPDATES

1. Resolution No. 2014-016 authorizing such action as may be necessary for the Downtown Development Area to be designated as a United States Department of HUD Designated Local Revitalization Area.

Public Hearing: February 10, 2014
Second Briefing: February 24, 2014
Council Vote: March 10, 2014

X. ITEMS FOR DISCUSSION

Texarkana, Texas City Council Discussion Topics Schedule

Regulation of the sale of E-Cigarettes

XI. ADMINISTRATIVE COMMENTS

1. Council
2. Staff

XII. ADJOURNMENT

Jennifer Evans, City Secretary

This meeting is being conducted in accordance with the Texas Open Meetings Law (V.T.C.A. Government Code 551).

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).

Briefing Sheet

Version:
Update Date: 2/12/2014 5:14 PM

Lead Department: Public Works **Action Officer:** Shirley Jaster, Director of Community and Public Works

Subject: KTB award presentations for home and business of the month

Attachments

- a. Attachment for KTB Winners 2-24-14 December winners (PDF)

RESIDENCE OF

**Mary
Wadley**

**208 Wildwood
Drive**

BUSINESS

**Christus
St. Michael
Healthcare

2600 St. Michael Drive**



CITY OF TEXARKANA

CITY COUNCIL

REVISED SUMMARY • FEBRUARY 10, 2014

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	
Brad Casteel	Ward 1	Present	
Willie Ray	Ward 2	Present	
Tina Veal-Gooch	Ward 3	Present	
Brian Matthews	Ward 4	Present	
Bill Miller	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager John Whitson, Jennifer Evans, Charlie Bassett, Shirley Jaster, Eric Schlotter, Cody Harris, Pam Burns, Jeff Luckett, Craig Lindholm, Sherry Jackson, David Orr, Lisa Thompson and Jerry Sparks.

Legal Counsel: None

II. INVOCATION AND PLEDGE OF ALLEGIANCE BY COUNCILMEMBER BRIAN MATTHEWS

III. IMPORTANT DATES, MAYOR'S COMMENTS, APPOINTMENTS TO BOARDS AND COMMISSIONS, PRESENTATIONS

Important Dates to remember

City Council Meetings

Monday, February 24, 2014 at 6:00 p.m.
Monday, March 10, 2014 at 6:00 p.m.
Monday, March 24, 2014 at 6:00 p.m.
Monday, April 14, 2014 at 6:00 p.m.
Monday, April 28, 2014 at 6:00 p.m.

Mayor's Comments

Mayor Bruggeman commended Texarkana residents for recycling efforts in 2013. Recyclable items totaled 1,581 tons, averaging 294 lbs. per household. These efforts paid huge dividends for our city and freed up space in our local landfill. Mayor Bruggeman announced that the item on the agenda concerning the 23-acre tract of land on Richmond Road that borders Airline and

Amesdale Drive has been withdrawn. The developer no longer wishes to pursue this particular project.

Appointments to Boards & Commissions

None

Presentation on Texarkana Homeless Coalition - John Riley & Jennifer Laurent

Presentation on Interstate 49 - Curt Green

Power Point Presentation on Interstate 49 by Curt Green

Presentation on Interstate 69 - James Carlow

Power Point Presentation on Interstate 69 by James Carlow

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC (LIMIT 5 MINUTES EACH)

Megan De Luna of Pinnacle Housing addressed Council about tax credit housing development.

Charles McDaniel addressed Council about handicapped parking in downtown area.

V. ITEMS FOR CONSIDERATION

Consent Items

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Brian Matthews, Ward 4
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Miller, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on January 27, 2014 at 6:00 PM.

2. Item Pulled from Consent
3. Item Pulled from Consent
4. Ordinance No. 2014-011 granting a Specific Use Permit to allow the one additional use of a tattoo studio on Lot 112, Block 256, Midland Addition (Tract 256), located at 3201 New Boston Road. W.R. Bowling, applicant. Jessica Teran, agent.

Public Hearing: January 13, 2014
Second Briefing: January 27, 2014
Council Vote: February 10, 2014

5. Ordinance No. 2014-022 calling for a Regular City Election to be held on the second Saturday in May, 2014 for the purpose of electing a Mayor, a Councilmember for Ward One, a Councilmember for Ward Four, and a Councilmember for Ward Six.

Public Hearing:
Second Briefing:
Council Vote: February 10, 2014

6. Ordinance No. 2014-023 approving and authorizing the City Manager to enter into a joint election agreement with Pleasant Grove Independent School District for the election to be held on May 10, 2014.

Public Hearing:
Second Briefing:
Council Vote: February 10, 2014

7. Ordinance No. 2014-024 approving and authorizing the City Manager to enter into a joint election agreement with Red Lick Independent School District for the election to be held on May 10, 2014.

Public Hearing:
Second Briefing:
Council Vote: February 10, 2014

8. Item Pulled from Consent
9. Ordinance No. 2014-026 approving and authorizing the City Manager to enter into a joint election agreement with Liberty Eylau Independent School District for the election to be held on May 10, 2014.

Public Hearing:

Second Briefing:
Council Vote: February 10, 2014

Pulled From Consent

10. Resolution No. 2014-009 approving the addition to the TIRZ #1 Project list for the partial funding of improvements to property at St. Michael Drive and Richill Drive (private road) allowing use of part of the 2012 TIRZ Bond Fund in an amount not to exceed FOUR HUNDRED SIX THOUSAND AND NO/100 dollars (\$406,000) for drainage improvements.

Public Hearing: January 13, 2014
Second Briefing: January 27, 2014
Council Vote: February 10, 2014

Council Member Ray asked for this item to be pulled from consent for more discussion.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Bill Miller, Ward 5
SECONDER:	Tina Veal-Gooch, Ward 3
AYES:	Casteel, Veal-Gooch, Matthews, Miller, Davis
NAYS:	Ray
EXCUSED:	Bruggeman

11. RESOLUTION NO. 2014-010 approving the 2012 TIRZ #1 Bond Project List funding for the drainage improvements and the relocation of water, wastewater, and sewer for a Gibson Lane Project in an amount not to exceed TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000).

Public Hearing: January 13, 2014
Second Briefing: January 27, 2014
Council Vote: February 10, 2014

Council Member Ray asked for this item to be pulled from consent for more discussion.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Bill Miller, Ward 5
SECONDER:	Brian Matthews, Ward 4
AYES:	Casteel, Veal-Gooch, Matthews, Miller, Davis
NAYS:	Ray
EXCUSED:	Bruggeman

12. Ordinance No. 2014-025 approving and authorizing the City Manager to enter into a joint election agreement with Texarkana Independent School District for the election to be held on May 10, 2014.

Public Hearing:

Second Briefing:

Council Vote: February 10, 2014

Council Member Veal-Gooch asked that this item be pulled from consent for discussion. Council Member Veal-Gooch stated her reason for pulling this item is that Texarkana Independent School District is her employer.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Josh Davis, Ward 6
SECONDER:	Willie Ray, Ward 2
AYES:	Casteel, Ray, Matthews, Miller, Davis
ABSTAIN:	Veal-Gooch
EXCUSED:	Bruggeman

Action Items

None

VI. FIRST BRIEFINGS

- Ordinance No. 2014-015 approving the assumption by Mary Lee Pops, heir of L. Lee Richardson, of that certain 2010 Community Block Grant (CDBG) HUD Program, Owner Occupied Housing Reconstruction Assistance Grant, Deferred-Forgivable Loan to L. Lee Richardson of 3311 Davis Street, Texarkana, Texas for home reconstruction and real property improvements and ratifying past actions.

Public Hearing: February 10, 2014

Second Briefing:

Council Vote: February 24, 2014

Craig Lindholm briefed this item.

RESULT:	MOVED FORWARD
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Next: 2/24/2014 6:00 PM

2. Ordinance No. 2014-019 amending PD-14 for site plan approval to allow the location of an additional sign in Block 19, Ghio-Fish Boulevard Addition, located at 4220 Texas Boulevard. William Dudley, Jr., owner. Terrie Jarvis, agent. (Due to Planning and Zoning Commission denial, a 3/4 vote by the City Council will be required to approve this request)

Public Hearing: February 24, 2014
 Second Briefing: March 10, 2014
 Council Vote: March 24, 2014

Shirley Jaster briefed this item.

RESULT:	MOVED FORWARD
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Next: 2/24/2014 6:00 PM

3. Ordinance No. 2014-027 rezoning a 1.48 acre tract of land being part of the H.S. Janes HRS, A-306, located at 3723 South Lake Drive. Single Family-2 to Commercial. Carl Daily, owner. Landon Huffer, agent.

Public Hearing: February 24, 2014
 Second Briefing: March 10, 2014
 Council Vote: March 24, 2014

Landon Huffer with Schimming Company briefed this item.

RESULT:	MOVED FORWARD
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Next: 2/24/2014 6:00 PM

4. Ordinance No. 2014-028 rezoning Lots 114, 115, 116, 117, part of 118, 140, 141, 142, 143, west part of 144 and 170, Belmont Subdivision, located south of Arizona Avenue in the 900 block of North Bishop Road. Single Family-2 to Commercial. Carl Daily, owner. Landon Huffer, agent.

Public Hearing: February 24, 2014
 Second Briefing: March 10, 2014
 Council Vote: March 24, 2014

Landon Huffer with Schimming Company briefed this item.

RESULT:	MOVED FORWARD
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Next: 2/24/2014 6:00 PM

5. Ordinance No. 2014-029 granting a Specific Use Permit to allow the one additional use of a tattoo studio on a .31 acre tract of land being part of the Howard Ethridge HRS, A-182, located at 1414 New Boston Road. Sammie Strange, owner. Reggie Keith, agent.

Public Hearing: February 24, 2014

Second Briefing: March 10, 2014

Council Vote: March 24, 2014

Reggie Keith briefed this item.

RESULT:	MOVED FORWARD
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Next: 2/24/2014 6:00 PM

6. Resolution No. 2014-030 authorizing the development of the Texarkana Housing Authority Robison Terrace Development.

Public Hearing: February 24, 2014

Second Briefing: February 24, 2014

Council Vote: February 24, 2014

Craig Lindholm briefed this item.

RESULT:	MOVED FORWARD
----------------	----------------------

Next: 2/24/2014 6:00 PM

VII. PUBLIC HEARINGS

1. Resolution No. 2014-016 authorizing such action as may be necessary for the Downtown Development Area to be designated as a United States Department of HUD Designated Local Revitalization Area.

Public Hearing: February 10, 2014

Second Briefing: February 24, 2014

Council Vote: March 10, 2014

No comments were addressed to Council.

RESULT:	MOVED FORWARD
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Next: 2/24/2014 6:00 PM

VIII. SECOND BRIEFING WITH UPDATES

1. Ordinance No. 2014-018 rezoning an approximate 23 acre tract being a part of Lot 2, Richmond-Airline Subdivision, located at the southeast corner of Richmond Road and Airline Drive. Single Family-1 to Planned Development-Multiple Family-1 and Planned Development-General Retail. Amy Harrel, owner. Brandon Huffman, under contractor to purchase, and Dan Butler, agents.

Public Hearing: January 27, 2014
 Second Briefing: February 10, 2014
 Council Vote: February 24, 2014

RESULT:	WITHDRAWN
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IX. SECOND BRIEFING WITHOUT UPDATES

None

X. ITEMS FOR DISCUSSION

Texarkana, Texas City Council Discussion Topics Schedule

Enforcement of/or Demolition of Red Tagged/Burned Out Buildings

Council Member Miller led the council discussion. Councilmembers generally expressed concern about the city's inventory of burned-out and/or dilapidated structures. There appears to be two huge problems in that there are commercial type buildings and residential type structures. Clearly the cost to remove or upfit a large commercial type building will be significant. These many structures represent risks to the community's health, safety, and welfare. There is concern that someone will get hurt while trespassing on these properties. Councilmembers stated that they are prepared to stand behind the ordinance regardless of property ownership. Current enforcement procedures were discussed with the council. Council consensus is that staff is to work this situation extensively. City Manager Whitson reported that staff will finish some of the other previous discussion items and then will move onto this particular item.

XI. ADMINISTRATIVE COMMENTS

1. Council

Council Member Miller asked how the Texarkana Public Library has been impacted by the reduction of funding from City of Texarkana, Arkansas. Charlie Bassett replied that the Library Director said cutbacks have been made to books and materials, however, the library has received several donations from citizens.

Council Member Veal-Gooch requested that the regulation of the sale of e-cigarettes be added to this Council discussion schedule. City Manager Whitson replied that this has been added to the discussion schedule at the request of Council Member Davis.

Council Member Matthews requested staff to prepare a future presentation and simple explanation of the Tax Increment Reinvestment Zone.

Council Member Casteel asked for an update on the traffic situation with Sunset Baptist Church located on Capp Street.

2. Staff

None

XII. CLOSED SESSION

Texas Gov't Code Sec. 551.074 Discuss / deliberate annual performance evaluation of City Manager

XIII. ADJOURNMENT

XIV. Motion to Adjourn

A motion was made to adjourn the meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Brian Matthews, Ward 4
AYES:	Casteel, Ray, Veal-Gooch, Matthews, Miller, Davis
EXCUSED:	Bruggeman

XV. MINUTES SIGNED BY,

Bob Bruggeman, Mayor

Jennifer Evans, City Secretary

Minutes Acceptance: Minutes of Feb 10, 2014 6:00 PM (Consent Items)

City of Texarkana, Texas

Version: B

Update Date: 2/19/2014 9:34 AM

Briefing Sheet

Lead Department: Community Redevelopment and Grants **Action Officer:** Heather Ochoa, Housing Specialist

Subject: Ordinance No. 2014-015 approving the assumption by Mary Lee Pops, heir of L. Lee Richardson, of that certain 2010 Community Block Grant (CDBG) HUD Program, Owner Occupied Housing Reconstruction Assistance Grant, Deferred-Forgivable Loan to L. Lee Richardson of 3311 Davis Street, Texarkana, Texas for home reconstruction and real property improvements and ratifying past actions.

Briefing: 2/24/2014 **Public Hearing:** 2/10/2014 **Second Briefing:** 2/24/2014 **Council Vote:** 2/24/2014

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Requesting approval for a U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) Owner-Occupied Housing Assistance Program Deferred-Forgivable Loan originally approved through Ordinance 094-2011 to L. Lee Richardson of 3311 Davis Street, Texarkana, Texas. Ms. Richardson is now deceased and heir, Mary Lee Pops, has applied and qualified to assume said Deferred-Forgivable Loan in an amount not to exceed \$83,844.22.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Recommended for approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

City of Texarkana, Texas

Attachments

- a. Goals and Perspectives (PDF)
- b. 2014-015 Pops-3311 Davis St. (DOC)

Staff Coordination

Community Redevelopment and Grants	Craig Lindholm	Department Head Review
Completed	01/30/2014 4:44 PM	
City Manager Pam Burns	City Manager Review Completed	01/30/2014 4:52 PM
City Council Jennifer Evans	Meeting Completed	02/26/2014 8:23 AM

Meeting History

02/10/14 City Council MOVED FORWARD Next: 02/24/14
 Craig Lindholm briefed this item.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

ORDINANCE NO. 2014-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE ASSUMPTION BY MARY LEE POPS, HEIR OF L. LEE RICHARDSON, OF THAT CERTAIN 2010 COMMUNITY BLOCK GRANT (CDBG) HUD PROGRAM, OWNER OCCUPIED HOUSING RECONSTRUCTION ASSISTANCE GRANT, DEFERRED-FORGIVABLE LOAN TO L. LEE RICHARDSON OF 3311 DAVIS STREET, TEXARKANA, TEXAS FOR HOME RECONSTRUCTION AND REAL PROPERTY IMPROVEMENTS; RATIFYING PAST ACTIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on June 27, 2011 the City Council of the City of Texarkana, Texas approved that certain 2010 Community Block Grant (CDBG) HUD Program, Owner Occupied Housing Reconstruction Assistance Grant, Deferred-Forgivable Loan to L. Lee Richardson of 3311 Davis Street, Texarkana, Texas for the reconstruction of the real property improvements at 3311 Davis Street; and

WHEREAS, Ordinance No. 094-2011 approved the Owner Occupied Housing Reconstruction Assistance Grant, Deferred-Forgivable Loan to L. Lee Richardson in an amount not to exceed \$80,000.00 with the actual construction cost for the property being \$89,833.10 and the current balance owed on the property is \$83,844.22; and

WHEREAS, on July 27, 2013 L. Lee Richardson died and Mary Lee Pops, heir of L. Lee Richardson, has applied for the Owner Occupied Housing Reconstruction Assistance Grant with the City of Texarkana, Texas qualifying under the terms of the Community Block Grant HUD Program to assume the Deferred-Forgivable Loan granted to L. Lee Richardson, with a current balance of \$83,844.22; and

WHEREAS, City Staff has recommended that Mary Lee Pops be allowed to assume the Deferred-Forgivable Loan, and fulfill and be bound by the terms and obligations therein.

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

SECTION 1: That the City Council does hereby authorize and approve the assumption of that certain 2010 Community Block Grant (CDBG) HUD Program, Owner Occupied Housing Reconstruction Assistance Grant, Deferred-Forgivable Loan originally granted to L. Lee Richardson by Ordinance No. 094-2011 to the heir of L. Lee Richardson, Mary Lee Pops, with a remaining balance of \$83,844.22; binding her by all terms and conditions set forth in the Deferred-Forgivable Loan being assumed, and the Assumption Agreement.

SECTION 2: That the City Council does hereby ratify and approve all past actions taken relating to the reconstruction of the property located at 3311 Davis Street, Texarkana, Texas, including the increase of the approved amount for the reconstruction from \$80,000.00, as set forth in Ordinance No. 094-2011, to the final sum expended for the reconstruction in the amount of \$89,833.10. The current balance being assumed by Mary Lee Pops is \$83,844.22.

SECTION 3: That the City Manager be and is hereby authorized to execute such documents as may be necessary to complete the award of the assumption of said Deferred-Forgivable Loan to Mary Lee Pops in accordance with program guidelines.

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

SECTION 6: 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 24th day of February, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Version: D

Update Date: 2/18/2014 1:16 PM

Briefing Sheet

Lead Department:	<u>Community Redevelopment and Grants</u>	Action Officer:	<u>Craig Lindholm, Executive Director of CRG</u>
Subject:	<u>Resolution No. 2014-030 authorizing the development of the Texarkana Housing Authority Robison Terrace Development.</u>		
Briefing:	<u>2/24/2014</u>	Public Hearing:	<u>2/24/2014</u>
		Second Briefing:	<u>February 24, 2014</u>
		Council Vote:	<u>2/24/2014</u>

Item Schedule

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

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

Resolution required for support development of Housing Authority Robison Terrace Development. TDHCA requires municipality acknowledge that twice state average of affordable housing exists in community and approve the development of additional affordable housing.

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Recommend Approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. Goals and Perspectives (DOCX)
- b. Goals & Perspectives Res 2014 -30 2x Robison Terrace Development (DOCX)
- c. Resolution 2014 - 30 Twice the State Average Per Captia Robison Terrace Development (DOC)

City of Texarkana, Texas

Staff Coordination

Community Redevelopment and Grants	Craig Lindholm	Department Head Review
Completed	01/31/2014 2:21 PM	
City Manager	Jennifer Evans	City Manager Review Skipped
8:29 PM		02/10/2014
City Council	Jennifer Evans	Meeting
8:23 AM		Completed
		02/26/2014

Meeting History

02/10/14 City Council MOVED FORWARD Next: 02/24/14
 Craig Lindholm briefed this item.

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:

(Insert Text Here/or say "NONE")

Resource Impact:Staff time required if item is approved: [Select One By Clicking Here](#)**Other Potential Impacts:**

List or say "NONE APPLICABLE"

Public Information Plan:

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

Other:

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:

Support for the development of Robison Terrace Texarkana Housing Authority Development

Resource Impact:

Staff time required if item is approved: Medium

Other Potential Impacts:

None

Public Information Plan:

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

Other:

RESOLUTION NO. 2014 – 030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE DEVELOPMENT OF THE TEXARKANA HOUSING AUTHORITY ROBISON TERRACE DEVELOPMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Housing Authority of Texarkana, Texas has proposed a development for affordable rental housing at 1010 Dan Haskins Way named Robison Terrace in the Texarkana, Texas; and

WHEREAS, Whereas, the housing Authority of Texarkana, Texas has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 Housing Tax Credits or Private Activity Bonds for **Robison Terrace**; and

WHEREAS, the City of Texarkana, Texas acknowledges the need for additional affordable housing.

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

SECTION 1: That as provided for in 10 Texas Administrative Code §11.3(b), it is expressly acknowledged and confirmed that that the City of Texarkana, Texas has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds.

SECTION 2: That the City of Texarkana, Texas hereby supports the proposed Robison Terrace, and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(A)(4), and

SECTION 3: That for and on behalf of the Governing Body, Texarkana Texas City Manager is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

SECTION 4: 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 24th day of February, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Version: F

Update Date: 2/25/2014 1:20 PM

Briefing Sheet

Lead Department: Community Redevelopment and Grants **Action Officer:** Craig Lindholm, Executive Director of CRG

Subject: Resolution No. 2014-034 supporting the submission of an application to the 2014 Competitive Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) by the Housing Authority of the City of Texarkana, Texas as Robison Redevelopment, L.P. for the project known as "Robison Terrace" located at 1010 Dan Haskins Way.

Briefing: 2/24/2014 **Public Hearing:** **Second Briefing:** **Council Vote:** 2/24/2014

Item Schedule

Updates/History of Briefing:

Council has been briefed on this project by the Developer and staff.

Executive Summary and Background Information:

Resolution 2014 – 034 authorizes support for the submission of the HTC application for Robison Terrace Development by the Housing Authority of Texarkana, Texas. Council has been briefed on this project by the Developer and staff. If funded the project will involve the development of 130 unit senior housing development at 1010 Dan Haskins Way, and the demolition of the existing Robison Towers.

Potential Options:

- None

Fiscal Implications:

Commitment of \$711,000 in the form of a 15 year interest bearing loan and in-kind contribution.

Staff Recommendation:

Recommend Approval

Advisory Board/Committee Review:

Not applicable

Board/Committee Recommendation:

Not applicable

Advisory Board/Committee Meeting Date and Minutes:

City of Texarkana, Texas

Not applicable

Attachments

- a. Goals and Perspectives (DOCX)
- b. Resolution 2014 - 034 Robison Terrace Support (DOC)
- c. Robison Terrace Support goals and Perspectives (DOCX)
- d. TDHCA HTC Application Log 02.17.2014 (PDF)

Staff Coordination

Community Redevelopment and Grants Completed	Craig Lindholm 02/17/2014 8:27 AM	Department Head Review	
Public Information Officer 02/17/2014 8:46 AM	Lisa Thompson	PIO Review	Completed
Finance 12:42 PM	Jennifer Evans	Review	Skipped 02/18/2014
City Manager 12:42 PM	Jennifer Evans	City Manager Review	Skipped 02/18/2014
City Council 7:45 PM	Jennifer Evans	Meeting	Completed 02/24/2014

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

None

Resource Impact:
 Staff time required if item is approved: [Select One By Clicking Here](#)
Other Potential Impacts:

Financial Impact in the form of a repayable loan and in-kind contribution estimated at \$711,000.

Public Information Plan:

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

Other:

RESOLUTION NO. 2014 - 034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, IN SUPPORT OF THE SUBMISSION OF AN APPLICATION TO THE 2014 COMPETITIVE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY THE HOUSING AUTHORITY OF THE CITY OF TEXARKANA, TEXAS AS ROBISON REDEVELOPMENT, L.P. FOR THE PROJECT KNOWN AS “ROBISON TERRACE” LOCATED AT 1010 DAN HASKINS WAY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana has adopted the Goals and Objectives for its 2013-2017 Consolidated Plan for Community Planning and Development following public hearings and the receipt of comments on housing and community development needs and funding requests within the City; and

WHEREAS, the primary objective of the Community Planning and Development Program is to develop a viable urban community, including decent, safe, affordable housing and a suitable living environment, and to expand economic opportunities for persons of low- and moderate income; and

WHEREAS, one of the objectives of the proposed 2013 - 2017 Consolidated Plan is to increase the availability, financial accessibility, and support for safe, decent, and affordable housing to enhance the quality of life for citizens; and

WHEREAS, one of the objectives of the 2013 - 2017 Consolidated Plan is to increase the availability, financial accessibility, and support for affordable and subsidized rental units; and

WHEREAS, one of the objectives of the Rose Hill Redevelopment Plan adopted by Council Consolidated Plan is to increase the availability of affordable rental housing in the designated Rose Hill Redevelopment area; and

WHEREAS, the Housing Authority of Texarkana, Texas as Robison Redevelopment, L.P. has advised that it intends to submit an application to the TDHCA for 2014 9% Competitive Housing Tax Credits for the Robison; and

WHEREAS, consistent with said objectives, and other goals and strategies eligible under applicable Federal regulations, the City of Texarkana has previously supported Federal assistance to encourage construction of qualified HTC housing development projects; and

WHEREAS, the City of Texarkana has determined that the application for Robison Terrace being submitted to the TDHCA by Housing Authority of Texarkana, Texas as Robison Redevelopment, L.P. qualifies as the development contributing most significantly to the concerted revitalization efforts of the Rose Hill Neighborhood and the City of Texarkana.

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

SECTION 1: That the City supports Application Number 14183 by Housing Authority of Texarkana, Texas as Robison Redevelopment, L.P. for HTCs as administered by the TDHCA to develop Robison Terrace to be located at 10110 Dan Haskins Way to meet the needs for affordable multifamily rental housing for citizens of modest means in Texarkana, Texas.

SECTION 2: That the support stated herein will enable the City to carry on appropriate community development activities directed toward meeting the specified objectives of the Consolidated Plan, Rose Hill Neighborhood Revitalization Plan and other potentially applicable adopted City Plans.

SECTION 3: That the City of Texarkana will commit to provide up to \$5,475 per unit, for up to 130 units, in loans and in-kind contributions for the development of Robison Terrace (estimated at \$711,000), which may be in the form of repayable loans, fee waivers, regulatory offsets and/or alternative designs, other in-kind contributions, and/or over sizing of utilities if deemed beneficial to the City for future development. Specific in-kind contributions will be determined by August 1, 2014.

SECTION 4: That the development contribution being committed was not first provided to the City of Texarkana by the Applicant, the Developer, Consultant, Related Party, or any individual, or entity acting on behalf of the proposed application.

SECTION 5: That the City authorizes Housing Authority of Texarkana, Texas as Robison Redevelopment, L.P. to apply for TDHCA State allocated HOME Program funds.

SECTION 6: That the governing body of the City of Texarkana hereby identifies the Robison Terrace as the development in the 2014 tax credit applicant pool that contributes most significantly to the concerted revitalization efforts of the Rose Hill Neighborhood and the City of Texarkana.

SECTION 7: That for and on behalf of the City Council, the City Secretary will certify this resolution to the TDHCA.

SECTION 8: 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 24th day of February, 2014.

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:

None

Resource Impact:

Staff time required if item is approved: Medium

Other Potential Impacts:

Financial Impact in the form of a repayable loan and in-kind contribution estimated at \$711,000.

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 Department of Housing and Community Affairs

2014 Competitive (9%) Housing Tax Credit ("HTC") Program

Pre-Application Submission Log

The Pre-Application log is organized by region and subregion, except for the At-Risk and USDA Set-Asides. Applicants selecting the At-Risk/USDA Set-Asides are listed first and are organized by score rather than by region. Where scores indicate a tie between more than one application in a subregion or set-aside, no representation is made regarding how the applications would be ranked after applying the tie breaker factors in the Qualified Allocation Plan. The Department plans to post the complete version of each pre-application shortly. The following data was compiled using information submitted by each applicant. This data has not yet been reviewed or verified by the Department and errors may be present. Those reviewing the log are advised to use caution in reaching any definitive conclusions based on this information alone. Applicants are encouraged to review 10 TAC §§11.1(b) and 10.2(b) concerning Due Diligence and Applicant Responsibility. A more complete log will be posted subsequent to completion of staff pre-application reviews. Applicants that identify an error in the log should contact Jean Latsha at jean.latsha@tdhca.state.tx.us as soon as possible.

February 13, 2014 Version

Application Number	Development Name	Development Address	City	ZIP Code	County	Region	Urban/Rural	At-Risk	USDA	Nonprofit
At-Risk Set-Aside										
14277	Pecan Tree Square Apartments	101 Pecan Street	Grandview	76050 Johnson		3	Rural		X	
14005	Timbercreek Village Apartments	1465 West 6th	Rusk	75785 Cherokee		4	Rural		X	
14278	Edgewood Estates Apartments	503 Crooked Creek Road	Edgewood	75117 Van Zandt		4	Rural		X	
14127	Haymon Krupp	10200 Hedgerow Ct	El Paso	79925 El Paso		13	Urban	X		X
14276	Meadowbrook Square Apartments	108 Godley Avenue	Godley	76044 Johnson		3	Rural		X	
14279	Junction Senior Apartments	111 NW Main	Junction	76849 Kimble		12	Rural		X	
14089	Ana Lozano Apartments	6500 Springfield Avenue	Laredo	78041 Webb		11	Urban	X		X
14195	Davis Street Housing	620 NE Davis St	Fabens	79838 El Paso		13	Rural	X	X	
14024	Creeside Village	1501 S Bolton St	Jacksonville	75766 Cherokee		4	Rural		X	
14025	Heritage Place	1220 Heritage Dr	Jacksonville	75766 Cherokee		4	Rural		X	
14090	Stone Oaks Apartments	Intersection of E Calton Rd & Foster Ave	Laredo	78041 Webb		11	Urban	X		X
14129	Westfall Baines	10661 & 10700 Vista Del Sol	El Paso	79925 El Paso		13	Urban	X		X

14023	Heritage Square	1308 Jacksonville Square Dr	Jacksonville	75766 Cherokee	4	Rural	X	X	
14020	The Village at Main	417 E Main Street	Bullard	75757 Smith	4	Rural		X	
14046	Timber Ridge Apartments	427 Martin	Chandler	75758 Henderson	4	Rural		X	
14022	The Oaks of Westview	1201 West College	Canton	75103 Van Zandt	4	Rural	X	X	
14175	Liberty Square and Liberty Village	See Attached	Groesbeck	76642 Limestone	8	Rural	X	X	
14237	The Whispering Tree Apartments	FM 186A & Pecan Drive	Carrizo Springs, Texas	78834 Dimmit	11	Rural	X	X	X
14072	PK Rosewood Apartments LP	1870 E. King David Drive	Three Rivers	78071 Live Oak	10	Rural	X	X	
14021	Fairview Apartments	160 Gibson Rd	Athens	75751 Henderson	4	Rural	X	X	
14004	Northwest Apartments	1623 E Northwest Blvd.	Georgetown	78628 Williamson	7	Urban		X	
14100	SavannahPark of ALK	1208 3rd St.	Abernathy	79311 Lubbock	1	Rural	X	X	
		121 5th St.	Lexington	78947 Lee	7				
		905 S. Panna Maria Ave.	Karnes City	78118 Karnes	9				
14213	Bellfort Park Apartments	4135 West Bellfort Avenue	Houston	77025 Harris	6	Urban	X		
14095	Sabine Place Apartments	1215 Terminal Rd.	Fort Worth	76106 Tarrant	3	Urban	X		
14130	Tays	2114 Magoffin Ave	El Paso	79901 El Paso	13	Urban	X		X
14131	Ambrosio Guillen	E 9th Ave and S Campbell St	El Paso	79901 El Paso	13	Urban	X		X
14003	Whitestone Apts & Tamaric Apts	601 Doris Lane/1507 Cedar Park Road	Cedar Park	78613 Williamson	7	Urban		X	
14258	Gateway Apartments	313 Gateway Street	Azle	76020 Tarrant	3	Urban		X	
14101	Red River Apartments	522 1st St. NE	Detroit	75436 Red River	4	Rural	X	X	
		2704 W. Main St.	Clarksville	75426					
14181	Trails of Mockingbird Ln	302 N Mockingbird Ln	Abilene	79603 Taylor	2	Urban	X		
14066	Lexington Manor Apartments	3126 Ray Ellison	Corpus Christi	78415 Nueces	10	Urban	X		X
14191	Wheatley Courts	906 North Mittman Street	San Antonio	78202 Bexar	9	Urban	X		X
14247	The Trails at Fort Creek	2989 E. 51st Street	Austin	78723 Travis	7	Urban	X		X
14000	Trinity Oaks Apartments	600 Woodlawn Ave	Sulphur Springs	75482 Hopkins	4	Rural	X	X	
14001	Pine Terrace Apartments	1612 Amy Drive	Mount Pleasant	75455 Titus	4	Rural	X	X	
14060	New Haven Apartments	714 Jonathan Street	Athens	75751 Henderson	4	Rural	X		
14183	Robison Terrace	1010 Dan Haskins Way	Texarkana	75501 Bowie	4	Urban	X		
14197	Good Samaritan Towers	7750 Lilac Drive	El Paso	79915 El Paso	13	Urban	X		
14012	Wynnewood Seniors Housing II	Approx 1805 S Zang Boulevard	Dallas	75224 Dallas	3	Urban	X		X
14176	Moss Rose Apartments	1202 East Avenue E	Killeen	76541 Bell	8	Urban	X		
14236	Westwind Village II Apartments	1702 1/2 N 17th Street	Carrizo Springs, Texas	78834 Dimmit	11	Rural	X		X
14034	Eastwood Terrace Apartments	3001 EJ Campbell Blvd.	Nacogdoches	75961 Nacogdoches	5	Rural	X		
Estimated At-Risk Available to Allocate		\$8,990,425							
USDA Set-Aside		\$2,996,808							

Region 4 / Urban									
14136	Residences on Old Jacksonville	17968 FM 2493	Tyler	75703 Smith	4	Urban			
14219	Palladium Texarkana	West of Cascades Blvd.	Texarkana	75503 Bowie	4	Urban			
14234	Stonewood Arts	NWQ Moores Ln and Richmond Rd	Texarkana	75503 Bowie	4	Urban			
14235	Acadia Arts	NWQ Myers St and Spring Hill Rd	Longview	75605 Gregg	4	Urban			
14269	Abbingtion Glen of Nash	Approx 800ft E of E New Boston Rd & N Kings Hwy	Nash	75569 Bowie	4	Urban			

14218	Palladium Longview	3807 Bill Owens Pkwy	Longview	75605 Gregg	4	Urban
14053	Longview Square	1600 Pine Tree	Longview	75604 Gregg	4	Urban
14096	Southside Residences	15600 FM 2493	Tyler	75703 Smith	4	Urban
Estimated Amount Available to Allocate		\$1,071,321				

City of Texarkana, Texas

Version: A

Update Date: 2/18/2014 8:35 AM

Briefing Sheet

Lead Department: City Engineer **Action Officer:** Kyle Dooley
Resolution No. 2014-032 approving the agreement between the state of Texas and the City of Texarkana, Texas, for the maintenance, control, supervision, and regulation of certain state highways and/or portions of state highways in the City of Texarkana, Texas, and providing for the execution of said agreement.

Subject: City of Texarkana, Texas, and providing for the execution of said agreement.

Briefing: 2/24/2014 **Public Hearing:** **Second Briefing:** **Council Vote:** 2/24/2014

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The City of Texarkana, Texas, and the Texas Department of Transportation (TxDOT) last updated the Municipal Maintenance Agreement on January 28, 2004. This agreement lays out the responsibilities for maintenance, control, supervision, and regulation of State Highways within and through the city limits. TxDOT would like to renew this agreement. In discussions with TxDOT personnel, they have stated that approximately every ten years they like to renew the agreement with municipalities.

City staff has reviewed this updated version of the agreement, and have found it very similar to the current agreement, with no significant changes.

Potential Options:

- None
-

Fiscal Implications:

No Additional Implications

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

City of Texarkana, Texas

Attachments

- a. Goals and Perspectives (DOCX)
- b. Res No 2014-032 TxDOT Municipal Maintenance Agreement (DOC)
- c. Exhibit A - Municipal Maintenance Agreement (PDF)
- d. Exhibit B - Map of TxDOT Maintained Roadways (PDF)

Staff Coordination

City Engineer	Kyle Dooley	Department Head Review	Completed
	02/12/2014 1:28 PM		
Municipal Services and Public Works	Shirley Jaster	MS & PW Review	
	Completed	02/12/2014 1:51 PM	
City Manager	John Whitson	City Manager Review	Completed 02/12/2014
2:05 PM			
City Council	Jennifer Evans	Meeting	Completed 02/24/2014
7:45 PM			

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

None

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

None

Public Information Plan:

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

Other:

RESOLUTION NO. 2014 - 032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE AGREEMENT BETWEEN THE STATE OF TEXAS AND THE CITY OF TEXARKANA, TEXAS, FOR THE MAINTENANCE, CONTROL, SUPERVISION, AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF TEXARKANA, TEXAS; AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Public convenience, safety and necessity of the City and the people of the City require that State Highway routes within the City be adequately maintained; and

WHEREAS, the City has requested that the State of Texas enter upon and contribute financially to the maintenance of said project; and

WHEREAS, the State of Texas has made it known to the City that it will, with its own forces and equipment and at its sole cost and expense enter upon and maintain said project, conditioned upon the provisions concerning liabilities and responsibilities for maintenance, control, supervision and regulation which are set out in the form attached hereto, made a part thereof and marked MUNICIPAL MAINTENANCE AGREEMENT; and

WHEREAS, said project consists of those State Highways and/or portions thereof which are described and included in the form attached hereto and marked MUNICIPAL MAINTENANCE AGREEMENT.

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

SECTION 1: That the certain agreement between the State of Texas and the City of for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of Texarkana, Texas, and the same is, hereby approved.

SECTION 2: That the City Manager is hereby authorized to execute said agreement on behalf of the City of Texarkana, Texas, and to transmit the same to the State of Texas for appropriate action.

SECTION 3: The fact that the work contemplated under the above mentioned agreement is needed, creates an emergency which for the immediate preservation of the public peace, health, safety and general welfare requires that this Resolution take effect immediately from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 24th day of February, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



MUNICIPAL MAINTENANCE AGREEMENT

5.5.c

Form 1038
(Rev. 03/12)
Page 1 of 6

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made this _____ day of _____, 20____, by and between the State of Texas, hereinafter referred to as the "State," party of the first part, and the City of _____ Texarkana (population _____ 36411 _____, 2010, latest Federal Census) acting by and through its duly authorized officers, hereinafter called the "City," party of the second part.

WITNESSETH

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the Executive Director, acting for and in behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within such City, conditioned that the City will enter into agreements with the State for the purpose of determining the responsibilities of the parties thereto; and

WHEREAS, the City has requested the State to assist in the maintenance and operation of State highways within such City:

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, it is agreed as follows:

For this agreement, the use of the words "State Highway" shall be construed to mean all numbered highways that are part of the State's Highway System.

Attachment: Exhibit A - Municipal Maintenance Agreement (1040 : Res. No. 2014-032 TxDOT Municipal Maintenance Agreement Renewal)

COVERAGE

1. This agreement is intended to cover and provide for State participation in the maintenance and operation of the following classifications of State Highways within the City:
 - A. Non-Controlled Access highways or portions thereof which are described and/or graphically shown as "State Maintained and Operated" highways in Exhibit "A," which is attached hereto and made a part hereof.
 - B. All State highways or portions thereof which have been designated by the Texas Transportation Commission or maintained and operated as Controlled Access Highways and which are described and/or graphically shown in Exhibit "B," which is attached hereto and made a part hereof.
2. In the event that the present system of State highways within the City is changed by cancellation, modified routing, or new routes, the State will terminate maintenance and operation and this agreement will become null and void on those portions of the highways which are no longer on the State Highway System; and the full effect and all conditions of this agreement will apply to the changed highways or new highways on the State Highway System within the City; and they shall be classified as "State Maintained and Operated" under paragraph 1 above, unless the execution of a new agreement on the changed or new portions of the highways is requested by either the City or the State.
3. Exhibits that are a part of this agreement may be changed with both parties' written concurrence. Additional exhibits may also be added with both parties' written concurrence.

GENERAL CONDITIONS

1. The City authorizes the State to maintain and operate the State highways covered by this agreement in the manner set out herein.
2. This agreement is between the State and the City only. No person or entity may claim third party beneficiary status under this contract or any of its provisions, nor may any non-party sue for personal injuries or property damage under this contract.
3. This agreement is for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction of the State highways covered herein, and this agreement shall supersede any existing Municipal Maintenance Agreements.
4. Traffic regulations, including speed limits, will be established only after traffic and engineering studies have been completed by the State and/or City and approved by the State.
5. The State will erect and maintain all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way except as mentioned in this paragraph and elsewhere in this agreement. At the intersections of off-system approaches to State highways, the City shall install and maintain all stop signs, yield signs, and one-way signs and any necessary stop or yield bars and pedestrian crosswalks outside the main lanes or outside the frontage roads, if such exist. The City shall install and maintain all street name signs except for those mounted on State maintained traffic signal poles or arms or special advance street name signs on State right-of-way. All new signs installed by the City on State right-of-way shall meet or exceed the latest State breakaway standards and be in accordance with the *Texas Manual on Uniform Traffic Control Devices*, latest edition and revision. All existing signs shall be upgraded on a maintenance replacement basis to meet these requirements.
6. Subject to approval by the State, any State highway lighting system may be installed by the City provided the City shall pay or otherwise provide for all cost of installation, maintenance, and operation except in those installations specifically covered by separate agreements between the City and State.

7. The City shall enforce the State laws governing the movement of loads which exceed the legal limits for weight, length, height, or width as prescribed by Chapters 621, 622, and 623 of the Transportation Code for public highways outside corporate limits of cities. The City shall also, by ordinance/resolution and enforcement, prescribe and enforce lower weight limits when mutually agreed by the City and the State that such restrictions are needed to avoid damage to the highway and/or for traffic safety.
8. The City shall prevent future encroachments within the right-of-way of the State highways and assist in removal of any present encroachments when requested by the State except where specifically authorized by separate agreement; and prohibit the planting of trees or shrubbery or the creation or construction of any other obstruction within the right-of-way without prior approval in writing from the State.
9. Traffic control devices such as signs, traffic signals, and pavement markings, with respect to type of device, points of installation and necessity, will be determined by traffic and engineering studies. The City shall not install, maintain, or permit the installation of any type of traffic control device which will affect or influence the use of State highways unless approved in writing by the State. Traffic control devices installed prior to the date of this agreement are hereby made subject to the terms of this agreement and the City agrees to the removal of such devices which affect or influence the use of State highways unless their continued use is approved in writing by the State. It is understood that basic approval for future installations of traffic control signals by the State or as a joint project with the City, will be indicated by the proper City official's signature on the title sheet of the plans. Both parties should retain a copy of the signed title sheet or a letter signed by both parties acknowledging which signalized intersections are covered by this agreement. Any special requirements not covered within this agreement will be covered under a separate agreement.
10. New construction of sidewalks, ramps or other accessibility related items shall comply with current ADA standards. The city is responsible for the maintenance of these items.
11. If the City has a driveway permit process that has been submitted to and approved by the State, the City will issue permits for access driveways on State highway routes and will assure the grantee's conformance, for proper installation and maintenance of access driveway facilities, with either a Local Access Management Plan that the City has adopted by ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted to the State a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual. If the City does not have an approved city-wide driveway permit process, the State will issue access driveway permits on State highway routes in accordance with the City's Local Access Management Plan, adopted by city ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted a Local Access Management Plan, the State's "Regulations for Access Driveways to State Highways" and the State's Access Management Manual.
12. The use of unused right-of-way and areas beneath structures will be determined by a separate agreement

NON-CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall be applicable to non-controlled access State highways in addition to the "General Conditions" contained herein above. Non-controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "A."

State's Responsibilities (Non-Controlled Access)

1. Maintain the traveled surface and foundation beneath such traveled surface necessary for the proper support of same under vehicular loads encountered and maintain the shoulders.
2. Assist in mowing and litter pickup to supplement City resources when requested by the City and if State resources are available.
3. Assist in sweeping and otherwise cleaning the pavement to supplement City resources when requested by the City and if State resources are available.

4. Assist in snow and ice control to supplement City resources when requested by the City and if State resources are available.
5. Maintain drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits.
6. Install, maintain, and operate, when required, normal regulatory, warning and guide signs and normal markings (except as provided under "General Conditions" in paragraph 5). In cities with less than 50,000 population, this also includes school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads. This does not include other pedestrian crosswalks. Any other traffic striping desired by the City may be placed and maintained by the City subject to written State approval.
7. Install, operate, and maintain traffic signals in cities with less than 50,000 population.
8. In cities equal to or greater than 50,000 population, the State may provide for installation of traffic signals when the installation is financed in whole or in part with federal-aid funds if the City agrees to enter into an agreement setting forth the responsibilities of each party.

City's Responsibilities (Non-Controlled Access)

1. Prohibit angle parking, except upon written approval by the State after traffic and engineering studies have been conducted to determine if the State highway is of sufficient width to permit angle parking without interfering with the free and safe movement of traffic.
2. Install and maintain all parking restriction signs, pedestrian crosswalks [except as provided in paragraph 6 under "State's Responsibilities (Non-Controlled Access)"], parking stripes and special guide signs when agreed to in writing by the State. Cities greater than or equal to 50,000 population will also install, operate, and maintain all school safety devices and school crosswalks.
3. Signing and marking of intersecting city streets with State highways will be the full responsibility of the City (except as provided under "General Conditions" in paragraph 5).
4. Require installations, repairs, removals or adjustments of publicly or privately owned utilities or services to be performed in accordance with Texas Department of Transportation specifications and subject to approval of the State in writing.
5. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State. The assistance by the State in maintenance of drainage facilities does not relieve the City of its responsibility for drainage of the State highway facility within its corporate limits except where participation by the State is specifically covered in a separate agreement between the City and the State.
6. Install, maintain, and operate all traffic signals in cities equal to or greater than 50,000 population. Any variations will be handled by a separate agreement.
7. Perform mowing and litter pickup.
8. Sweep and otherwise clean the pavement.
9. Perform snow and ice control.

CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall be applicable to controlled access highways in addition to the "General Conditions" contained herein above. Controlled access State highways or portions thereof covered by this section are those listed and/or graphically shown in Exhibit "B."

State's Responsibilities (Controlled Access)

1. Maintain the traveled surface of the through lanes, ramps, and frontage roads and foundations beneath such traveled surface necessary for the proper support of same under vehicular loads encountered.
2. Mow and clean up litter within the outermost curbs of the frontage roads or the entire right-of-way width where no frontage roads exist and assist in performing these operations between the right-of-way line and the outermost curb or crown line of the frontage roads in undeveloped areas.
3. Sweep and otherwise clean the through lanes, ramps, separation structures or roadways and frontage roads.
4. Remove snow and control ice on the through lanes and ramps and assist in these operations as the availability of equipment and labor will allow on the frontage roads and grade separation structures or roadways.
5. Except as provided under "General Conditions" in paragraph 5, the State will install and maintain all normal markings and signs, including sign operation if applicable, on the main lanes and frontage roads. This includes school safety devices, school crosswalks and crosswalks installed on frontage roads in conjunction with pedestrian signal heads. It does not include other pedestrian crosswalks.
6. Install, operate and maintain traffic signals at ramps and frontage road intersections unless covered by a separate agreement.
7. Maintain all drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the highway facility within its corporate limits.

City's Responsibilities (Controlled Access)

1. Prohibit, by ordinance or resolution and through enforcement, all parking on frontage roads except when parallel parking on one side is approved by the State in writing. Prohibit all parking on main lanes and ramps and at such other places where such restriction is necessary for satisfactory operation of traffic, by passing and enforcing ordinances/resolutions and taking other appropriate action in addition to full compliance with current laws on parking.
2. When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance/resolution providing for one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.
3. Secure or cause to be secured the approval of the State before any utility installation, repair, removal or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
4. Pass necessary ordinances/resolutions and retain its responsibility for enforcing the control of access to the expressway/freeway facility.
5. Install and maintain all parking restriction signs, pedestrian crosswalks (except as mentioned above in paragraph 5 under "State's Responsibilities") and parking stripes when agreed to by the State in writing. Signing and marking of intersecting city streets to State highways shall be the full responsibility of the City (except as discussed under "General Conditions" in paragraph 5).

TERMINATION

All obligations of the State created herein to maintain and operate the State highways covered by this agreement shall terminate if and when such highways cease to be officially on the State highway system; and further, should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon 30 days written notice. Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, in accordance with Chapter 311 of the Texas Transportation Code. The State shall retain all maintenance responsibilities on controlled access State highways in accordance with the provisions of Chapter 203 of the Texas Transportation Code and 23 United States Code Section 116.

Said State assumption of maintenance and operations shall be effective the date of execution of this agreement by the Texas Department of Transportation.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of _____

on the _____ day of _____, 20____, and the Texas Department of Transportation, on the _____ day of _____, 20____.

ATTEST:

CITY OF _____

BY _____

(Title of Signing Official)

THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and established policies or work programs heretofore approved and authorized by the Texas Transportation Commission

BY _____

(District Engineer)

Atlanta District - ATL - 19 District

The Texas Department of Transportation maintains the information collected through this form. With few exceptions, you are entitled on request to be informed about the information that we collect about you. Under Sections 552.021 and 552.023 of the Government Code, you also are entitled to receive and review this information. Under Section 559.004 of the Government Code, you are also entitled to have us correct information about you that is incorrect. For more information, call 512/416-3048.

NOTE: To be executed in duplicate and supported by Municipal Maintenance Ordinance/Resolution and City Secretary Certificate.

EXHIBIT "A"

NON-CONTROLLED ACCESS HIGHWAYS

- UNITED STATES HIGHWAY 59 FROM THE NORTH CITY LIMITS TO THE SOUTH CITY LIMITS
- UNITED STATES HIGHWAY 71 FROM THE NORTH CITY LIMITS TO UNITED STATES HIGHWAY 67
- UNITED STATES HIGHWAY 67 FROM THE ARKANSAS STATE LINE TO THE SOUTH CITY LIMITS
- UNITED STATES HIGHWAY 82 FROM THE WEST CITY LIMITS TO THE ARKANSAS STATE LINE
- STATE HIGHWAY 93 FROM FARM-TO-MARKET 1397 TO THE SOUTH CITY LIMITS
- LOOP 14 FROM UNITED STATES HIGHWAY 71 TO UNITED STATES HIGHWAY 82
- FARM-TO-MARKET 558 FROM STATE HIGHWAY 93 TO THE SOUTH CITY LIMITS
- FARM-TO-MARKET 559 FROM THE NORTH CITY LIMITS TO STATE HIGHWAY 93
- FARM-TO-MARKET 989 FROM THE NORTH CITY LIMITS TO THE SOUTH CITY LIMITS
- FARM-TO-MARKET 1297 FROM FARM-TO-MARKET 2878 TO FARM-TO-MARKET 559
- FARM-TO-MARKET 1397 FROM THE NORTH CITY LIMITS TO STATE HIGHWAY 93
- FARM-TO-MARKET 2240 FROM FARM-TO-MARKET 559 TO FARM-TO-MARKET 1397
- FARM-TO-MARKET 2878 FROM THE NORTH CITY LIMITS TO THE SOUTH CITY LIMITS
- FARM-TO-MARKET 3527 FROM STATE HIGHWAY 93 TO SOUTH CITY LIMITS

EXHIBIT "B"

CONTROLLED ACCESS HIGHWAYS

- INTERSTATE HIGHWAY 30 FROM WEST CITY LIMITS TO THE ARKANSAS STATE LINE
- UNITED STATES HIGHWAY 59 FROM INTERSTATE HIGHWAY 30 TO STATE HIGHWAY 93
- LOOP 151 FROM UNITED STATES HIGHWAY 59 TO FARM-TO-MARKET 558

STATE OF TEXAS §

COUNTY OF TRAVIS §

I, _____, the duly appointed, qualified and acting
city secretary of the City of _____, Texas, hereby certify that the
foregoing pages constitute a true and correct copy of an ordinance duly passed by the City Council at a meeting held
on _____, A.D., 20____, at _____ o'clock ☐ a.m. ☐ p.m. .

To certify which, witness my hand and seal of the City of _____,
Texas, this due _____ day of _____, 20____, at _____, Texas.

City Secretary of the City of

_____, Texas



City of Texarkana, Texas

Version: B

Update Date: 2/18/2014 10:48 AM

Briefing Sheet

Lead Department: Police **Action Officer:** Charles Kreidler,
Resolution No. 2014-031 Acknowledging the receipt of the 2013 Police
Subject: Department Racial Profiling Report
Public **Second** **Council**
Briefing: 2/24/2014 **Hearing:** **Briefing:** **Vote:** 2/24/2014

Item ScheduleSchedule 3: No briefing required (one week)

Updates/History of Briefing:Not Applicable**Executive Summary and Background Information:**

The Texas Code of Criminal Procedure (Article 2.133 and 2.134) requires the collection of racial profiling data for individuals stopped for traffic violations by law enforcement personnel throughout the state. Further, each police agency is responsible for compiling and analyzing the data through a report that is subsequently transmitted to the Texas Commission on Law Enforcement. An additional requirement is the submission of the final racial profiling report to the governing body of the municipality. This resolution acknowledges receipt of said racial profiling report.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Acknowledge Receipt of Racial Profiling Report

Advisory Board/Committee Review:

Not Applicable

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

City of Texarkana, Texas

- a. Goals and Perspectives (DOCX)
- b. Racial Profiling Report 2013 (PDF)
- c. Racial Profiling Resolution (DOC)

Staff Coordination

Police	Dan Shiner	Department Head Review	Completed
	02/04/2014 3:04 PM		
City Manager	John Whitson	City Manager Review Completed	02/17/2014
11:03 AM			
City Council	Jennifer Evans	Meeting	Completed
7:45 PM			02/24/2014

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

None

Resource Impact:

None

Select One By Clicking Here

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:



TEXARKANA, TEXAS POLICE DEPARTMENT

2013

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.
Chad R. Trulson, Ph.D.

Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. The Texarkana, Texas Police Department requested this analysis and review to assist the City Council in reviewing the data.

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

- **A COMPREHENSIVE REVIEW OF THE TEXARKANA, TEXAS POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE ANALYSIS OF STATISTICAL INFORMATION FROM TEXARKANA, TEXAS POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**
- **THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

Introduction

This report details an analysis of the Texarkana, Texas Police Department's policies, training, and statistical information on racial profiling for the year 2013. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Texarkana, Texas Police Department in 2013. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Texarkana Police Department's policy on racial profiling; Texarkana Police Department's training and education on racial profiling; Texarkana Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of Texarkana Police Department's compliance with applicable laws on racial profiling; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

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

Texarkana, Texas Police Department Policy on Racial Profiling

A review of Texarkana, Texas Police Department's "Biased Based Policing and Racial Profiling Policy" contained in Directive 2.01.1 (see Appendix B) revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in the Texarkana, Texas Police Department racial profiling policy. Texarkana, Texas Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Texarkana, Texas Police Department regulation.

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

Texarkana, Texas Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided by Texarkana, Texas Police Department reveals that racial profiling training and certification is

current for all officers in 2013. Racial profiling training is specifically covered in Texarkana, Texas's Biased Based Policing and Racial Profiling Policy Section 4 (B). In addition, all personnel are trained on the department's racial profiling policy on an annual basis.

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

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

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Texarkana, Texas Police Department's Biased Based Policing and Racial Profiling Policy Section 4 (A) covers this requirement. Information regarding how a citizen may file a complaint is available to the public at a variety of locations. In addition, the department has an online citizen complaint process as well.

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

Texarkana, Texas Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and detentions with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also to be collected. Texarkana, Texas Police Department submitted statistical information on all stops in 2013 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information on searches. It should be noted that the Texarkana, Texas Police Department collects more information than required by Texas law. Information is collected on all stops, not just stops resulting in a citation.

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

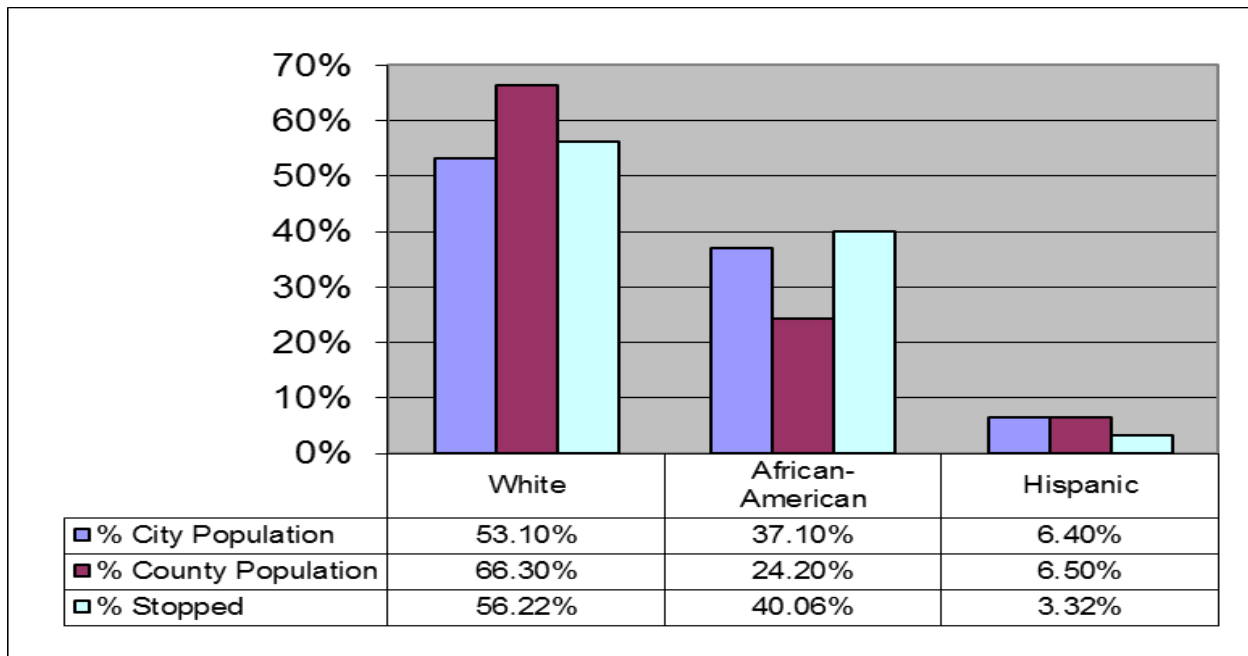
Analysis of the Data

The first chart depicts the percentages of people stopped by race including Whites, African-Americans, and Hispanics.¹ White drivers constituted 56.22 percent of all drivers stopped, whereas Whites constituted 53.10 percent of the city population and 66.30 percent of the county population.² The chart shows that White drivers are stopped at a rate that is slightly higher than the percentage of Whites in the city population and lower than the percentage of Whites in the

¹ Due to a small number of cases, information contained in the first chart excludes information pertaining to 42 stops of citizens of Asian descent and 6 stops of citizens of Native American/Middle Eastern descent.

² City and County population figures are derived from the 2010 Census of the U.S. Census Bureau.

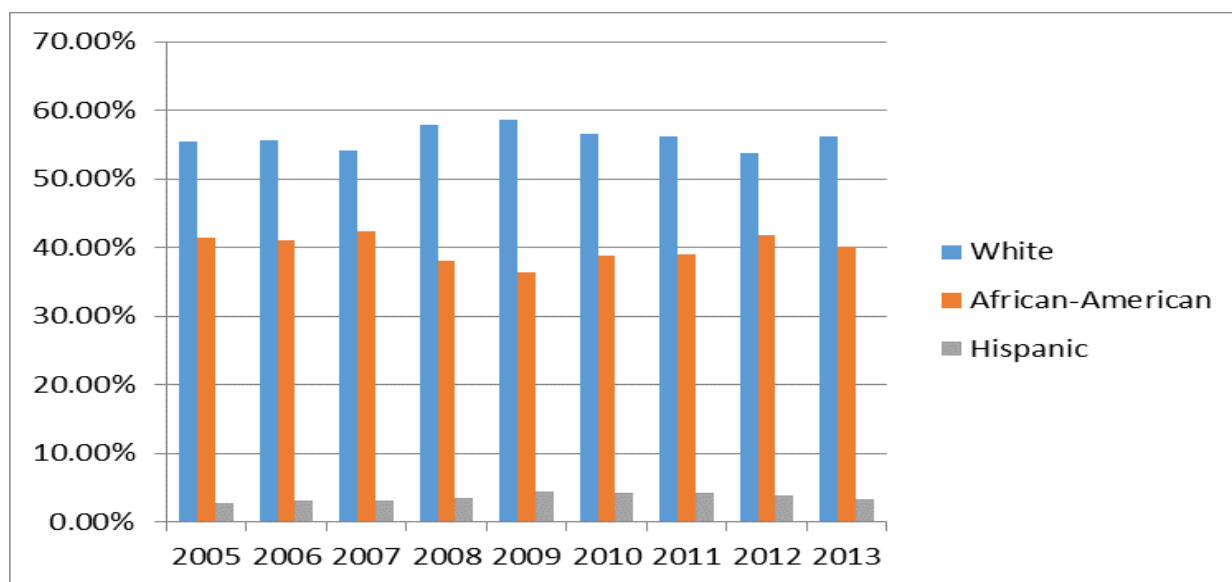
county population. African-American drivers constituted 40.06 percent of all drivers stopped, whereas African-Americans constituted 37.10 percent of the city population and 24.20 percent of the county population. African-American drivers were stopped at a rate that is slightly higher than the percentage of African-Americans found in the city population and higher than the percentage of African-Americans in the county population. Hispanic drivers constituted 3.32 percent of all drivers stopped, whereas Hispanics constituted 6.40 percent of the city population and 6.50 percent of the county population. Hispanics are stopped at rates slightly lower than the percentage of Hispanics found in the city and county population.



As illustrated in the table and chart below, the percentage of African-American drivers stopped decreased overall from 2005-2013. In 2005, African-American drivers constituted 41.40 percent of all stops while in 2013 the percentage was 40.06 percent. In addition, the table and chart also show the percentage of Hispanic and White drivers stopped from 2005-2013. In an overall view, the table and chart below show relatively small variations from 2005-2013 across racial categories in terms of drivers stopped.

Year	African-American	Hispanic	White
2005	41.40%	2.70%	55.50%
2006	41.00%	3.10%	55.60%
2007	42.34%	3.12%	54.23%
2008	38.10%	3.51%	57.97%
2009	36.38%	4.40%	58.63%
2010	38.83%	4.21%	56.48%
2011	39.02%	4.20%	56.15%
2012	41.88%	3.88%	53.69%
2013	40.06%	3.32%	56.22%

As the first chart shows, easy determinations regarding whether or not Texarkana, Texas police officers have “racially profiled” a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists.



This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level data. In short, one cannot "prove" that an *individual* officer has “racially profiled” any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

Additional interpretation problems remain in regards to the specific measurement of “racial profiling” as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Texarkana, Texas. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective “guesses” officers are forced to make when trying to determine an individual's racial/ethnic background.

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not “profiling” has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be “racially profiling” when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city and county population base-rates, the outcome of analyses designed to determine whether or not disparities exist is obviously dependent on which base-rate is used. In addition, recent population growth of the city of Texarkana, Texas has exacerbated problems associated with determining appropriate base-rates because measures derived exclusively from the U.S. Census or its estimates (e.g., American Community Survey estimates) can become quickly outdated. Although this report used the most recent 2010 Census figures, these population figures will too become quickly outdated. Related, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures.

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

The next analysis assesses the number of searches, consent searches, and arrests which occurred subsequent to the 12,108 traffic stops in 2013. Searches subsequent to traffic stops by the Texarkana, Texas Police Department are rare. In 2013, less than 3 percent (351/12,108) of all drivers who were stopped were searched. Out of 12,108 traffic stops, only 351 drivers were searched. Of the 351 drivers who were searched, 139 were White, 207 were African-American,

and 5 were Hispanic. It is clear that the vast majority of the total number of drivers stopped (including White, African-American, and Hispanic groups) were not searched.

It should be noted that aggregate level comparisons regarding the rates at which drivers are searched by police are subject to some of the same methodological issues as those outlined above regarding analyses of aggregate level stop rates. Of particular concern is the absence of any analyses that separates discretionary searches from non-discretionary searches. For example, the number of searches described in the previous paragraph includes not only consent searches, but also searches based upon probable cause and searches incident to arrest. Searches based upon probable cause and searches incident to arrest are non-discretionary in that the officer is compelled by law or departmental guidelines to conduct the search irrespective of the race of the stopped driver. Thus, these actions should not be included in analyses designed to examine whether or not racial profiling has occurred. The data is presented here because the Texas racial profiling law requires the collection and presentation of such data.

Action	White	African-American	Hispanic	Asian	Other	Total
Stops	6,807	4,851	402	42	6	12,108
Searched	139	207	5	0	0	351
Consent Search	101	149	3	0	0	253
Custody Arrests	146	303	12	0	0	461

The table above not only reports the summaries for the total number of persons stopped and searched subsequent to being stopped by the Texarkana, Texas Police Department in 2013, it also shows the number of stopped individuals who granted consent to search and those stopped drivers who were arrested during the traffic stop. Similar to the conclusion drawn regarding searches subsequent to traffic stops, consent searches subsequent to traffic stops by the Texarkana, Texas Police Department are rare as well. Only 2.09 percent of the total stops resulted in a consensual search (253/12,108).

So too, only 3.8 percent of drivers stopped were subject to an arrest. Of the 461 drivers arrested, 146 were White, 303 were African-American, and 12 were Hispanic. Once again, the action of arrest is typically a non-discretionary decision on the part of officers since most of the arrested drivers were arrested based upon the existence of outstanding arrest warrants (70.72%). Overall, 65.07 percent (95/146) of the white drivers arrested were arrested based upon the existence of outstanding arrest warrants, while 73.11 percent (223/303) of the African-American drivers and 66.66 percent (8/12) of the Hispanic drivers were arrested due to outstanding arrest warrants. As stated previously regarding non-discretionary searches, when an officer is compelled by law or departmental guidelines to conduct an arrest irrespective of the race of the stopped driver, as is the case with outstanding arrest warrants, the actions of the officer should not be included in

analyses designed to examine whether or not racial profiling has occurred. The data is presented here because the Texas racial profiling law requires the collection and presentation of such data.

Analysis of Racial Profiling Compliance by Texarkana, Texas Police Department

The foregoing analysis shows that the Texarkana, Texas Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that the department received no complaints related to racial profiling in 2013.

In addition to providing summary reports and analysis of the data collected by the Texarkana, Texas Police Department in 2013, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Texarkana, Texas Police Department as well as police agencies across Texas. The Texarkana, Texas Police Department should continue its educational and training efforts within the department on racial profiling. In addition, the department should conduct periodic evaluations to assess patterns of officer decision-making. The final section of this report includes newly required TCOLE reporting information by Texas law enforcement organizations.

Texarkana Police Department TCOLE Reporting Forms

Attachment: Racial Profiling Report 2013 (1039 : Res. No. 2014-031 Racial Profiling Report)



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Department Name Texarkana, TX Police Department
 Agency Number 037207
 Chief Administrator Name Chief Daniel Shiner
 Reporting Name LIEUTENANT CHARLES KREIDLER
 Contact Number (903) 798-3116
 E-mail Address kreidler@txkusa.org

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

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

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Commission on Law Enforcement Officer Standards and Education; and
 - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in effect


 Chief Administrator _____ Date 1/10/14



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Video and Audio Equipment Exemption

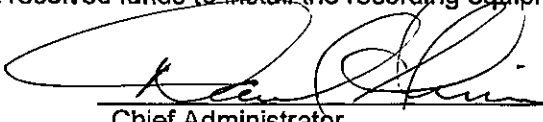
Partial Exemption Claimed by (2.135(a) CCP):

☒ all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

☐ In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption


Chief Administrator

Date 1/10/14

Attachment: Racial Profiling Report 2013 (1039 : Res. No. 2014-031 Racial Profiling Report)

PARTIAL EXEMPTION RACIAL PROFILING REPORTING (TIER 1)

INSTRUCTIONS: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 must be equal
2. Total on line 20 must equal line 15

AGENCY NAME:

Number of motor vehicle stops (mark only 1 category per vehicle stop):

1. 11647 Citation only
2. 14 Arrest only
3. 447 Both
4. 12108 (Total of 1-3)

Race or Ethnicity (mark only 1 category per vehicle stop):

5. 4851 African
6. 42 Asian
7. 6807 Caucasian
8. 402 Hispanic
9. 2 Middle Eastern
10. 4 Native American
11. 12108 (Total of 5-10, must be the same as #4)

Race or Ethnicity known prior to stop?

12. 1832 Yes
13. 10276 No
14. 12108 (Total of 12-13, must be the same as #4 and #11)

Search conducted?

15. 351 Yes
16. 11757 No
17. 12108 (Total of 15-16, must be the same as #4, #11, and #14 above)

Was search consented?

18. 253 Yes
19. 98 No
20. 351 (Total, must equal #15)



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Option to submit required data by utilizing agency report

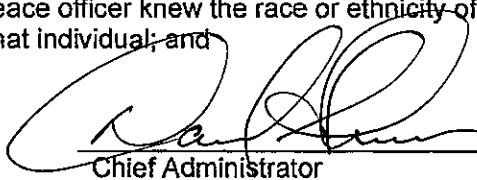
You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP

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

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above requirements


Chief Administrator

Date

1/10/14

Send entire documents electronically to this website

www.tcleose.state.tx.us

Attachment: Racial Profiling Report 2013 (1039 : Res. No. 2014-031 Racial Profiling Report)

Appendix A

Racial Profiling Statutes and Laws

Art. 3.05. RACIAL PROFILING.

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

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

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

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

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

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

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

(1) clearly define acts constituting racial profiling;

- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
 - (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
 - (4) provide public education relating to the agency's complaint process;
 - (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
 - (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Commission on Law Enforcement Officer Standards and Education; and
 - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. If a law enforcement agency installs video or audio equipment as provided by this

subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

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

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

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

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

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

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

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

(A) the person's gender; and

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

(2) the initial reason for the stop;

- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- (5) the reason for the search, including whether:
 - (A) any contraband or other evidence was in plain view;
 - (B) any probable cause or reasonable suspicion existed to perform the search; or
 - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
- (7) the street address or approximate location of the stop; and
- (8) whether the officer issued a written warning or a citation as a result of the stop.

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

- (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
- (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education

and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

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

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

- (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and
- (B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

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

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

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

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

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

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 27, eff. September 1, 2009.

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

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

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

Art. 2.136. LIABILITY.

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

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

Art. 2.138. RULES.

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

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

Art. 2.1385. CIVIL PENALTY.

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

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

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

Added by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2009.

Appendix B

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

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> December 5, 2011	<i>Directive</i> 2.01.1
<i>Subject</i> Biased Based Policing and Racial Profiling			
<i>Reference</i> Code of Criminal Procedure 2.131 – 2.135			
<i>Distribution</i> All Personnel City Manager City Attorney	<i>TPCA Best Practices Recognition Program Reference</i> 2.01.1 Biased Based Profiling	<i>Review Date</i> January 1, 2012	<i>Pages</i> 6

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

SECTION 1 PURPOSE

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

SECTION 2 POLICY

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

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

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

SECTION 3 DEFINITIONS

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

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

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

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

Race or Ethnicity is defined as a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

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

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

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

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

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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Search is an examination or exploration of an individual's house, premises, vehicle or person to discover stolen property, contraband or other items that may be evidence of a crime.

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

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

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

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

SECTION 4 PROCEDURES

A. COMPLAINTS

1. Any person may file a complaint with the Department if they believe they have been stopped or searched on the basis of their race, ethnicity, national origin, or gender. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. A complaint from a citizen regarding racial profiling may be made to any police department supervisor or, if available, to the Office of Professional Responsibility. All complaints received shall be forwarded in writing through the chain of command to the Office of the Chief of Police.
3. In addition to the written complaint, the supervisor receiving the complaint shall obtain the videotape from the officer's vehicle. The supervisor shall label the videotape, indicating the unit number and date and time the tape was pulled from the unit. Additionally, the supervisor shall break the tab on the tape to prevent inadvertent erasing. The videotape will be forwarded through the chain of command to the Office of the Chief of Police. All videotapes of incidents alleging racial or gender profiling shall be retained with the investigative file. A copy of the tape shall be supplied to the officer within five days of the date of the complaint. The Office of Professional Responsibility shall supply the tape to the officer prior to taking any statements from the officer.
4. The Texarkana, Texas Police Department shall provide education to the public concerning the complaint process. Written information regarding how a citizen may file a complaint or issue a commendation for an officer shall be made available to the public at a variety of locations, including public meetings, the Central Mall Substation, Central Records and Communications, City Hall, and the Police Department's office at the Bi-State Justice Building. This information shall also be available on the Department's Internet site.

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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B. RACIAL PROFILING TRAINING

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

C. INTERNAL MONITORING

1. Random Reviews:

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

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

Supervisors shall review of video files randomly each month, ensuring that each officer is reviewed at least twice during the calendar year. Each shift commander shall be responsible for ensuring the video reviews are conducted and documented. A report containing the dates each officer was reviewed and the supervisor that conducted each review shall be prepared and submitted to the Uniform Services Division Secretary, who shall maintain a log of the reviews.

2. Reviews shall occur whenever:

- a. An Officer is involved in a pursuit;
- b. An Officer is involved in a use of force recorded by the system;
- c. A complaint is lodged against an Officer; or,
- d. A Supervisor articulates a reason to suspect an officer is involved in activity contrary to the mandates of the General Orders.

3. Evidentiary Reviews

Video events which may be evidentiary in nature should be reviewed and properly documented.

4. All VHS video/audiotapes from in-car mobile video cameras in use prior to the use of the Digital Mobile/Video Equipment shall be retained for a period of 90 days from the day the tape is pulled from the unit. The Uniform Services Division secretary will maintain custody of the recorded tapes for a period of 90 days in accordance with the Texas CCP 2.135. If, after 90 days, the tape

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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is not needed for evidentiary, training, or evaluation purposes, the tape will be erased and destroyed.

D. CORRECTIVE ACTION

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

E. MANDATED DMVR OPERATION

Unless the delivery of emergency police services would be prevented, an Officer's personal safety would be jeopardized, or police strategy is being discussed, Officers will ensure that DMVR operation is conducted in accordance with directive 7.36.1.

F. CITATION DATA COLLECTION AND REPORTING

1. Each officer shall be required to collect information relating to traffic stops that result in a written warning, citation or custody arrest. The written warning and citation will document the necessary information as describe in Section F (2), below by using the proper notations found on the citation. In the case of a custody arrest it shall be necessary to complete a Data Collection Form in order to record the information required by the racial profiling statute. In the event that a citation is issued to an individual that is ultimately arrested, the citation will record the necessary data, eliminating the need for a data collection form.
2. The officer will document the following on the citation, written warning or Data Collection form:
 - a. The violator's race or ethnicity
 - b. Whether a search was conducted
 - c. Whether the search was consensual
 - d. Was race or ethnicity of driver known prior to stop
 - e. Reason for arrest, if any, resulting from the stop
3. The citations, written warnings and Data Collection forms will be forwarded to the Uniform Services Division secretary via the division commander's mailbox. It shall be the responsibility of the division secretary to compile the information in a database for collection and reporting purposes. The division secretary will then forward the Data Collection forms and citations to the Municipal Court Clerk's Office for the Court's reporting purposes.
4. By March of each year, the Department shall submit a written report to the City Council that includes the information gathered from the traffic stops in the preceding calendar year. The report will include: (1) A breakdown of traffic stops by race and ethnicity, (2) The number of traffic stops that resulted in a search and the basis for the searches, (3) The number of searches that resulted in contraband being discovered and, if so, the type of contraband; and (4) The number of traffic stops that resulted in custodial arrests.

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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5. The Crime Analysis Unit shall be responsible for providing a report to the Chief of Police that contains this information.

G. RESPONSIBILITY

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

Appendix C

Racial Profiling Laws and Corresponding Department Policies

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

RESOLUTION NO. 2014 - 030

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, ACKNOWLEDGING THE RECEIPT OF
THE 2013 POLICE DEPARTMENT RACIAL PROFILING
REPORT; AND ESTABLISHING AN EFFECTIVE DATE.**

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

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

WHEREAS, The State of Texas requires the final racial profiling report to be submitted to the local governing body by March 1st of each year.

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

SECTION 1: That the City council of the City of Texarkana, Texas acknowledges receipt of the police department Racial Profiling Report.

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

PASSED AND APPROVED in Regular Council Session on this the 24th day of February, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: Racial Profiling Resolution (1039 : Res. No. 2014-031 Racial Profiling Report)

City of Texarkana, Texas

Version: E

Update Date: 2/20/2014 2:52 PM

Briefing Sheet

Lead Department: Community Redevelopment and Grants **Action Officer:** Craig Lindholm, Executive Director of CRG

Subject: Resolution No. 2014-035 in support of the submission of an application to the 2014 Competitive Housing Tax Credit (HTC) Program through the Texas Department of Housing and Community Affairs (TDHCA) by Palladium Texarkana, LTD for the project known as "Palladium Texarkana".

Briefing: 2/24/2014 **Public Hearing:** **Second Briefing:** **Council Vote:** 2/24/2014

Item Schedule**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

Resolution 2014 – 035 authorizes support for the submission of the HTC application for Palladium Texarkana by Palladium USA. Council has been briefed on this project by the Developer and staff. If funded the project will involve the development of 120 affordable housing development west of Cascades Boulevard. This is new construction.

City staff has determine this project will have no negative impact on the HATT project as the project are funded through two separate allocations of TDHCA Tax Credits.

Potential Options:

- None
-

Fiscal Implications:

Commitment of \$545,000 in form of an interest bearing (3%) loan and in-kind contribution.

Staff Recommendation:

None

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

- Palladium goals and Perspectives (DOCX)

City of Texarkana, Texas

- b. First SouthWest Letter Agreement 1-29-2014 (3) (PDF)
- c. TDHCA HTC Application Log 02.17.2014 (PDF)
- d. 035 Commitment of Financial Support for Palladium Texarkana (DOC)

Staff Coordination

Community Redevelopment and Grants	Craig Lindholm	Department Head Review	
Completed	02/17/2014 11:26 AM		
Public Information Officer	Lisa Thompson	PIO Review	Completed
02/17/2014 1:06 PM			
Finance	Jennifer Evans	Review	Skipped 02/18/2014
12:42 PM			
City Manager	John Whitson	City Manager Review	Completed 02/20/2014
4:55 PM			
City Council	Jennifer Evans	Meeting	Completed 02/24/2014
7:45 PM			
Finance	Charlie Bassett	Review	Completed 02/20/2014
2:56 PM			
City Manager	John Whitson	Review	Completed 02/20/2014
4:57 PM			

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

None

Resource Impact:

Staff time required if item is approved: Medium

Other Potential Impacts:

Financial Impact in the form of a repayable loan and in-kind contribution estimated at \$545,000

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:



January 29, 2014

Thomas E. Huth
President and CEO

Palladium USA International, Inc.
 13455 Noel Road
 Suite 1000
 Dallas, Texas 75240
 Ph: 972-774-4400
 Fax: 972-774-4484
www.palladiumusa.com

Dear Tom:

This will confirm that FSC Asset Administrators, LLC ("Lender"), is prepared to provide a loan to a TDHCA qualified lending entity of the City of Texarkana, the "Borrower" (the "Loan") evidenced by a tri-party loan agreement among the Lender, the Borrower and you as developer ("you" or the "Developer"), the Borrower's promissory note and your promissory note each in the original principal amount not to exceed \$545,000.00 unless agreed to by Borrower (collectively, the "Notes"), and such other documents as may be required to evidence the Loan and the security therefor (collectively, the "Loan Documents"). You have requested this commitment in order to satisfy the requirements of the TDHCA relating to Commitment of Development Funding by Unit of Local Government with respect to the 2014 9% Low Income Housing Tax Credit Program (the "Program") which will be used to finance a portion of the costs of Palladium Texarkana, LTD. (the "Project"). This commitment is subject to the following terms and conditions: (i) your execution of the enclosed copy of this letter agreement and your delivery of this letter to the Lender together with an initial deposit in the amount of \$17,500 for the payment of the fees of and expenses incurred by Lender and its attorney in connection with this transaction (the "Deposit"), (ii) in the event a loan commitment letter or letter indicating receipt of application is not returned to you by the Borrower prior to March 1, 2014, 75% of the Deposit will be returned to you, (iii) in the event a 2014 Award of Tax Credits is not obtained by the Developer then 50% of the Deposit will be returned to you, (iv) in the event a 2014 Award of Tax Credits is obtained by the Developer, you agree to use the Lender to satisfy the borrowing requirements of the TDHCA as set forth above and to pay all fees and expenses of the Lender (less the remaining 50% Deposit held by the Lender) as follows:

- (a) fee at closing equal to 5% of the loan amount, or \$35,000 whichever is greater;
- (b) interest Rate equal to 3%;
- (c) Lender's legal fee of \$10,000; and
- (v) the execution and delivery of loan documentation acceptable to you, the Borrower and the Lender.

THE TERMS AND CONDITIONS OF THE LENDER'S CONFIRMATION HEREUNDER ARE NOT LIMITED TO THE ABOVE TERMS AND CONDITIONS AND THIS LETTER DOES NOT SET OUT IN FULL ALL OF THE REQUIREMENTS OF THE LENDER AS TO YOU AND THE CONDITIONS TO MODIFYING, RENEWING, AND EXTENDING THE LOAN. THOSE MATTERS WHICH ARE NOT COVERED BY OR MADE CLEAR IN THE ABOVE OUTLINE ARE SUBJECT TO AMPLIFICATION IN THE LOAN DOCUMENTS.

AT THE TIME OF THE CLOSING OF THE MODIFICATION, RENEWAL AND EXTENSION OF THE LOAN THERE MUST NOT BE: ANY RECEIVERSHIP OR INSOLVENCY PROCEEDINGS OF ANY KIND RELATING TO YOU; ANY DEFAULT UNDER THE LOAN DOCUMENTS; ANY MATERIAL ADVERSE CHANGE IN YOUR BUSINESS OR FINANCIAL CONDITION; OR ANY ADVERSE CHANGE WITH RESPECT TO THE PROJECT.

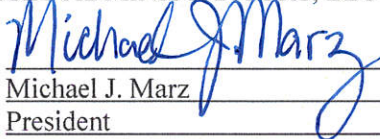
THIS WRITTEN CONFIRMATION REPRESENTS THE FINAL AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS OR THE PARTIES.

THERE ARE NO ORAL AGREEMENTS BETWEEN THE PARTIES.

Delete extra line spaces. Upon receipt of your acceptance of this letter and deposit and at the direction of you and the Borrower, the Lender will commence the documentation process and advise you of those documents which you and/or the Borrower will need to provide to Lender in anticipation of the closing.

Very truly yours,

FSC ASSET ADMINISTRATORS, LLC

By: 

Name: Michael J. Marz

Title: President

ACCEPTED ON January 29, 2014:

PALLADIUM TEXARKANA, LTD.

By: 

Name: Thomas E. Huth

Title: Authorized Signor

Digitally signed by Thomas E. Huth
DN: cn=Thomas E. Huth, o=Palladium USA International,
Inc., email=thuth@palladiumusa.com, c=US
Date: 2014.01.29 09:59:10 -0600



Texas Department of Housing and Community Affairs

2014 Competitive (9%) Housing Tax Credit ("HTC") Program

Pre-Application Submission Log

The Pre-Application log is organized by region and subregion, except for the At-Risk and USDA Set-Asides. Applicants selecting the At-Risk/USDA Set-Asides are listed first and are organized by score rather than by region. Where scores indicate a tie between more than one application in a subregion or set-aside, no representation is made regarding how the applications would be ranked after applying the tie breaker factors in the Qualified Allocation Plan. The Department plans to post the complete version of each pre-application shortly. The following data was compiled using information submitted by each applicant. This data has not yet been reviewed or verified by the Department and errors may be present. Those reviewing the log are advised to use caution in reaching any definitive conclusions based on this information alone. Applicants are encouraged to review 10 TAC §§11.1(b) and 10.2(b) concerning Due Diligence and Applicant Responsibility. A more complete log will be posted subsequent to completion of staff pre-application reviews. Applicants that identify an error in the log should contact Jean Latsha at jean.latsha@tdhca.state.tx.us as soon as possible.

February 13, 2014 Version

Application Number	Development Name	Development Address	City	ZIP Code	County	Region	Urban/Rural	At-Risk	USDA	Nonprofit
At-Risk Set-Aside										
14277	Pecan Tree Square Apartments	101 Pecan Street	Grandview	76050	Johnson	3	Rural		X	
14005	Timbercreek Village Apartments	1465 West 6th	Rusk	75785	Cherokee	4	Rural		X	
14278	Edgewood Estates Apartments	503 Crooked Creek Road	Edgewood	75117	Van Zandt	4	Rural		X	
14127	Haymon Krupp	10200 Hedgerow Ct	El Paso	79925	El Paso	13	Urban	X		X
14276	Meadowbrook Square Apartments	108 Godley Avenue	Godley	76044	Johnson	3	Rural		X	
14279	Junction Senior Apartments	111 NW Main	Junction	76849	Kimble	12	Rural		X	
14089	Ana Lozano Apartments	6500 Springfield Avenue	Laredo	78041	Webb	11	Urban	X		X
14195	Davis Street Housing	620 NE Davis St	Fabens	79838	El Paso	13	Rural	X	X	
14024	Creeside Village	1501 S Bolton St	Jacksonville	75766	Cherokee	4	Rural		X	
14025	Heritage Place	1220 Heritage Dr	Jacksonville	75766	Cherokee	4	Rural		X	
14090	Stone Oaks Apartments	Intersection of E Calton Rd & Foster Ave	Laredo	78041	Webb	11	Urban	X		X
14129	Westfall Baines	10661 & 10700 Vista Del Sol	El Paso	79925	El Paso	13	Urban	X		X

14023	Heritage Square	1308 Jacksonville Square Dr	Jacksonville	75766 Cherokee	4	Rural	X	X	
14020	The Village at Main	417 E Main Street	Bullard	75757 Smith	4	Rural		X	
14046	Timber Ridge Apartments	427 Martin	Chandler	75758 Henderson	4	Rural		X	
14022	The Oaks of Westview	1201 West College	Canton	75103 Van Zandt	4	Rural	X	X	
14175	Liberty Square and Liberty Village	See Attached	Groesbeck	76642 Limestone	8	Rural	X	X	
14237	The Whispering Tree Apartments	FM 186A & Pecan Drive	Carrizo Springs, Texas	78834 Dimmit	11	Rural	X	X	X
14072	PK Rosewood Apartments LP	1870 E. King David Drive	Three Rivers	78071 Live Oak	10	Rural	X	X	
14021	Fairview Apartments	160 Gibson Rd	Athens	75751 Henderson	4	Rural	X	X	
14004	Northwest Apartments	1623 E Northwest Blvd.	Georgetown	78628 Williamson	7	Urban		X	
14100	SavannahPark of ALK	1208 3rd St.	Abernathy	79311 Lubbock	1	Rural	X	X	
		121 5th St.	Lexington	78947 Lee	7				
		905 S. Panna Maria Ave.	Karnes City	78118 Karnes	9				
14213	Bellfort Park Apartments	4135 West Bellfort Avenue	Houston	77025 Harris	6	Urban	X		
14095	Sabine Place Apartments	1215 Terminal Rd.	Fort Worth	76106 Tarrant	3	Urban	X		
14130	Tays	2114 Magoffin Ave	El Paso	79901 El Paso	13	Urban	X		X
14131	Ambrosio Guillen	E 9th Ave and S Campbell St	El Paso	79901 El Paso	13	Urban	X		X
14003	Whitestone Apts & Tamaric Apts	601 Doris Lane/1507 Cedar Park Road	Cedar Park	78613 Williamson	7	Urban		X	
14258	Gateway Apartments	313 Gateway Street	Azle	76020 Tarrant	3	Urban		X	
14101	Red River Apartments	522 1st St. NE	Detroit	75436 Red River	4	Rural	X	X	
		2704 W. Main St.	Clarksville	75426					
14181	Trails of Mockingbird Ln	302 N Mockingbird Ln	Abilene	79603 Taylor	2	Urban	X		
14066	Lexington Manor Apartments	3126 Ray Ellison	Corpus Christi	78415 Nueces	10	Urban	X		X
14191	Wheatley Courts	906 North Mittman Street	San Antonio	78202 Bexar	9	Urban	X		X
14247	The Trails at Fort Creek	2989 E. 51st Street	Austin	78723 Travis	7	Urban	X		X
14000	Trinity Oaks Apartments	600 Woodlawn Ave	Sulphur Springs	75482 Hopkins	4	Rural	X	X	
14001	Pine Terrace Apartments	1612 Amy Drive	Mount Pleasant	75455 Titus	4	Rural	X	X	
14060	New Haven Apartments	714 Jonathan Street	Athens	75751 Henderson	4	Rural	X		
14183	Robison Terrace	1010 Dan Haskins Way	Texarkana	75501 Bowie	4	Urban	X		
14197	Good Samaritan Towers	7750 Lilac Drive	El Paso	79915 El Paso	13	Urban	X		
14012	Wynnewood Seniors Housing II	Approx 1805 S Zang Boulevard	Dallas	75224 Dallas	3	Urban	X		X
14176	Moss Rose Apartments	1202 East Avenue E	Killeen	76541 Bell	8	Urban	X		
14236	Westwind Village II Apartments	1702 1/2 N 17th Street	Carrizo Springs, Texas	78834 Dimmit	11	Rural	X		X
14034	Eastwood Terrace Apartments	3001 EJ Campbell Blvd.	Nacogdoches	75961 Nacogdoches	5	Rural	X		
Estimated At-Risk Available to Allocate		\$8,990,425							
USDA Set-Aside		\$2,996,808							

Region 4 / Urban

14136	Residences on Old Jacksonville	17968 FM 2493	Tyler	75703 Smith	4	Urban			
14219	Palladium Texarkana	West of Cascades Blvd.	Texarkana	75503 Bowie	4	Urban			
14234	Stonewood Arts	NWQ Moores Ln and Richmond Rd	Texarkana	75503 Bowie	4	Urban			
14235	Acadia Arts	NWQ Myers St and Spring Hill Rd	Longview	75605 Gregg	4	Urban			
14269	Abbingdon Glen of Nash	Approx 800ft E of E New Boston Rd & N Kings Hwy	Nash	75569 Bowie	4	Urban			

14218	Palladium Longview	3807 Bill Owens Pkwy	Longview	75605 Gregg	4	Urban
14053	Longview Square	1600 Pine Tree	Longview	75604 Gregg	4	Urban
14096	Southside Residences	15600 FM 2493	Tyler	75703 Smith	4	Urban
Estimated Amount Available to Allocate		\$1,071,321				

RESOLUTION NO. 2014 - 035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, IN SUPPORT OF THE SUBMISSION OF AN APPLICATION TO THE 2014 COMPETITIVE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY PALLADIUM TEXARKANA, LTD FOR THE PROJECT KNOWN AS “PALLADIUM TEXARKANA” LOCATED WEST OF CASCADE BOULEVARD; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Palladium Texarkana, LTD proposes a development for affordable rental housing located West of Cascades Boulevard in Texarkana, Texas; and

WHEREAS, City staff has determined that the support of another HTC application will not negatively impact the Housing Authority of Texarkana Robison Terrace application; and

WHEREAS, there is a need for affordable housing for the City of Texarkana citizens of modest means; and

WHEREAS, Palladium Texarkana, LTD intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 Low Income Housing Tax Credit Program funds for Palladium Texarkana a 120 unit affordable housing development; and

WHEREAS, the application for the funding of tax credits requires a match of local funds in the form of a grant, loan or in kind contribution.

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

SECTION 1: That as provided for in 10 Texas Administrative Code §11.3(b), it is expressly acknowledged and confirmed that the City of Texarkana, Texas has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds.

SECTION 2: That the City of Texarkana, Texas hereby supports the proposed Palladium Texarkana Development, and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(A)(4).

SECTION 3: That for and on behalf of the Governing Body, Texarkana Texas City Manager is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

SECTION 4: This resolution is a firm commitment from the City of Texarkana for the purposes of Commitment of Development Funding by a Local Political Subdivision in the amount not to exceed \$364 per affordable unit (estimated \$40,000).

SECTION 5: These funds will be in the form of a permanent loan with a minimum term of five (5) years, and interest rate no higher than 3 percent per annum.

SECTION 6: These funds will be contingent upon: (1) City's receipt and approval of loan documents in final form; (2) no material adverse change in Palladium Texarkana, LTD or the circumstances surrounding Palladium Texarkana, LTD's development of the Project that would in the City's judgment, make the Loan unacceptable to City; (3) Palladium Texarkana, LTD's receipt of a commitment of Tax Credits for the Project from the TDHCA; and (4) availability to the City of funding sources upon such terms as are acceptable to City and in an amount sufficient to fund the Loan at the time of closing.

SECTION 7: The City of Texarkana is not a related party to the applicant, and any funds committed to this development have not been first provided to the City of Texarkana by the Applicant or a Related Party.

SECTION 8: The Loan Commitment will expire upon Palladium Texarkana, LTD's failure to satisfy any one of the numbered conditions above. City, its governing body, nor any employee or representative of City makes any representation with respect to whether the Loan Commitment qualifies Palladium Texarkana, LTD for the award of certain points by the TDHCA in connection with an application for a commitment of Tax Credits under any requirement, rule, policy, or guideline of the TDHCA.

SECTION 9: 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 24th day of February, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Version: A

Update Date: 2/18/2014 10:50 AM

Briefing Sheet

Lead Department: Public Works **Action Officer:** Debbie Burk
Subject: Consider Ordinance No. 2014-033 amending Section 3103.1.1 of the International Building Code as adopted in Chapter 5, Section 1.1 of the Code of Ordinances of the City of Texarkana, Texas pertaining to temporary structures.
Briefing: 3/10/2014 **Public Hearing:** 3/10/2014 **Second Briefing:** March 24, 2014 **Council Vote:** 4/14/2014

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:****Executive Summary and Background Information:**

A letter was received by the mayor from Mr. Ken McClain at B & K Rentals, Inc. (see attachment) requesting the City to review the Ordinance concerning temporary structures. He requested that the limit on permits allowed be increased from 10 to 14 days and from 3 to 5 times in a calendar year. Staff has now reviewed usage over the past year for all temporary structures permitted. The most common temporary structure is a tent used for outdoor sales and events. These tents are also regulated by the fire department (see attachment).

Potential Options:

None

Fiscal Implications:

Small increase in permit fees due to additional usage.

Staff Recommendation:

Staff is in agreement with Mr. McClain's request. Staff has also recognized a need for a seasonal type permit for temporary structures, i.e. Christmas tree sales, mother's day sales. Therefore, staff recommends for approval of the proposed amendment to this Ordinance.

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not applicable.

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

Not applicable.

Attachments

- a. Goals and Perspectives (DOCX)
- b. Ord 2014-033 Temp structures (DOCX)
- c. Attachment Ordinance 2014-33 letter (PDF)
- d. Attachment to Ord. 2014-033 (redlined amend.) (DOCX)
- e. Attachment to Ord. 2014-033 (fire code for temporary structures) (DOCX)

Staff Coordination

Public Works	Shirley Jaster 02/12/2014 4:38 PM	Department Head Review	Completed	
Public Information Officer		Lisa Thompson	Review	Completed
	02/13/2014 11:18 AM			
City Attorney 12:42 PM	Jennifer Evans	Review	Skipped	02/18/2014
City Manager 12:42 PM	Jennifer Evans	City Manager Review	Skipped	02/18/2014
City Council 7:45 PM	Jennifer Evans	Meeting	Completed	02/24/2014

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

None

Resource Impact:

Staff time required if item is approved: [Select One By Clicking Here](#)

Other Potential Impacts:

None

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. 2014 -033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING SECTION 3103.1.1 OF THE INTERNATIONAL BUILDING CODE AS ADOPTED IN CHAPTER 5, SECTION 1.1, “AMENDMENTS, MODIFICATIONS, DELETIONS” OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, TO LIMIT THE USE OF TEMPORARY STRUCTURES, PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City staff has reviewed and makes the recommendation that Chapter 5, Section 1.1, *Temporary Structures*, be amended.

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

SECTION 1: That Section 5-1.1 “*Amendments, modifications, deletions.*” of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended by the addition of the following language:

Section 3103.1.1 Permit required of the said International Building Code adopted by Section 5-1 herein, is hereby amended in its entirety to read as follows: “Temporary structures shall not be erected, operated, or maintained for any commercial purpose without obtaining a permit from the building official. A permit is valid for a period of time not longer than fourteen (14) days. A permit may not be granted more than five (5) times in each calendar year for any lot, premises, or location. Permits may not be granted for consecutive periods of time. The building official can approve a one-time seasonal permit for a period not to exceed forty-five (45) days i.e. Christmas, Valentine’s Day, Mother’s Day etc.”

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 3: 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: That 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 ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 14th day of April, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Mayor Bob Bruggeman

Municipal Building, 3rd and Spruce Street

Texarkana, TX 75501

Subject: Ordinance 173-08

Date 8-19-13

Dear Mayor Bruggeman,

The cited Ordinance requires permits and places limits for temporary structures such as tents that our business rents. It states that a permit is valid for a period of time" not longer than ten days and will not be granted more than three times in a calendar year for any lot, premises, or location."

As a partner in B & K. Rentals, Inc. I respectfully request that the limit on permits allowed be increased from ten to fourteen days and five times in a calendar year.

The extensions requested for permits would be not only beneficial for my business; but should also allow for payment of increased taxes to the city since these extensions would accommodate that. At the same time, these limited extensions, if allowed, would not open the door for establishments to have repeated sales and over usage of temporary structures.

Sincerely,


Ken McClain

B&K Rentals, Inc. dba The Big Event and Astrojump

Copy furnished to Ms. Shirley Jaster, Community Development and Code Enforcements

Attachment: Attachment Ordinance 2014-33 letter (1046 : Ord. # 2014-033 (Amendment to code- temporary structures))

BELOW IS THE CURRENT SECTION HIGHLIGHTED IN RED WITH THE PROPOSED AMENDED CHANGES:

Section 3103.1.1 Permit required. of the said International Building Code adopted by section 5-1 herein, is hereby amended in its entirety to read as follows: "**Temporary structures** shall not be erected, operated, or maintained for any commercial purpose without obtaining a permit from the building official. A permit is valid for a period of time not longer than ~~10~~ **fourteen (14)** days. A permit may not be granted more than ~~three (3)~~ **five (5)** times in each calendar year for any lot, premises, or location. Permits may not be granted for consecutive periods of time." **The building official can approve a one- time seasonal permit for a period not to exceed forty-five (45) days i.e. Christmas, Valentine's Day, Mother's Day etc.**

(Ord. No. 001-06, § 1, 1-9-06; Ord. No. 173-08, § 1, 8-25-08)

Attachment: Attachment to Ord. 2014-033 (redlined amend.) (1046 : Ord. # 2014-033 (Amendment to code- temporary structures))

2006 International Fire Code

Chapter 24 - Tents, Canopies and Other Membrane Structures

SECTION 2402 DEFINITIONS

2402.1 Definitions.

CANOPY. A structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without sidewalls or drops on 75 percent or more of the perimeter.

TENT. A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

SECTION 2403 TEMPORARY TENTS, CANOPIES AND MEMBRANE STRUCTURES

2403.1 General.

All temporary tents, canopies and membrane structures shall comply with this section.

2403.2 Approval required.

Tents and membrane structures having an area in excess of 200 square feet (19 m²) and canopies in excess of 400 square feet (37 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies open on all sides which comply with all of the following:
 - 2.1. Individual canopies having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet (3658 mm), not exceeding 700 square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to all structures and other tents.

2403.5 Use period.

Temporary tents, air-supported, air-inflated or tensioned membrane structures and canopies shall not be erected for a period of more than 180 days within a 12-month period on a single premises.

2403.6 Construction documents.

A detailed site and floor plan for tents, canopies or membrane structures with an occupant load of 50 or more shall be provided with each application for approval. The tent, canopy or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment.

2403.8.2 Location.

Tents, canopies or membrane structures shall not be located within 20 feet (6096 mm) of lot lines, buildings, other tents, canopies or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure, tent or canopy.

Exceptions:

1. Separation distance between membrane structures, tents and canopies not used for cooking, is not required when the aggregate floor area does not exceed 15,000 square feet (1394 m²).
2. Membrane structures, tents or canopies need not be separated from buildings when all of the following conditions are met:
 - 2.1. The aggregate floor area of the membrane structure, tent or canopy shall not exceed 10,000 square feet (929 m²).
 - 2.2. The aggregate floor area of the building and membrane structure, tent or canopy shall not exceed the allowable floor area including increases as indicated in the *International Building Code*.
 - 2.3. Required means of egress provisions are provided for both the building and the membrane structure, tent or canopy, including travel distances.
 - 2.4. Fire apparatus access roads are provided in accordance with [Section 503](#).

2403.12 Means of egress.

Means of egress for temporary tents, canopies and membrane structures shall be in accordance with Sections 2403.12.1 through 2403.12.8.

2403.12.1 Distribution.

Exits shall be spaced at approximately equal intervals around the perimeter of the tent, canopy or membrane structure, and shall be located such that all points are 100 feet (30 480 mm) or less from an exit.

2403.12.2 Number.

Tents, canopies or membrane structures or a usable portion thereof shall have at least one exit and not less than the number of exits required by Table 2403.12.2. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by a means of egress multiplied by 0.2 inches (5 mm) per person.

TABLE 2403.12.2 MINIMUM NUMBER OF MEANS OF EGRESS AND MEANS OF EGRESS WIDTHS FROM TEMPORARY MEMBRANE STRUCTURES, TENTS AND CANOPIES

OCCUPANT LOAD	MINIMUM NUMBER OF MEANS OF EGRESS	MINIMUM WIDTH OF EACH MEANS OF EGRESS (inches)	MINIMUM WIDTH OF EACH MEANS OF EGRESS (inches)
		Tent or Canopy	Membrane Structure
10 to 199	2	72	36
200 to 499	3	72	72
500 to 999	4	96	72
1,000 to 1,999	5	120	96
2,000 to 2,999	6	120	96
Over 3,000 ^a	7	120	96

2403.12.5 Aisle.

The width of aisles without fixed seating shall be in accordance with the following:

1. In areas serving employees only, the minimum aisle width shall be 24 inches (610 mm) but not less than the width required by the number of employees served.
2. In public areas, smooth-surfaced, unobstructed aisles having a minimum width of not less than 44 inches (1118 mm) shall be provided from seating areas, and aisles shall be progressively increased in width to provide, at all points, not less than 1 foot (305 mm) of aisle width for each 50 persons served by such aisle at that point.

2403.12.6 Exit signs.

Exits shall be clearly marked. Exit signs shall be installed at required exit doorways and where otherwise necessary to indicate clearly the direction of egress when the exit serves an occupant load of 50 or more.

2403.12.6.1 Exit sign illumination.

Exit signs shall be of an approved self-luminous type or shall be internally or externally illuminated by luminaires supplied in the following manner:

1. Two separate circuits, one of which shall be separate from all other circuits, for occupant loads of 300 or less; or
2. Two separate sources of power, one of which shall be an approved emergency system, shall be provided when the occupant load exceeds 300. Emergency systems shall

be supplied from storage batteries or from the on-site generator set, and the system shall be installed in accordance with the ICC *Electrical Code*.

2403.12.7 Means of egress illumination.

Means of egress shall be illuminated with light having an intensity of not less than 1 foot-candle (11 lux) at floor level while the structure is occupied. Fixtures required for means of egress illumination shall be supplied from a separate circuit or source of power.

2404.2 Flame propagation performance treatment.

Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory certifying that the tents; canopies and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting and combustible decorative materials and effects, including sawdust when used on floors or passageways, shall be composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA 701, and that such flame propagation performance criteria are effective for the period specified by the permit.

2404.3 Label.

Membrane structures, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type.

2404.5 Combustible materials.

Hay, straw, shavings or similar combustible materials shall not be located within any tent, canopy or membrane structure containing an assembly occupancy, except the materials necessary for the daily feeding and care of animals. Sawdust and shavings utilized for a public performance or exhibit shall not be prohibited provided the sawdust and shavings are kept damp. Combustible materials shall not be permitted under stands or seats at any time. The areas within and adjacent to the tent or air-supported structure shall be maintained clear of all combustible materials or vegetation that could create a fire hazard within 20 feet (6096 mm) of the structure. Combustible trash shall be removed at least once a day from the structure during the period the structure is occupied by the public.

2404.12 Portable fire extinguishers.

Portable fire extinguishers shall be provided as required by [Section 906](#).

2404.15 Heating and cooking equipment.

Heating and cooking equipment shall be in accordance with Sections 2404.15.1 through 2404.15.7.

2404.15.1 Installation.

Heating or cooking equipment, tanks, piping, hoses, fittings, valves, tubing and other related

components shall be installed as specified in the *International Mechanical Code* and the *International Fuel Gas Code*, and shall be approved by the fire code official.

2404.15.2 Venting.

Gas, liquid and solid fuel-burning equipment designed to be vented shall be vented to the outside air as specified in the *International Fuel Gas Code* and the *International Mechanical Code*. Such vents shall be equipped with approved spark arresters when required. Where vents or flues are used, all portions of the tent, canopy or membrane structure shall be not less than 12 inches (305 mm) from the flue or vent.

2404.15.3 Location.

Cooking and heating equipment shall not be located within 10 feet (3048 mm) of exits or combustible materials.

2404.15.4 Operations.

Operations such as warming of foods, cooking demonstrations and similar operations that use solid flammables, butane or other similar devices which do not pose an ignition hazard, shall be approved.

2404.15.5 Cooking tents.

Tents where cooking is performed shall be separated from other tents, canopies or membrane structures by a minimum of 20 feet (6096 mm).

2404.15.6 Outdoor cooking.

Outdoor cooking that produces sparks or grease-laden vapors shall not be performed within 20 feet (6096 mm) of a tent, canopy or membrane structure.

2404.15.7 Electrical heating and cooking equipment.

Electrical cooking and heating equipment shall comply with the ICC *Electrical Code*.

2404.16 LP-gas.

The storage, handling and use of LP-gas and LP-gas equipment shall be in accordance with Sections 2404.16.1 through 2404.16.3.

2404.16.1 General.

LP-gas equipment such as tanks, piping, hoses, fittings, valves, tubing and other related components shall be approved and in accordance with [Chapter 38](#) and with the *International Fuel Gas Code*.

2404.16.2 Location of containers.

LP-gas containers shall be located outside. Safety release valves shall be pointed away from the tent, canopy or membrane structure.

2404.16.2.1 Containers 500 gallons or less.

Portable LP-gas containers with a capacity of 500 gallons (1893 L) or less shall have a minimum separation between the container and structure not less than 10 feet (3048 mm).

2404.16.2.2 Containers more than 500 gallons.

Portable LP-gas containers with a capacity of more than 500 gallons (1893 L) shall have a minimum separation between the container and structures not less than 25 feet (7620 mm).

2404.16.3 Protection and security.

Portable LP-gas containers, piping, valves and fittings which are located outside and are being used to fuel equipment inside a tent, canopy or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be located in an approved location. Portable LP-gas containers shall be securely fastened in place to prevent unauthorized movement.

2404.17 Flammable and combustible liquids.

The storage of flammable and combustible liquids and the use of flammable-liquid-fueled equipment shall be in accordance with Sections 2404.17.1 through 2404.17.3.

2404.17.1 Use.

Flammable-liquid-fueled equipment shall not be used in tents, canopies or membrane structures.

2404.17.2 Flammable and combustible liquid storage.

Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet (15 240 mm) from tents, canopies or membrane structures. Storage shall be in accordance with [Chapter 34](#).

2404.17.3 Refueling.

Refueling shall be performed in an approved location not less than 20 feet (6096 mm) from tents, canopies or membrane structures.

2404.18 Display of motor vehicles.

Liquid- and gas-fueled vehicles and equipment used for display within tents, canopies or membrane structures shall be in accordance with Sections 2404.18.1 through 2404.18.5.3.

2404.18.1 Batteries.

Batteries shall be disconnected in an appropriate manner.

2404.18.2 Fuel systems.

Vehicles or equipment shall not be fueled or defueled within the tent, canopy or membrane structure.

2404.18.2.1 Quantity limit.

Fuel in the fuel tank shall not exceed one-quarter of the tank capacity or 5 gallons (19 L), whichever is less.

2404.18.2.2 Inspection.

Fuel systems shall be inspected for leaks.

2404.18.2.3 Closure.

Fuel tank openings shall be locked and sealed to prevent the escape of vapors.

2404.18.3 Location.

The location of vehicles or equipment shall not obstruct means of egress.

City of Texarkana, Texas

Version: C

Update Date: 2/5/2014 1:17 PM

Briefing Sheet

Lead Department: Municipal Services and Public Works **Action Officer:** Debbie Burk,
Ordinance No. 2014-019 amending PD-14 for site plan approval to allow the
location of an additional sign in Block 19, Ghio-Fish Boulevard Addition,
located at 4220 Texas Boulevard. William Dudley, Jr., owner. Terrie Jarvis,
agent. (Due to Planning and Zoning Commission denial, a 3/4 vote by the City
Subject: Council will be required to approve this request)

Briefing: 3/10/2014 **Public Hearing:** 2/24/2014 **Second Briefing:** March 10, 2014 **Council Vote:** 3/24/2014

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:****Executive Summary and Background Information:**

This is a request by William Dudley, Jr., owner, and Terrie Jarvis, agent for site plan approval to allow the location of a new sign at 4220 Texas Boulevard (Block 19, Ghio-Fish Boulevard Addition). A dental office and a dental assistant training school is currently sharing this office space. The tenant has added a new wall sign to the building advertising "Eastex Dental Academy" and this tenant is asking to add additional signage to the current sign along Texas Boulevard.

The adjacent zoning is PD-Office to the north, south and east and Office and SF-2 to the west across Texas Boulevard. The adjacent land use offices to the north, south and east and offices and residences across Texas Boulevard to the west.

The Comprehensive Plan has designated this area as a Mixed Use area.

This request is to allow an additional sign at this location. There is currently a multi-tenant sign located along Texas Boulevard advertising two dental offices that conforms with the current Planned Development regulations. In order to be in compliance with the current PD regulations, any new signage would have to be attached to the current multi-tenant sign.

The applicant has provided a drawing showing a 3' x 8' sign attached to the top of the existing multi-tenant sign. (see attached drawing). The proposed sign is wooden and does not match the existing internally lit signage. It also will be bolted to the top of the existing sign. The new proposed overall sign would be 9' in height and 8' in length. The existing sign is 6' in height and 8' in length.

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

Potential Options:

None

Fiscal Implications:

City of Texarkana, Texas

None

Staff Recommendation:

Staff recommends for denial of the proposed new sign since it is not of the same material and design of the existing multi-tenant signage. Furthermore, the existing sign has served these two buildings for numerous years. The tenant would be allowed to add their name to the existing sign on one of the two existing name plates. Additional signage could set a precedent for other tenant separations to also ask for adding to existing signage.

Advisory Board/Committee Review:

Planning and Zoning Commission.

Board/Committee Recommendation:

The Planning and Zoning Commission at their meeting on February 3, 2014 unanimously by a vote of 6 to 0 recommended to deny this request. Due to P & Z denial, a $\frac{3}{4}$ vote will be required to approve this request.

The Commissioners stated that the existing multi-tenant sign was adequate for this location. They stated that if the request is approved, a precedent could be set for similar requests if additional tenants were added. Commissioners indicated that the applicant should make arrangements with the landlord/owner to utilize half of the existing signage. This would allow one panel of the existing sign for each building.

Advisory Board/Committee Meeting Date and Minutes:

The minutes have not been prepared yet for this meeting.

Attachments

- a. Goals and Perspectives (DOCX)
- b. Ordinance No. 2014-019 (DOCX)
- c. Exhibit "A" attachment to Ord. # 2014-019 (PDF)
- d. Exhibit "B" attachment to Ord. # 2014-019 (PDF)
- e. maps & drawing for Ord. # 2014-019(PDF)
- f. Ward map for Ord. No. 2014-019 (PDF)

Staff Coordination

Public Works	Debbie Burk 02/05/2014 1:19 PM	Department Head Review	Completed
Municipal Services and Public Works	Shirley Jaster 02/05/2014 4:42 PM	Review	Completed
City Manager 8:47 AM	John Whitson	City Manager Review Completed	02/06/2014
City Council 8:23 AM	Jennifer Evans	Meeting Completed	02/26/2014

City of Texarkana, Texas**Meeting History**

02/10/14 City Council MOVED FORWARD Next: 02/24/14
Shirley Jaster briefed this item.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

None

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

None

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	☒	Sign posted

Other:

Amendment to PD-14

ORDINANCE NO. 2014-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-14 (OFFICE) FOR SITE PLAN APPROVAL TO ALLOW AN ADDITIONAL SIGN IN BLOCK 19, GHIO-FISH BOULEVARD ADDITION, LOCATED AT 4220 TEXAS BOULEVARD 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 to allow the location of an additional sign** (Exhibit "A") in Block 19, Ghio-Fish Boulevard Addition (Exhibit "B"), located at 4220 Texas Boulevard, 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 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 **unanimously by a vote of six (6) to zero (0) to recommend denial of the petition for the request for site plan approval to allow the location of an additional sign** (Exhibit "A") 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 the **approval of the site plan to allow the location of an additional sign** 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 **amendment to the site plan to allow the location of an additional sign** in Block 19, Ghio-Fish Boulevard Addition, located at 4220 Texas Boulevard, in the City of Texarkana, Texas, Bowie County, Texas, be and is hereby approved and hereby amends PD-14(O).

Attachment: Ordinance No. 2014-019 [Revision 2] (1031 : Ord.2014-019 (Amend. to PD-14) 4220 Texas Blvd.)

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 24th day of March, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

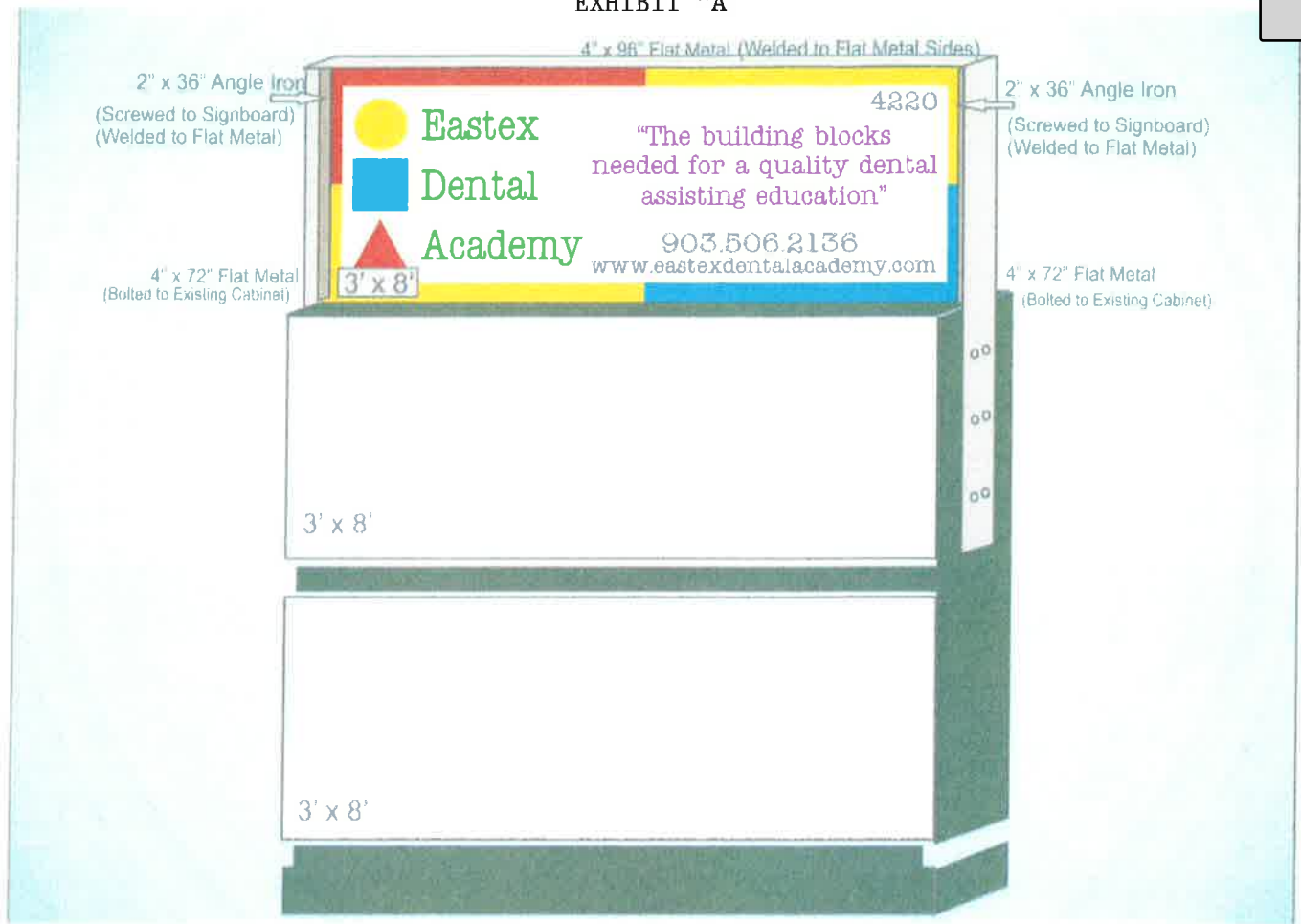


EXHIBIT "B"

A part of Block No. 19 GHIO-FISH BLVD. ADDITION to the City of Texarkana, Bowie County, and the South One-Half (1/2) of Houston Street lying East of Texas Boulevard and located between Blocks No. 18 and 19 of said Ghio-Fish Blvd., Addition; and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe 91.83 ft. West and 30.00 ft. North of the Northeast corner of Block No. 19, Ghio-Fish Blvd. Addition to the City of Texarkana, Bowie County, Texas, same being in the centerline of Houston Street;

THENCE South, 179.00 ft.;

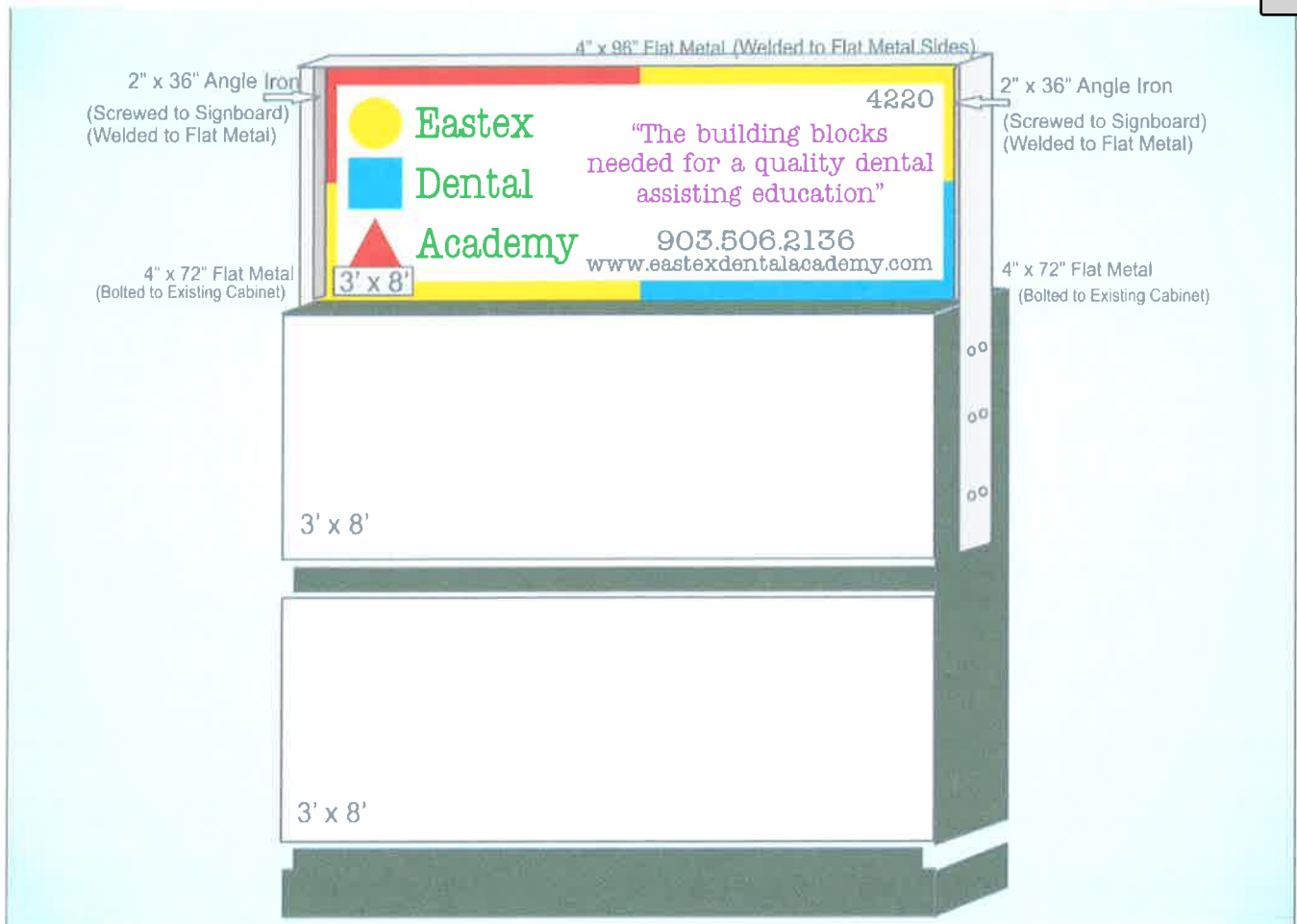
THENCE West, 144.04 ft. to the East right of way of Texas Boulevard; same being a curve to the right having a radius of 1382.40 ft.; the radius point bears South 74°34' 55" East;

THENCE Northeasterly with said East right of way of Texas Boulevard, and said curve a distance of 189.87 ft. through a central angle of $07^{\circ} 52' 10''$ to a 1" iron pipe in the centerline of the above mentioned Houston Street;

THENCE East, 81.17 ft. with the centerline of said Houston Street to the POINT OF BEGINNING and containing 0.472 acres of land, more or less.

10/112174

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08480003510
GHIO-FISH BOULEVARD ADDN
PT LOT 7
LAREY NIXON PROPERTIES

0848001581
GHIO-FISH BOULEVARD ADDN
PT LOT 1
RICHMOND RD PROPERTIES

4224

4220

4222

Sign

08480001800
GHIO-FISH BOULEVARD ADDN
PT OF HOUSTON ST PT OF BLK
DUDLEY, WILLIAM JR & JOHN CAYCE

08480001862
GHIO-FISH BOULEVARD ADDN
NE PT
CURRY, ANDREW & CAROLINE

TEXAS BLVD

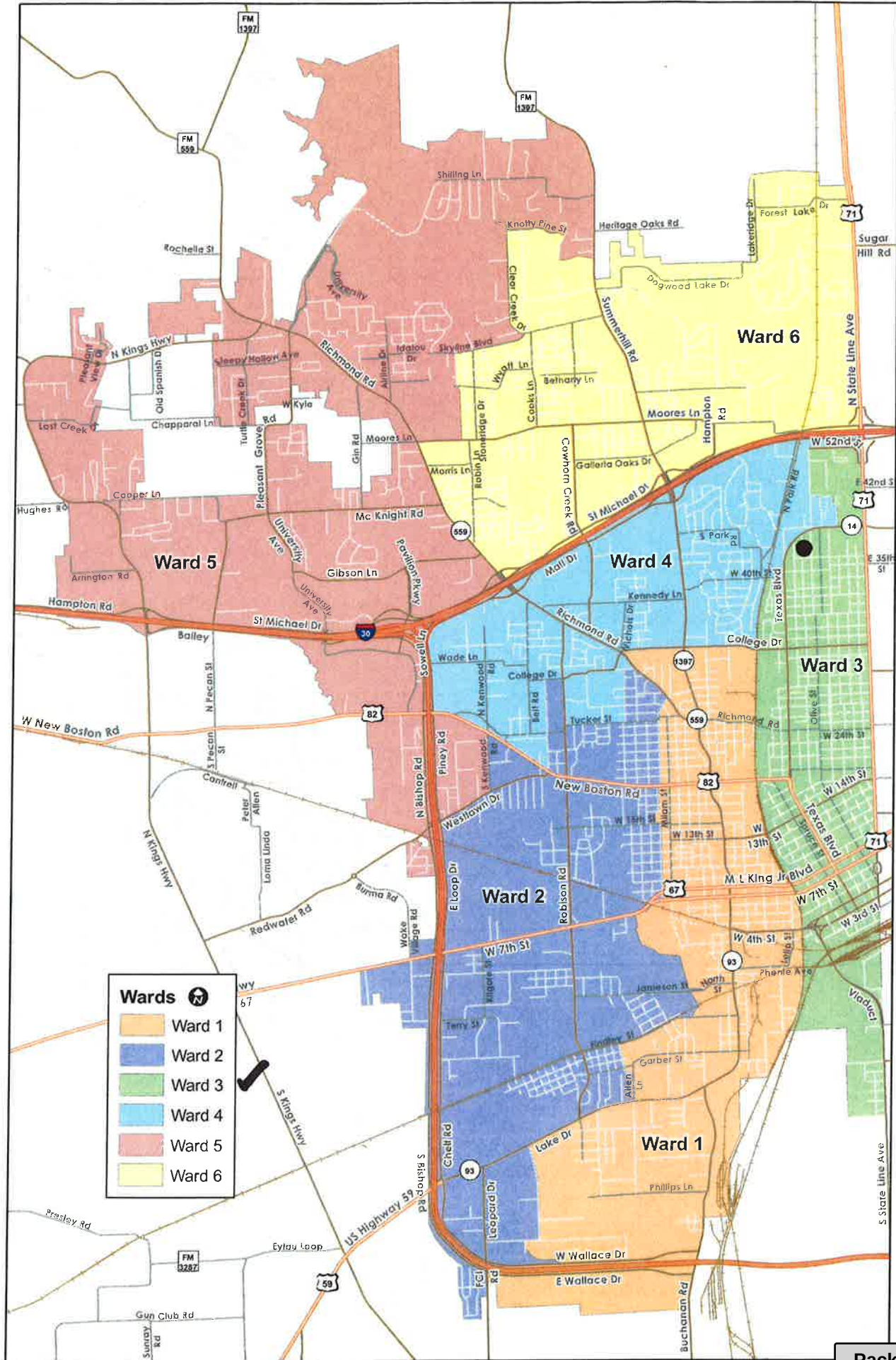
Row

08480001801
GHIO-FISH BOULEVARD ADDN
PT
OTO LARYNGOLOGY ASSOC

4214

08480002200

Texarkana, TX - Ward Map



City of Texarkana, Texas

Version: D

Update Date: 2/18/2014 10:52 AM

Briefing Sheet

Lead Department: Public Works **Action Officer:** Debbie Burk
Ordinance No. 2014-027 rezoning a 1.48 acre tract of land being part of the
H.S. Janes HRS, A-306, located at 3723 South Lake Drive. Single Family-2 to
Subject: Commercial. Carl Daily, owner. Landon Huffer, agent.

Public **Second** **Council**
Briefing: 3/10/2014 **Hearing:** 2/24/2014 **Briefing:** March 10, 2014 **Vote:** 3/24/2014

Item Schedule

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

Updates/History of Briefing:

Executive Summary and Background Information:

This is a request by Carl Daily, owner, and Landon Huffer, agent, to rezone a 1.48 acre tract of land being part of the H.S. Janes HRS, A-306, located at 3723 South Lake Drive from Single Family-2 (SF-2) to Commercial (C). The property is currently vacant and the proposed use is for a future commercial type business.

The adjacent zoning is PD-MF-2 to the north across Lake Drive, PD-Office and SF-2 to the east, and Commercial to the south and west. The adjacent land use is an apartment complex and vacant land to the north (across Lake Drive), a warehouse to the south, vacant land (future location for FCI credit union) and residences to the east, and vacant Land and Cook's Drywall business to the west.

The Comprehensive Plan has designated this as a Retail Area.

This property is located in close proximity to the intersection of Jarvis Parkway and South Lake Drive. There are other business uses in this area that are commercially zoned located directly to the south and west of this tract of land.

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

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Since there are other commercially zoned properties in this area, staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission at their meeting on February 3, 2014 unanimously recommended for approval of this request.

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

The minutes have not been prepared for this meeting.

Attachments

- a. Goals and Perspectives (DOCX)
- b. Ordinance No. 2014-027 (DOCX)
- c. Exhibit "A" attachment to Ord. # 2014-027 (PDF)
- d. maps for Ord. # 2014-027 (PDF)
- e. Ward map for Ord. No. 2014-027 (PDF)

Staff Coordination

City Manager 10:51 AM	Pam Burns	Review	Completed	02/05/2014
Public Works	Shirley Jaster 02/05/2014 4:26 PM	Department Head Review	Completed	
City Manager 8:27 AM	John Whitson	City Manager Review	Completed	02/06/2014
City Council 8:23 AM	Jennifer Evans	Meeting	Completed	02/26/2014

Meeting History

02/10/14 City Council MOVED FORWARD Next: 02/24/14
Landon Huffer with Schimming Company briefed this item.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

None

Resource Impact:

Staff time required if item is approved: Medium

Other Potential Impacts:

None

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	☒	Sign posted

Other:

Z-14-3

ORDINANCE NO. 2014-027

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 1.48 ACRE TRACT OF LAND BEING PART OF THE H.S. JANES HRS, A-306, (EXHIBIT "A"), LOCATED AT 3723 SOUTH LAKE DRIVE IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-2 TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone a 1.48 acre tract of land being part of the H.S. Janes HRS, A-306 (Exhibit "A"), located at 3723 South Lake Drive in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and 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 six (6) to zero (0) to recommend the application for rezoning from Single Family-2 to Commercial** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to 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 a 1.48 acre tract of land being part of the H.S. Janes HRS, A-306 (Exhibit "A"), located at 3723 South Lake Drive in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**.

Attachment: Ordinance No. 2014-027 (1032 : -Ord. No. 2014-027 (Z-14-3) 3723 S. Lake Dr. SF-2 to C)

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 24th day of March, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT "A"

All that certain lot, tract or parcel of land situated in Bowie County, Texas, and being a part of Block No. 25 of the Subdivision of the H. S. JAMES HEADRIGHT SURVEY, and also a part of a certain tract of land conveyed by Herman H Wommack, Jr. to L. C. Baker, on November 19, 1951, as shown by deed of record in Vol. 281 page 63 of the Deed Records of Bowie County, Texas; BEGINNING at the Northwest corner of the tract conveyed to Baker, in the South boundary line of Highway #59, an iron pipe for corner; THENCE South with the West boundary line of the Baker tract, 392.5 feet to an iron stake for corner; THENCE East 170 feet to an iron stake for corner; THENCE North 2 deg. 3 min. West, 439 1/2 feet to an iron stake in the South boundary line of Highway #59; THENCE Southwesterly with the South boundary line of said Highway, 160 feet to the place of beginning, containing 1.55 acres of land. SAVE AND EXCEPT that tract of land as described in Right-of-Way deed from Agnes Philyaw, a widow to the State of Texas, dated June 23rd, 1958, filed July 2nd, 1958, recorded in Vol. 360, Page 403 of the Deed Records of Bowie County, Texas.

Reservations from and Exceptions to Conveyance and Warranty:

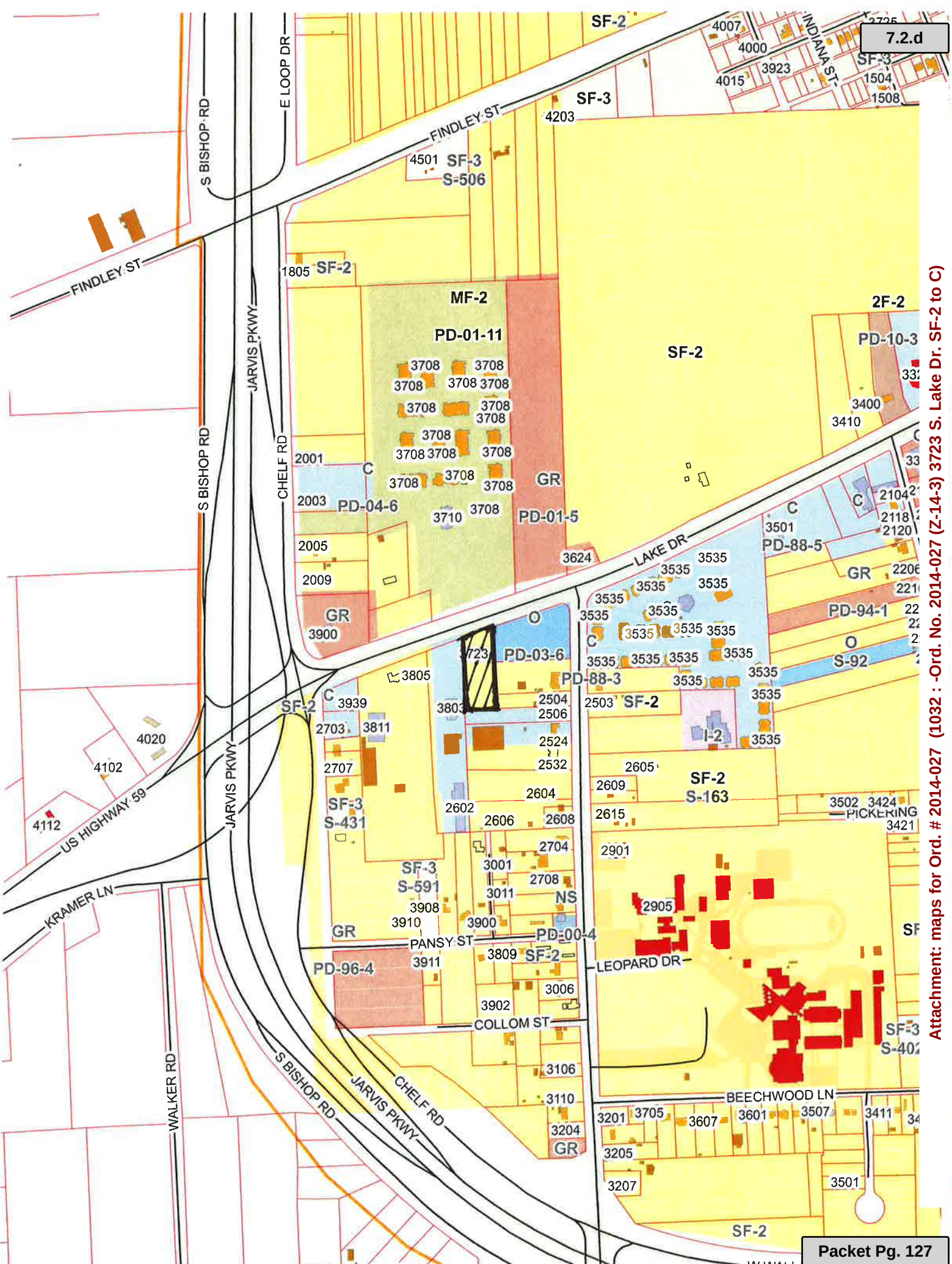
This conveyance is made subject to the following matters, to the extent same are of record at this time: Any and all restrictions, covenants, conditions,

11.00
Pd.
13513 #
3556
Page 178

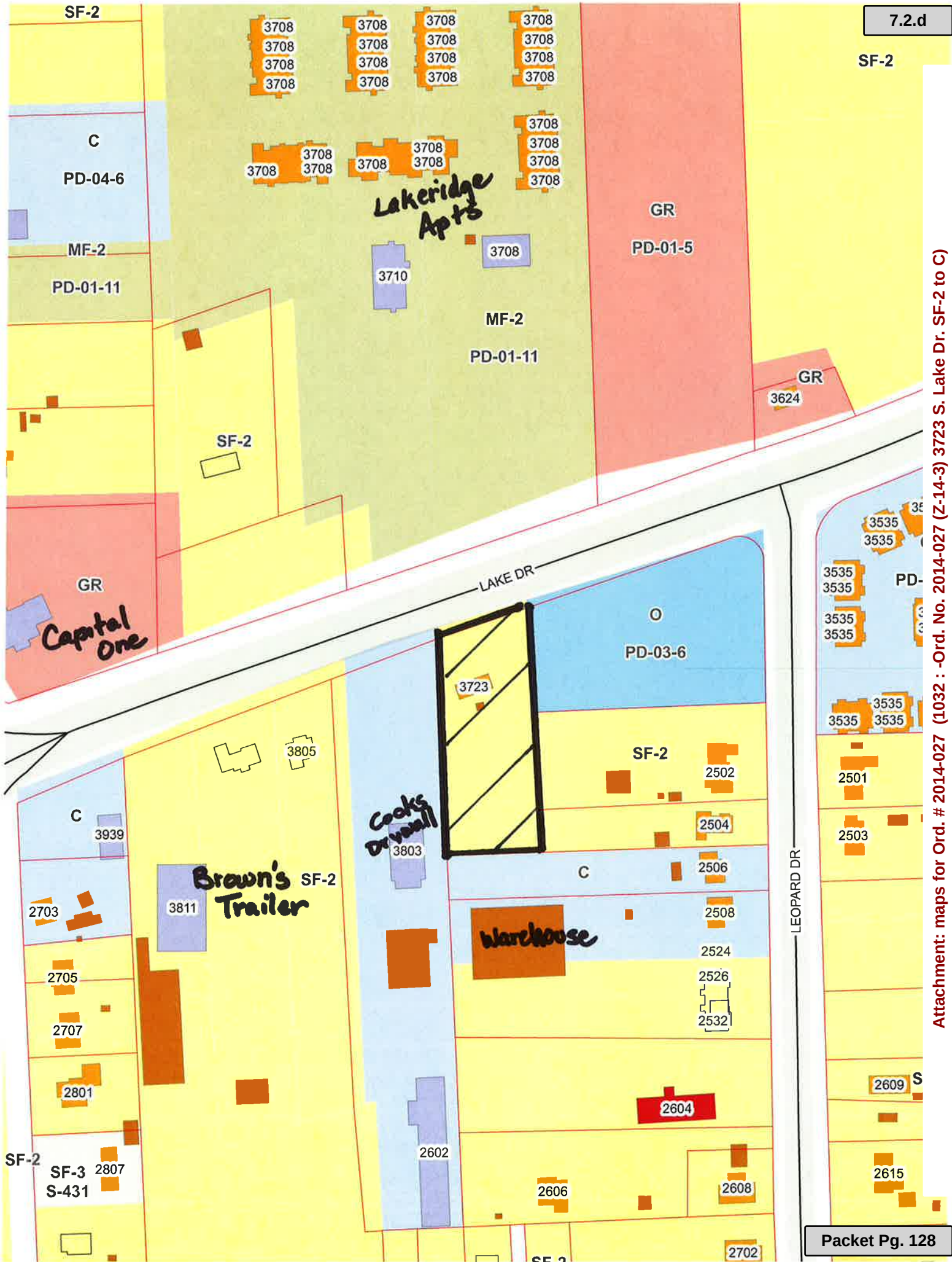
For Record in
County, Texas
La Moore
nty Clerk
0,2001 at 10:01AM

Horton Kemp Jr.

Attachment: Exhibit ?A? attachment to Ord. # 2014-027 (1032 : -Ord. No. 2014-027 (Z-14-3) 3723 S. Lake Dr. SF-2 to C)



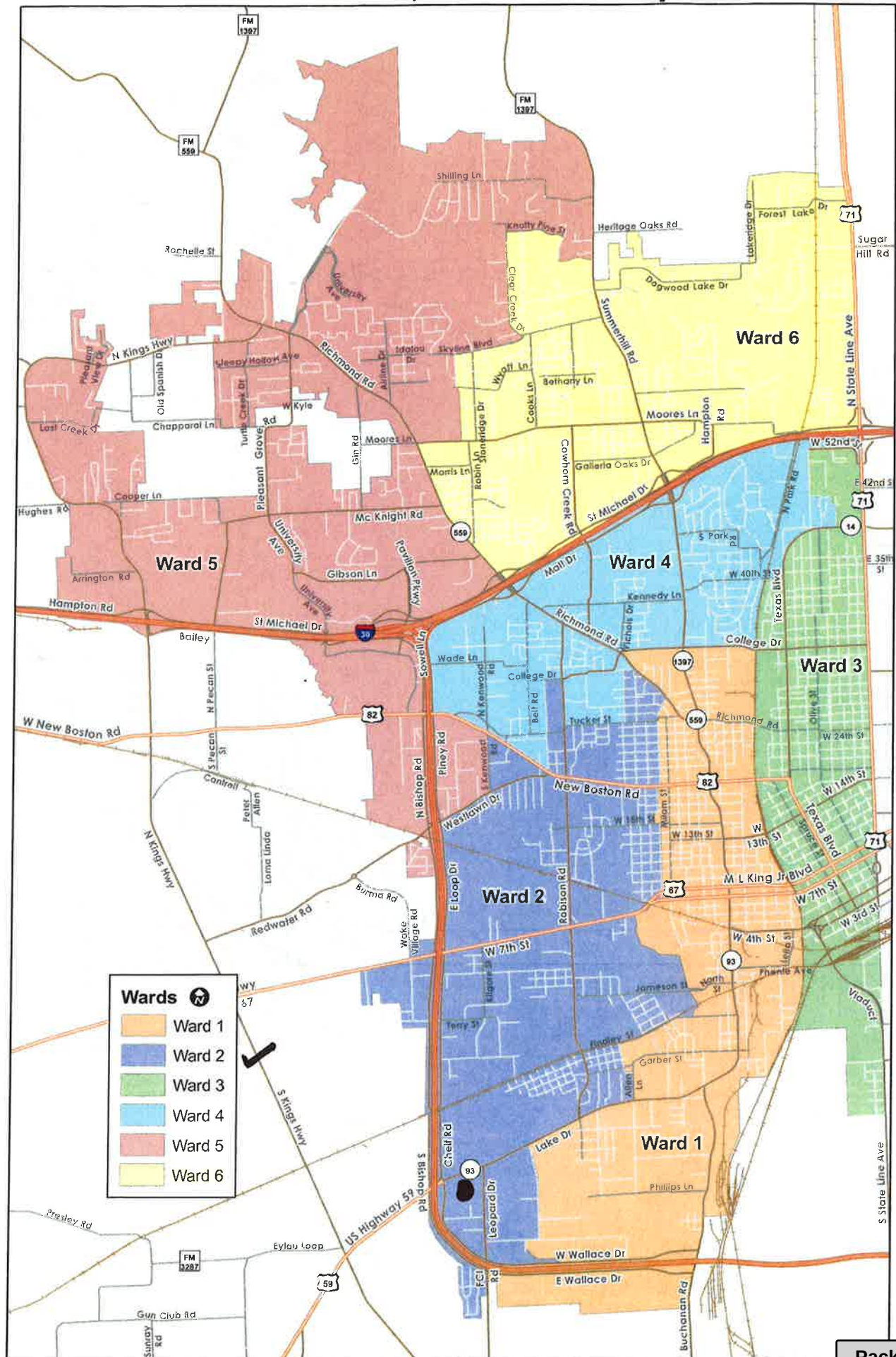
Attachment: maps for Ord. # 2014-027 (1032 : -Ord. No. 2014-027 (Z-14-3) 3723 S. Lake Dr. SF-2 to C)



Attachment: maps for Ord. # 2014-027 (1032 : -Ord. No. 2014-027 (Z-14-3) 3723 S. Lake Dr. SF-2 to C)



Texarkana, TX - Ward Map



City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 2/5/2014 9:47 AM

Lead Department: Public Works **Action Officer:** Debbie Burk
Ordinance No. 2014-028 rezoning Lots 114, 115, 116, 117, part of 118, 140, 141, 142, 143, west part of 144 and 170, Belmont Subdivision, located south of Arizona Avenue in the 900 block of North Bishop Road. Single Family-2 to Commercial. Carl Daily, owner. Landon Huffer, agent.

Subject: Commercial. Carl Daily, owner. Landon Huffer, agent.

Briefing: 3/10/2014 **Public Hearing:** 2/24/2014 **Second Briefing:** March 10, 2014 **Council Vote:** 3/24/2014

Item Schedule

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

Updates/History of Briefing:

Executive Summary and Background Information:

This is a request by Carl Daily, owner, and Landon Huffer, agent, to rezone Lots 114, 115, 116, 117, part of 118, 140, 141, 142, 143, west part of 144 and 170, Belmont Subdivision, located south of Arizona Avenue in the 900 block of North Bishop Road from Single Family-2 to Commercial. The property is currently vacant and the proposed use is future commercial development.

The adjacent zoning is Commercial to the north, Single Family-2 to the south and west and Jarvis Parkway to the east. The adjacent land use is vacant land to the north and south, residences to the west and Jarvis Parkway to the east.

The Comprehensive Plan has designated this as a Retail Area.

It should be noted that this property borders on the boundary between Texarkana and Wake Village.

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

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

There is currently Commercial zoned property immediately to the north of this tract of land. Commercial type uses along Jarvis Parkway are consistent with others in the area. Therefore, staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

City of Texarkana, Texas

Board/Committee Recommendation:

The Planning and Zoning Commission at their meeting on February 3, 2014 unanimously by a vote of 6 to 0 recommended for approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

The minutes have not been prepared yet for this meeting.

Attachments

- a. Goals and Perspectives (DOCX)
- b. Ordinance No. 2014-028 (DOCX)
- c. maps for Ord. # 2014-028 (PDF)
- d. Ward map for Ord. No. 2014-028 (PDF)

Staff Coordination

Public Works	Shirley Jaster 02/05/2014 4:35 PM	Department Head Review	Completed
Municipal Services and Public Works	Shirley Jaster Completed 02/05/2014 4:35 PM	MS & PW Review	
City Manager 8:42 AM	John Whitson	City Manager Review Completed	02/06/2014
City Council 8:23 AM	Jennifer Evans	Meeting Completed	02/26/2014

Meeting History

02/10/14 City Council MOVED FORWARD Next: 02/24/14
Landon Huffer with Schimming Company briefed this item.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

None

Resource Impact:

Staff time required if item is approved: [Select One By Clicking Here](#)

Other Potential Impacts:

None

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	☒	Sign posted

Other:

Z-14-4

ORDINANCE NO. 2014-028

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 114, 115, 116, 117, PART OF 118, 140, 141, 142, 143, WEST PART OF 144, AND 170, BELMONT SUBDIVISION, LOCATED SOUTH OF ARIZONA AVENUE IN THE 900 BLOCK OF NORTH BISHOP ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-2 TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone Lots 114, 115, 116, 117, part of 118, 140, 141, 142, 143, west part of 144, and 170, Belmont Subdivision, located south of Arizona Avenue in the 900 block of North Bishop Road in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and 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 six (6) to zero (0) to recommend the application for rezoning from Single Family-2 to Commercial** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to 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 Lots 114, 115, 116, 117, part of 118, 140, 141, 142, 143, west part of 144, and 170, Belmont Subdivision, located south of Arizona Avenue in the 900 block of North Bishop Road in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**.

Attachment: Ordinance No. 2014-028 (1033 : Ord. # 2014-028 (900. blk. N Bishop. SF-2 to C))

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.

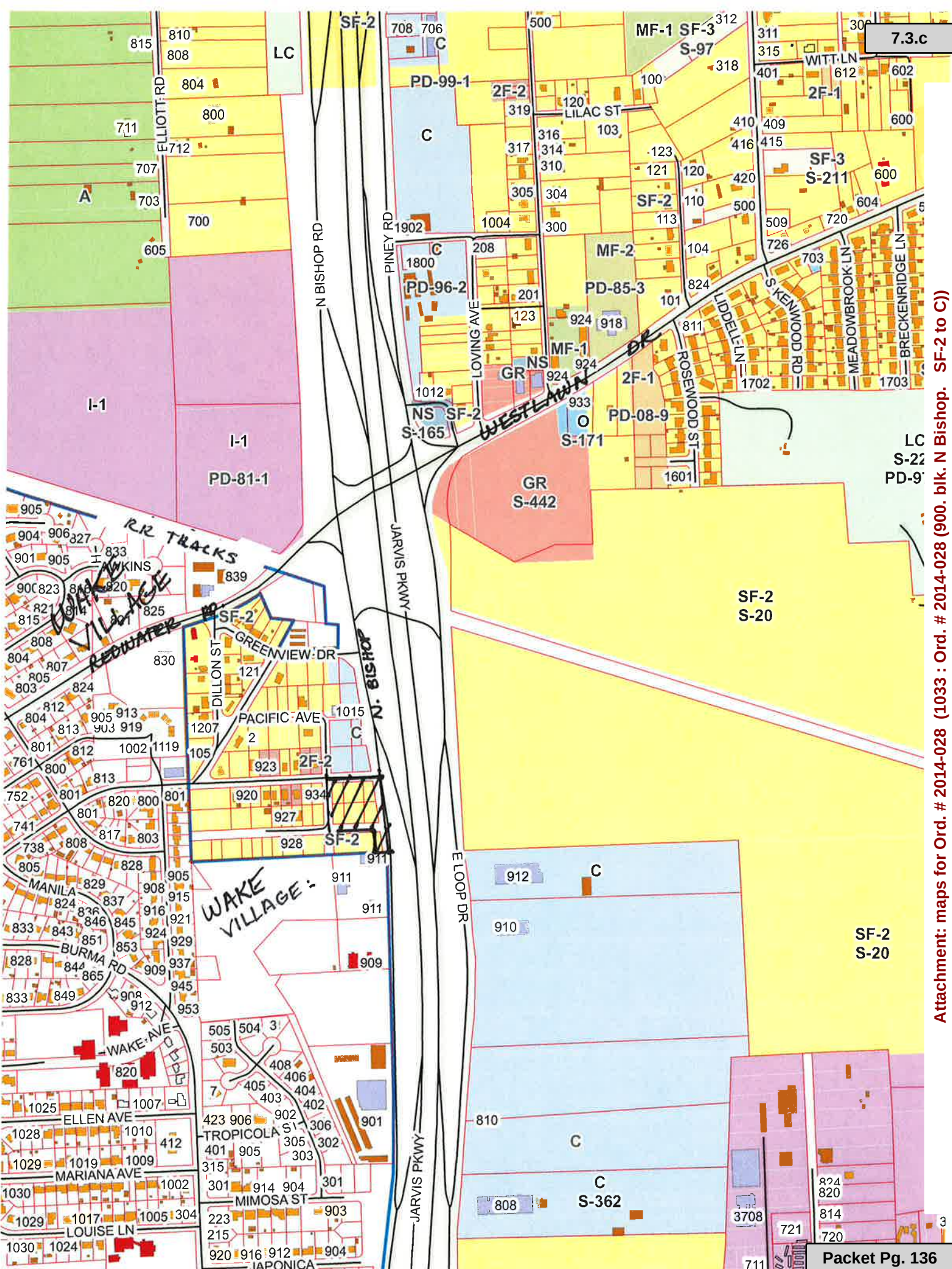
SECTION 4: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 24th day of March, 2014.

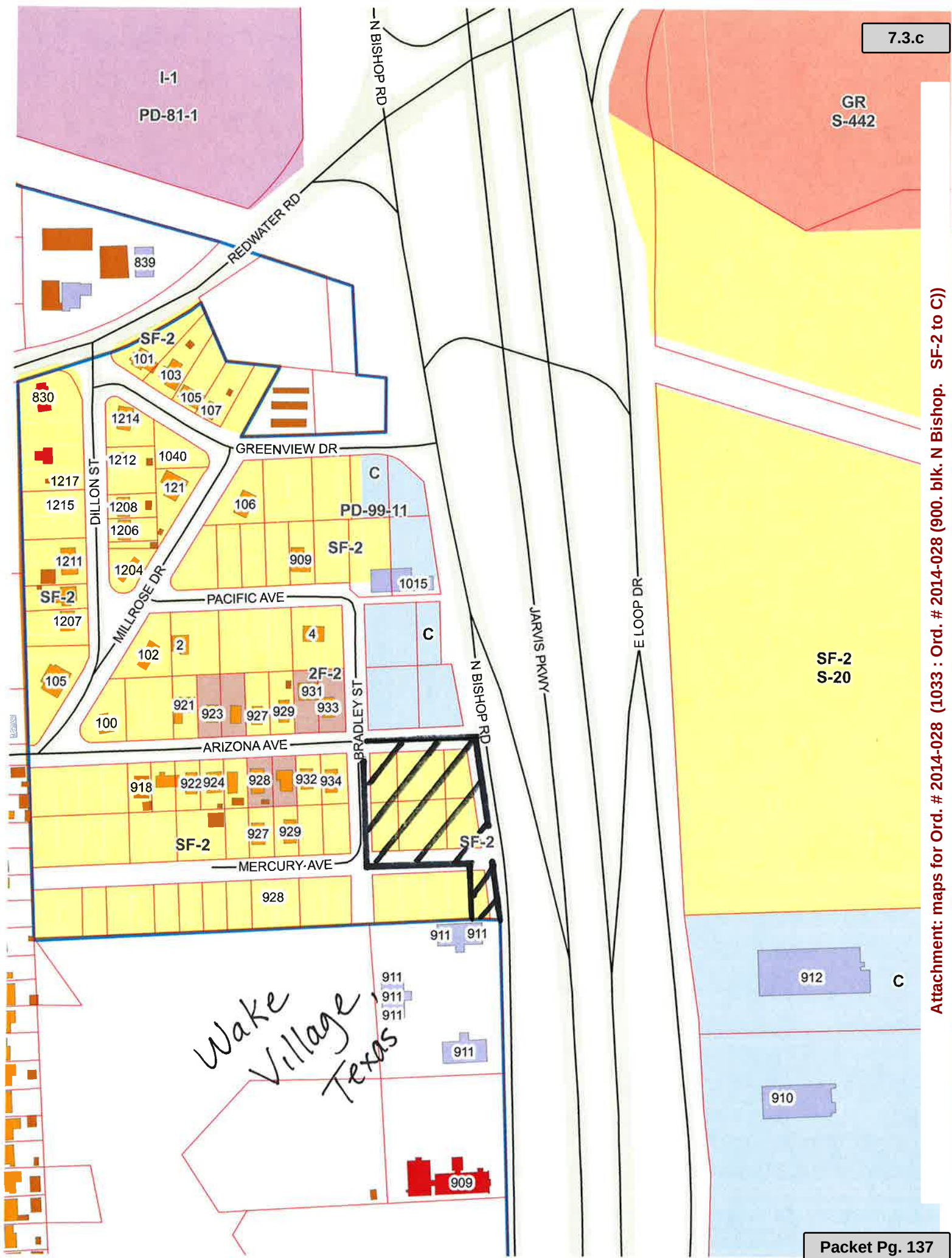
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

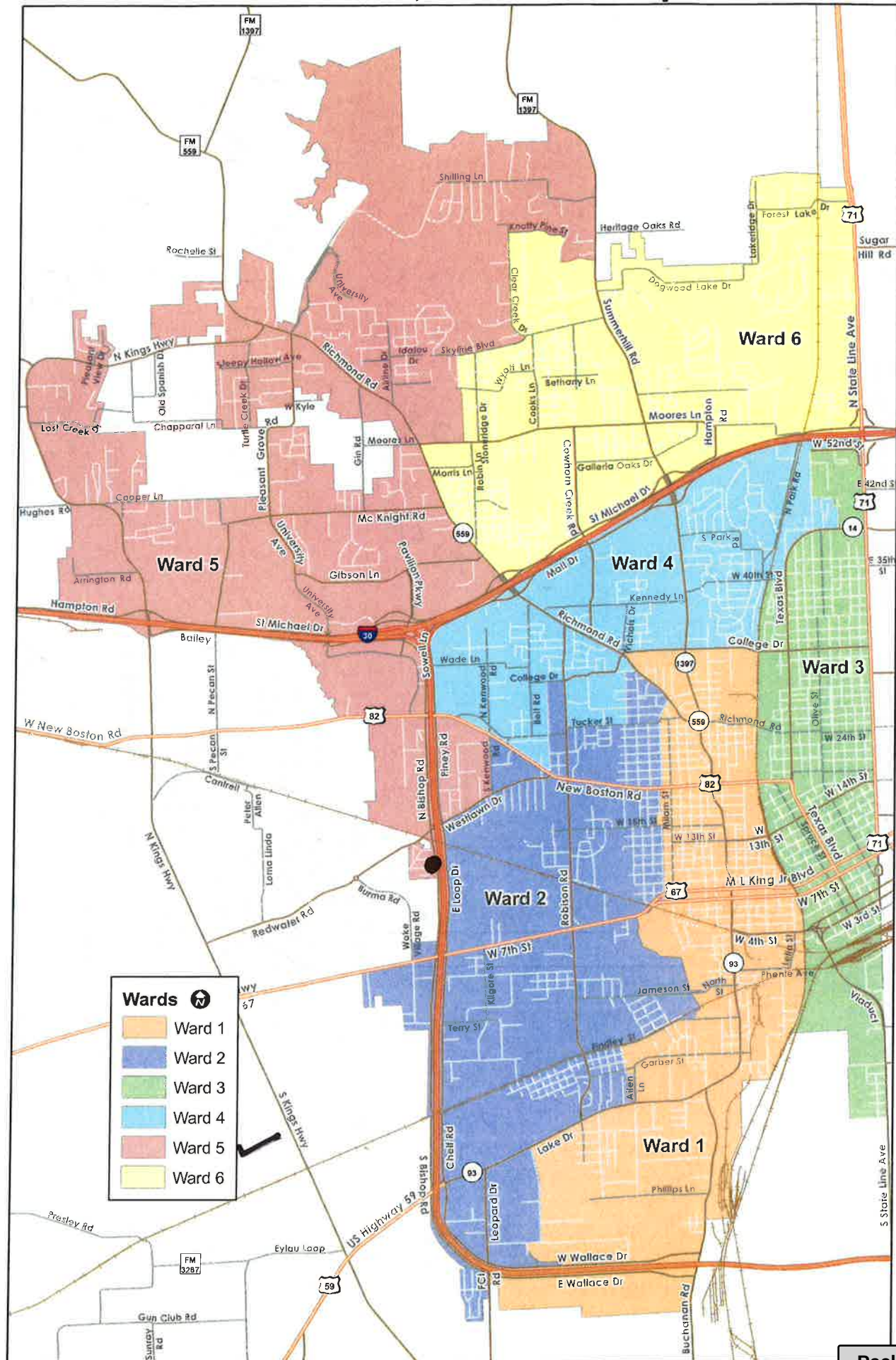


Attachment: maps for Ord. # 2014-028 (1033 : Ord. # 2014-028 (900. blk. N Bishop. SF-2 to C))





Texarkana, TX - Ward Map



Attachment: Ward map for Ord. No. 2014-028 (1033 : Ord. # 2014-028 (900. blk. N Bishop. SF-2 to C))

City of Texarkana, Texas

Version: B

Update Date: 2/19/2014 3:19 PM

Briefing Sheet

Lead Department: Public Works **Action Officer:** Debbie Burk,
Ordinance No. 2014-029 granting a Specific Use Permit to allow the one
additional use of a tattoo studio on a .31 acre tract of land being part of the
Howard Ethridge HRS, A-182, located at 1414 New Boston Road. Sammie
Subject: Strange, owner. Reggie Keith, agent.

Briefing: 3/10/2014 **Public Hearing:** 2/24/2014 **Second Briefing:** March 10, 2014 **Council Vote:** 3/24/2014

Item Schedule

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

Updates/History of Briefing:

Executive Summary and Background Information:

S-651: This is a request by Sammie Strange, owner, and Reggie Keith, agent, for a Specific Use Permit, SUP, to allow the one additional use of a tattoo studio on a .31 acre tract of land being a part of the Howard Ethridge HRS, A-182, located in a tenant space at 1414 New Boston Road. There is currently an office type building located on the property that leases out retail/office space.

The adjacent zoning is Commercial to the north and west and Industrial-1 to the east and south. The adjacent land use is a mini-warehouse development (partially being used as a flea market) to the north, a vacant retail business to the south, a glass repair business to the east and vacant land to the west.

This property is zoned Commercial (C). A Specific Use Permit is required to allow the one additional use of a tattoo studio in this zoning district. The application of permanent cosmetics is also considered a tattoo as well as any inked body art. The State of Texas will regulate this business as to licensing and other health related issues.

There are and have been other tattoo studios located in this area of the City along New Boston Road. Therefore, this use is consistent with present and previous uses.

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

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

There appears to be adequate parking at the business location for this additional use. Staff recommends for approval of the request with the following stipulations:

1. That the owner/or any employee performing the application of tattooing procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That if any complaints concerning minors or any violations of the regulations listed above occur, the City has the right to revoke the Specific Use Permit.

City of Texarkana, Texas

3. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
4. That the sale of tobacco products or drug paraphernalia is prohibited.
5. That the hours of operation will be from 11:00 a.m. until 8 p.m. (Monday – Saturday) or by appointment.
6. That any remodeling of the current building must meet all city codes and requires licensed contractors.
7. That no painting of the windows or the building with advertisement or graphic art is allowed.
8. That any signage for the tattoo business must be located on the existing multi-tenant sign.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission at their meeting on February 3, 2014, unanimously recommended for approval of the request with staff stipulations.

Advisory Board/Committee Meeting Date and Minutes:

The minutes have not been prepared yet for this meeting.

Attachments

- a. Goals and Perspectives (DOCX)
- b. Ordinance No. 2014-029 (DOCX)
- c. maps for Ord. # 2014-029 (PDF)
- d. Ward map for Ord. No. 2014-029 (PDF)

Staff Coordination

Public Works	Shirley Jaster 02/05/2014 4:32 PM	Department Head Review	Completed
Municipal Services and Public Works	Shirley Jaster Completed 02/05/2014 4:32 PM	MS & PW Review	
City Manager 8:35 AM	John Whitson	City Manager Review Completed	02/06/2014
City Council 8:23 AM	Jennifer Evans	Meeting Completed	02/26/2014

Meeting History

02/10/14 City Council MOVED FORWARD Next: 02/24/14
Reggie Keith briefed this item.

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:

(Insert Text Here/or say "NONE")

Resource Impact:

Staff time required if item is approved: [Select One By Clicking Here](#)

Other Potential Impacts:

List or say "NONE APPLICABLE"

Public Information Plan:

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

Other:

S-651

ORDINANCE NO. 2014-029

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-651 TO ALLOW ONE ADDITIONAL USE OF A TATTOO STUDIO ON A .31 ACRE TRACT OF LAND BEING PART OF THE HOWARD ETHRIDGE HRS, A-182, (EXHIBIT "A"), LOCATED AT 1414 NEW BOSTON ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an Amendment to the Zoning Ordinance so as to grant a **Specific Use Permit** to allow the **one additional use of a tattoo studio** on a .31 acre tract of land being part of the Howard Ethridge HRS, A-182 (Exhibit "A"), located at 1414 New Boston Road in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and 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 **unanimously Six (6) to Zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the one additional use of a tattoo studio** 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 so as to grant a **Specific Use Permit numbered S-650 for the purpose of allowing the one additional use of a tattoo studio** on the following described property, to-wit: **a .31 acre tract of land being part of the Howard Ethridge HRS, A-182 (Exhibit "A"), located at 1414 New Boston Road in the City of Texarkana, Bowie County, Texas.**

SECTION 2: That the following special terms and conditions are hereby imposed and made part of this Ordinance:

1. That the owner/or any employee performing the application of tattooing procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That if any complaints concerning minors or any violations of the regulations listed

- above occur, the City has the right to revoke the Specific Use Permit.
3. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
 4. That the sale of tobacco products or drug paraphernalia is prohibited.
 5. That the hours of operation will be from 11:00 a.m. to 8:00 p.m. (Monday –Saturday) or by appointment.
 6. That no painting of the windows or the building with advertisement or graphic art.
 7. That any signage for the tattoo business must be located on the existing multi-tenant sign.

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

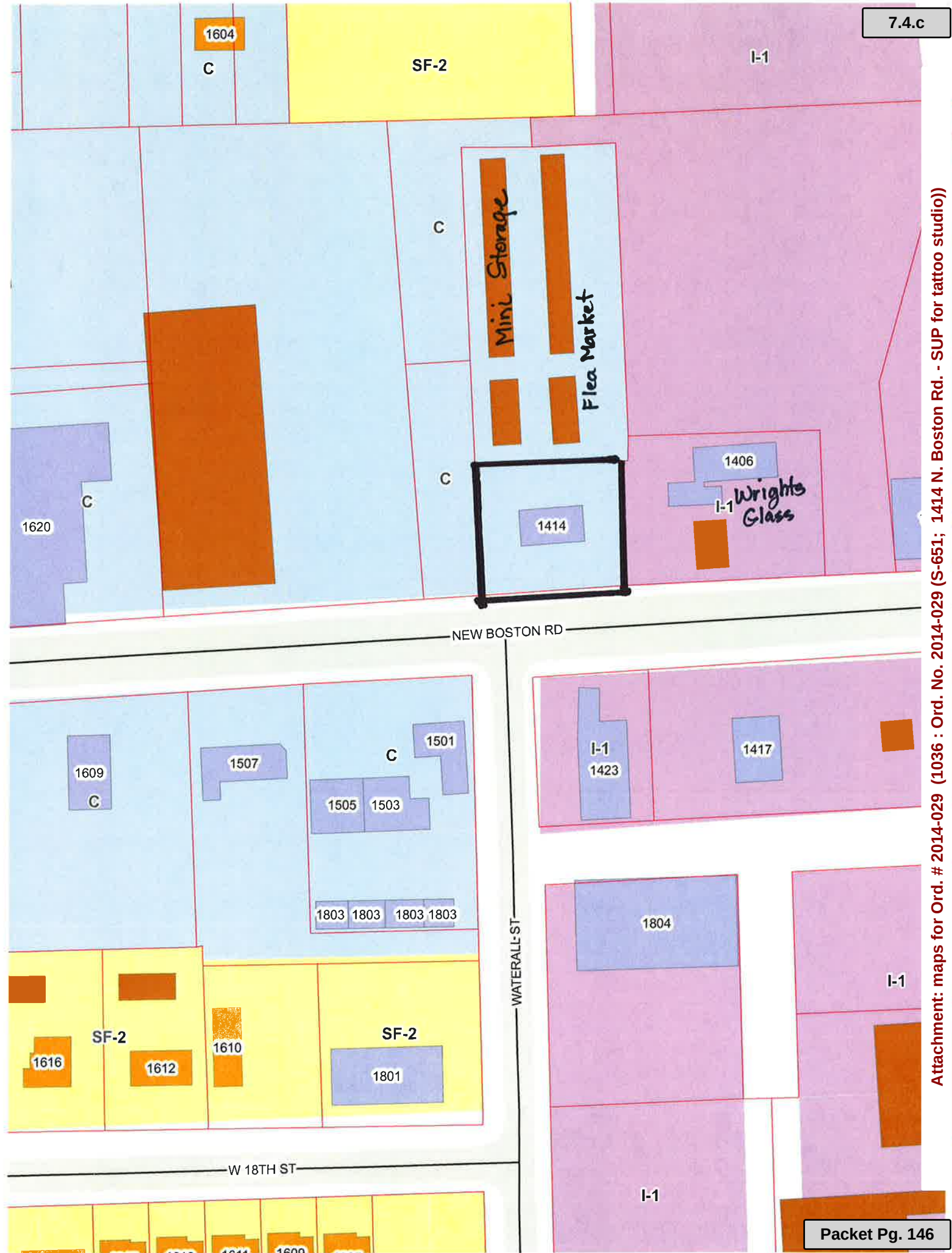
PASSED AND APPROVED in regular Council Session on this the 24th day of March, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

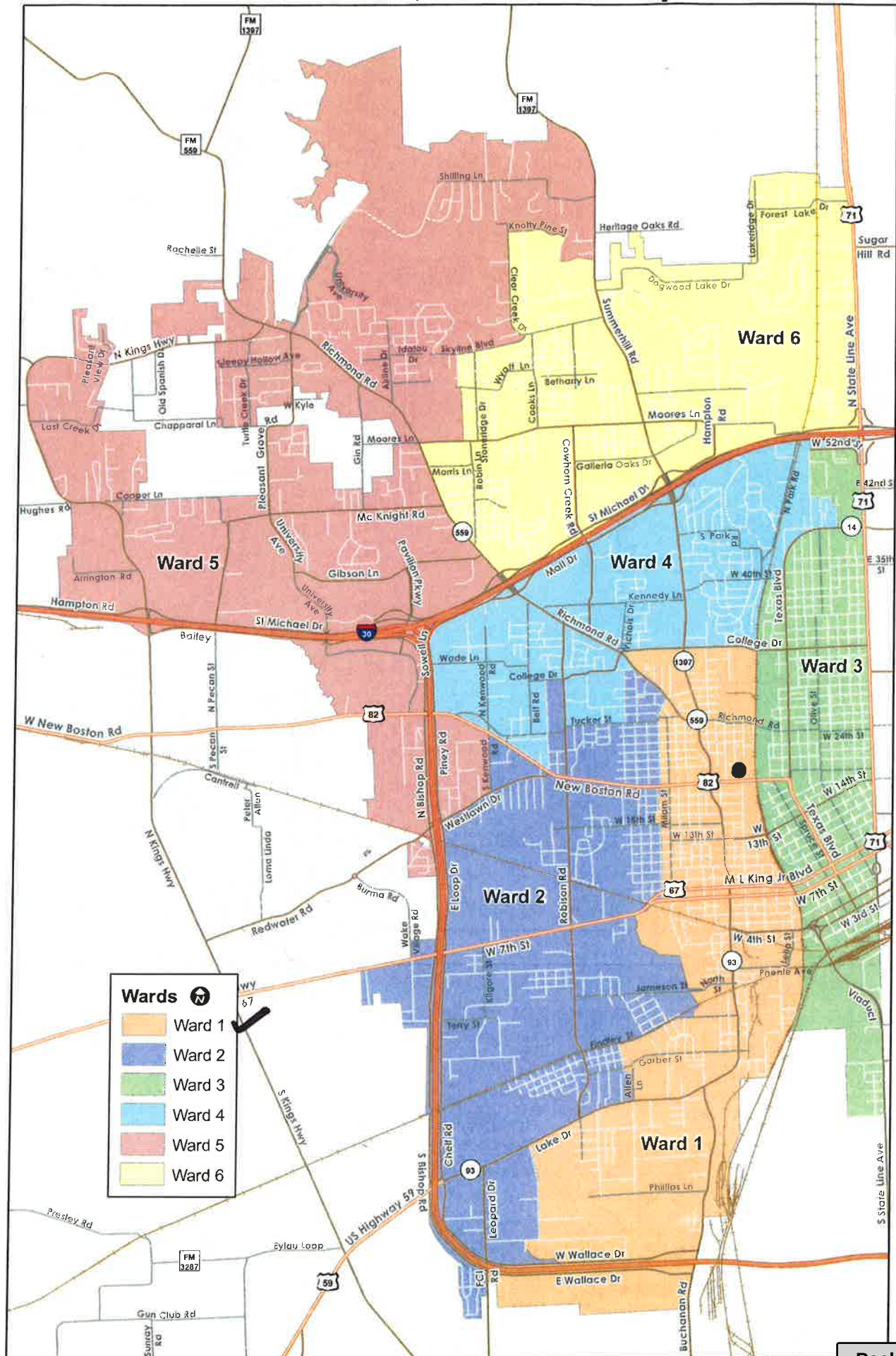
BOB BRUGGEMAN, MAYOR







Texarkana, TX - Ward Map



Attachment: Ward map for Ord. No. 2014-029 (1036 : Ord. No. 2014-029 (S-651; 1414 N. Boston Rd. - SUP for tattoo studio))

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 2/18/2014 3:52 PM

Lead Department:	<u>Community Redevelopment and Grants</u>	Action Officer:	<u>Craig Lindholm, Executive Director of CRG</u>
Subject:	<u>Resolution No. 2014-016 authorizing such action as may be necessary for the Downtown Development Area to be designated as a United States Department of HUD Designated Local Revitalization Area.</u>		
Briefing:	<u>3/10/2014</u>	Public Hearing:	<u>2/10/2014</u>
		Second Briefing:	<u>February 24, 2014</u>
		Council Vote:	<u>3/10/2014</u>

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This ordinance/resolution defines the boundaries of the Downtown Development Area and designates the area within those boundaries as "Local Designated Revitalization Area" for recognition by the US Department of Housing and Urban Development (HUD) and other federal and state agencies for the purpose of securing and leveraging funding specific to the redevelopment of the designated area.

This resolution establishes the boundaries of the Texarkana Texas Downtown Development Areas as:

North: 19th Street and New Boston Road
 West: Kansas City Southern Railroad Tracks
 South: West Front Street
 East: State Line Avenue

These Boundaries fall within Census Tract 105.00 a HUD designated qualified census tract.

There are no fiscal implications to this resolution, but the establishment of the Downtown Development Area as a HUD designated Revitalization Area will provide for greater flexibility in the use of HUD Community Development Block Grant funding as well HOME Investment Partnership Funding. The establishment of the district will also provide for enhancement of more grant and tax credit investment opportunities related to the commercial and residential/commercial mixed used development. Additionally, the development of this district will assist in obtaining US Department of Interior National Historic Trust Designation for many of the commercial and residential structures in the area, should this be deemed appropriate to further re-development objectives.

Potential Options:

- None

City of Texarkana, Texas

Staff Recommendation:

Recommend Approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. Goals and Perspectives Downtown Development Area Designation 2014 - 16 (DOC)
 - b. Exhibit "A" Downtown Development Boundaries Qualified Census Tract 105 (PDF)
 - c. Resolution 2014 - 016 Establishment of Downtown Development Area as a Designated Revitalization Area (DOC)
-

Staff Coordination

Community Redevelopment and Grants	Craig Lindholm	Department Head Review
Completed	12/31/2013 1:26 PM	
City Manager	John Whitson	City Manager Review Completed 01/07/2014 5:56 PM
City Council	Jennifer Evans	Meeting Completed 02/13/2014 12:49 PM

Meeting History

01/27/14	City Council	MOVED FORWARD	Next: 02/10/14
02/10/14	City Council	MOVED FORWARD	Next: 02/24/14

No comments were addressed to Council.

Goal and Perspectives Resolution 2014 – 016 Downtown Development District**Contact Person:**

Craig Lindholm, Executive Director Community Redevelopment and Grants

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QUALIFIED CENSUS TRACTS

The 2013 Qualified Census Tracts (QCTs) are effective beginning January 1, 2013. The 2013 designation uses data from the 2010 Decennial Census and the 2006 to 2010 American Community Survey (ACS) 5-year tabulations. The 2012 designations for American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands will remain in effect because data from the 2010 Decennial Census is not available for these areas. Maps of 2012 QCTs, which use 2000 census tract boundaries, are available at <http://qct.huduser.org/QCTGIS/US/Map.aspx>.

Enter an Address, city, state or tract

Go

Texas

Bowie

Go

Map Options : Clear | Reset

QCT Legend (%): — Tract Outline

Qualified Census Tracts (2013)

LIHTC Project

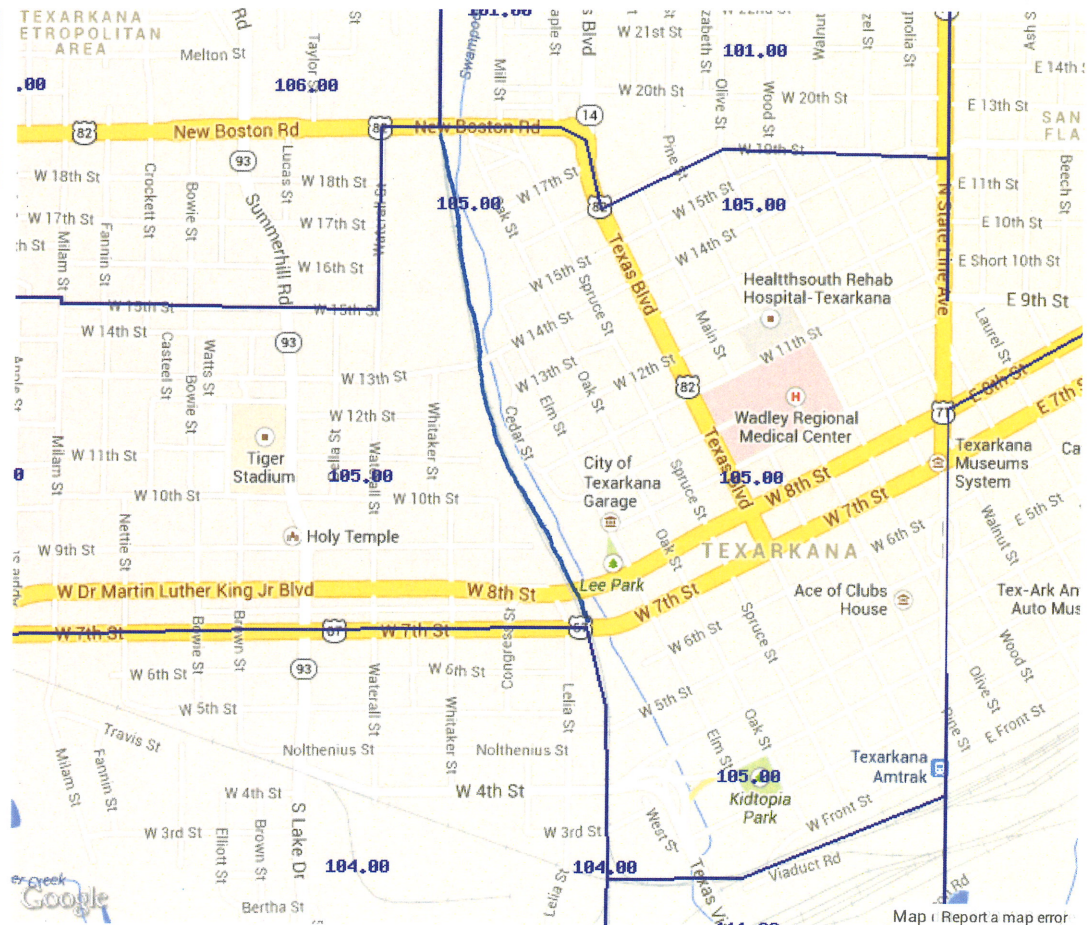
QCT Options

15 Current Zoom Level

- ☒ Show Tracts Outline (Zoom 11+)
- ☐ Show LIHTC Projects (Zoom 11+)
- ☐ Color Qualified Tracts (Zoom 7+)

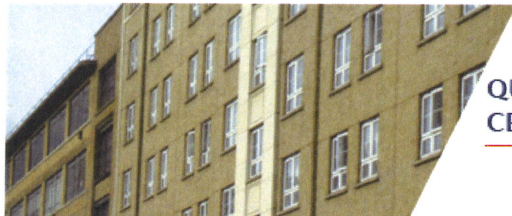
This placement is Approximate.
Please click here for the correct tract number.

The Address "105.00" falls under Tract "18067010100".
This tract is **Not Qualified** for 2013



Downtown Development Area Boundaries
 North: 19th - New Boston Road
 West: KCS tracks
 South: West Front Street
 East: State line Ave
 Qualified Census Tract 105


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Enter an Address, city, state or tract

Go

Texas

Bowie

Go

Map Options : [Clear](#) | [Reset](#)QCT Legend (%): [Tract Outline](#)[Qualified Census Tracts \(2013\)](#)[LIHTC Project](#)

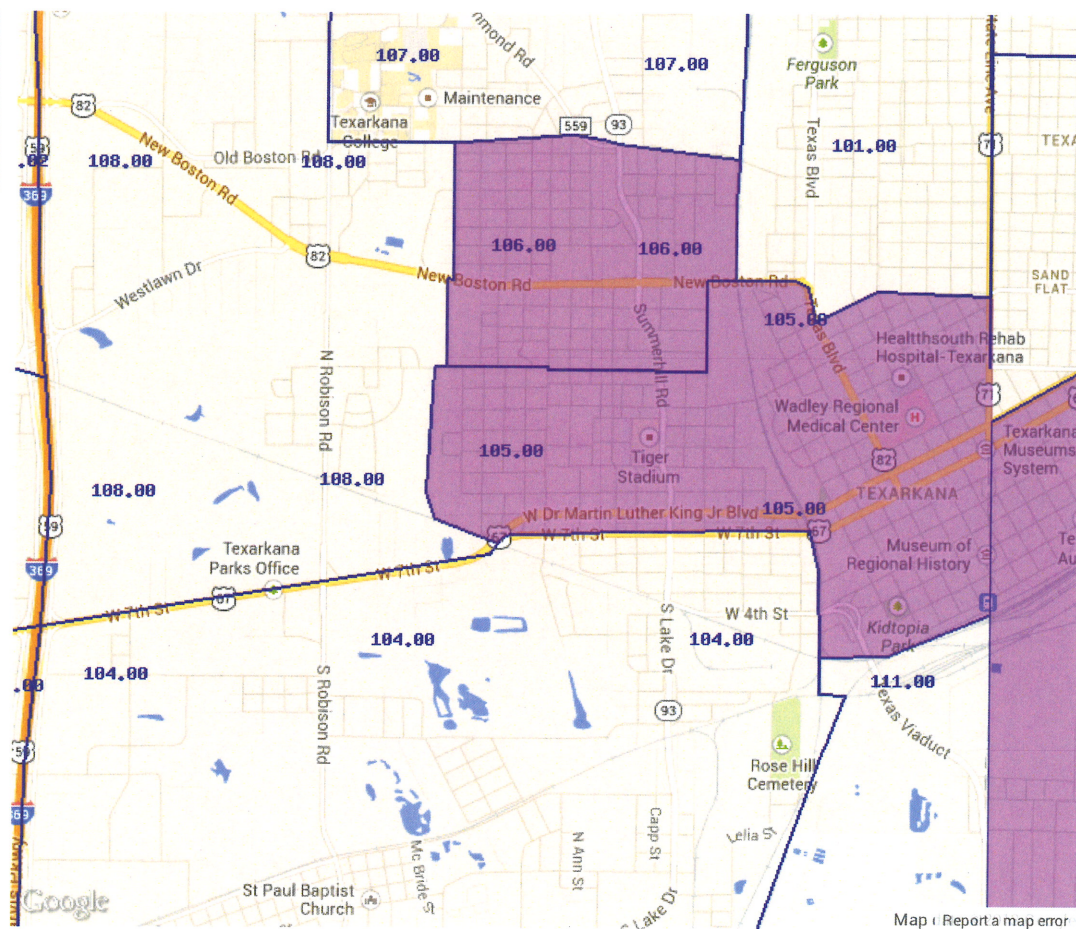
QCT Options

14 Current Zoom Level

☒ Show Tracts Outline (Zoom 11+)☐ Show LIHTC Projects (Zoom 11+)☒ Color Qualified Tracts (Zoom 7+)

This placement is Approximate.
Please click here for the correct
tract number.

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2013

Map | [Report a map error](#)

RESOLUTION NO. 2014 – 016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING SUCH ACTION AS MAY BE NECESSARY FOR THE DOWNTOWN DEVELOPMENT AREA TO BE DESIGNATED AS A UNITED STATES DEPARTMENT OF HUD DESIGNATED LOCAL REVITALIZATION AREA; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the designation of the Downtown Development Area as a “Designated Revitalization Area” would provide for numerous incentives and benefits which would allow for greater flexibility of fund use in the CDBG Section 108 Loan Program and the HOME Investment Partnership Program in this designated area, and the City to leverage additional funding and other resources necessary for redevelopment; and

WHEREAS, the City of Texarkana, Texas, desires to endorse the establishment of the Downtown Development Area, as defined on the maps, attached as Exhibit “A,” to be designated as a United States Department of HUD Local Designated Revitalization Area; and

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

SECTION 1: That such action as may be necessary by the City Staff to proceed with the designation of the Downtown Development Area, with boundaries defined by the attached maps, attached as Exhibit “A,” as a United States Department of HUD Local Designated Revitalization Area is hereby authorized and approved.

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

PASSED AND APPROVED in Regular Council Session on this the 10th day of March, 2014.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Briefing Sheet

Version:
Update Date: 2/13/2014 4:42 PM

Lead Department: City Manager

Action Officer: Pam Burns, Municipal Clerk

Subject: Regulation of the sale of E-Cigarettes

Attachments

- a. Discussion Schedule (PDF)

TEXARKANA, TEXAS CITY COUNCIL DISCUSSION TOPICS SCHEDULE

Topic	Scheduled Discussion	Discussion Notes	Disposition	Staff Lead
Regulation of the sale of E-Cigarettes	24-Feb-14	Councilmember Davis is concerned that minors are able to purchase e-cigarettes from retail outlets in Texarkana, Texas and that maybe the city council should consider prohibiting such sales.	Scheduled	
Parking in Yards	8-Jul-13	Resident reports multiple-parking of cars in their neighborhood at the corner of 41st and Magnolia. Resident suggests that the city needs an ordinance to prevent this type of parking in residential areas. (8 JUL 13) City Council discussed the item mentioning a number of concerns related to an extraordinary number of vehicles parked in yards of residential properties. There is some feeling that the problem may be more related to rental properties versus owner occupied properties. There was consensus of the council that staff should proceed with developing a regulating ordinance for council's deliberation. Council asked how long it might take to develop something for council to consider. Manager Whitson responded that since this will be his first effort as City Manager to work with staff to research the matter and to develop something to present that he would refrain from providing a projected date. (28 OCT 13) Shirley Jaster provided an oral report updating the city council on her efforts to prepare a briefing item for consideration. She reported that the staff has researched a number of cities policies and are nearing preparing a recommendation. Shirley reported that she expects to have the item of the City Council agenda in NOV 13. (27 JAN 14) Ms. Jaster updated the city council by stating that a briefing item is planned to presented to the city council at the 24 FEB 14 council meeting. The briefing item will be scheduled for the full two-months transparency process permitting ample time for the public to provide input for city council consideration. She also reported that all exiting notes and research on the matter will be compiled into a single PDF file and forwarded in advance to council members permitting individual council members to familiarize themselves with the research at their own pace.	Staffing	Jaster
Donation/Collection Bins	22-Jul-13	Recently a number of new Donation/Collection Bins have appeared throughout the city. Are the placements regulated by the city? Considering the impact on other opportunities to donate to local charitable entities do we need new or additional regulation? (22 JUL 13) CM Veal-Gooch stated that prior to the appearance of the United Way collection bins she observed and discussed the appearance of bins sponsored by a non-profit organization that otherwise had no presence in the community. The recent proliferation of the United Way collection bins caused her to give pause in relation to placement of the bins. During the discussion the city council permitted a number of audience members the opportunity to contribute to the conversation. It was repeated a number of times that organizations such as Samaritan Charities, The Friendship Center and others that certain charitable organizations are currently being harmed the United Way's current contractual arrangement. The consensus of the city council was for staff to work on finding a community solution to the matter and to work closely with Texarkana, Arkansas so that a joint solution may be beneficial to both cities. (28 OCT 13) Shirley Jaster reported that Texas and Arkansas staffs have been working on a joint action for this matter. Considering that the proposed ordinances will have to go through each city's Planning and Zoning Boards before being presented to the city council and the board of directors. She estimates that there may be a city council agenda item early in the next calendar year. (27 JAN 14) Ms. Jaster reported that she has coordinated with the Arkansas staff and that there is a plan to roll out a proposed ordinance in each jurisdiction simultaneously to the respective Planning and Zoning Commissions. It is anticipated that a city council briefing item will be presented at the 10 MAR 14 meeting.	Staffing	Jaster

TEXARKANA, TEXAS CITY COUNCIL DISCUSSION TOPICS SCHEDULE

Topic	Scheduled Discussion	Discussion Notes	Disposition	Staff Lead
Animal Shelter	26-Aug-13	Currently Texarkana, Texas Animal Control uses the Texarkana, Arkansas Animal Shelter to house animals that cannot be immediately placed with good homes. The use of the Arkansas shelter is on a fee basis. A number of Texas residents have expressed concern with the euthanasia policies of the Arkansas shelter and feel that it is time for Texas to operate its own shelter with policies that meet the desires of Texas residents. (26 AUG 13) City Council and staff discussion was led by Council Member Veal-Gooch. In general the staff feels that the current annual cost of in-putting animals at the Texarkana, Arkansas shelter now represents an amount that might support the annual debt service costs of financing related to capital funding of a Texas-side facility. Some residents have registered concern that the Arkansas facility cannot continue to accommodate Texas-side animal shelter requirements, especially if the city council adopts a "no-kill" animal control/shelter policy. Council and staff agreed that staff will continue its research on the matter and develop a project plan for the city council to consider for adoption. The plan is expected to identify the key project development milestones which will extend over a number years from research to ribbon cutting. (28 OCT 13) Craig Lindholm reported that the initial research indicates that the annual costs associated with using the Arkansas shelter represents sufficient funding to pay the debt service related to financing the construction of a Texas shelter. Also the staff has researched a number of shelters state-wide seeking a shelter supporting a no-kill policy. Considering the holidays and other activities Mr. Lindholm estimates that a briefing would be coming forward early next calendar year. (27 JAN 14) Mr. Lindholm reported that the staff continues to evaluate the cost associated with using the Texarkana, Arkansas animal shelter and that the annual costs appear to be escalating. There has been no discussion concerning renewing or updating the current contract between Texarkana, Texas and Texarkana, Arkansas. Staff continues to review plans and designs of recently constructed or soon to be constructed animal shelters in Texas. There is an option, should the city council desire, to have some design firms make presentations to the city council.	Staffing	Lindholm
Temporary Tents at Business Locations	9-Sep-13	Maybe it is time for the city to review current policies and practices related to businesses using temporary tentage at their business locations. (9 SEP 13) Mayor Bruggeman opened the discussion with Shirley Jaster providing a review of the current ordinances permitting the use of temporary tents at business locations. Currently businesses may use temporary tents on site up to three times a year with each use limited to 10 days (staff adjusts the counting of days to be delayed until the sales product is placed in the tent thus permitting two to three days of sale preparation to not count against the 10 permitted days). An industry representative spoke on the matter and suggested that businesses might should be permitted a greater frequency of tent usage. City agreed by consensus that the staff should work on reviewing the ordinance requirement and recommend a means that better accommodates the business use of temporary tents. (28 OCT 13) Shirley Jaster reported that the staff has been working on a revision of this regulation and that she is also testing various control measures with customers who are currently seeking permits. Once the test period ends and the staff finalizes a new regulation it will be presented to the Planning and Zoning Board. (27 JAN 14) Ms. Jaster reported that a briefing item will be presented at the 24 FEB 14 council meeting proposing changes to the city ordinances that regulate the use of tents at business locations.	Staffing	Jaster

TEXARKANA, TEXAS CITY COUNCIL DISCUSSION TOPICS SCHEDULE

Topic	Scheduled Discussion	Discussion Notes	Disposition	Staff Lead
Appointments to Boards and Commissions	14-Oct-13	The manner that citizens are appointed by the City Council to committees, boards, and commissions appear to lack a high level of transparency. (14 OCT 13) CM Miller lead the discussion concerning the manner in which citizens are appointed to the various boards, commissions, and committees. He stated that he had discussed the matter with the City Manager and asked that Mr. Whitson share with the city council his experience and thoughts and the matter. Mr. Whitson reported that he has worked in a system that included advertising or noticing the public that certain positions would open for appointment and that citizens interested in serving should provide an application of interest. The process certainly could be automated such that applicants would provide information uniformly and for those citizens who did not apply via the internet could email and application or appear in person wherein a staff person would create the on-line application for the interested party. When it comes times for the city council to appoint the staff could prepare a briefing item permitting a high level of transparency to the public. The City Council, by consensus, directed staff to work toward developing a briefing item for consideration aimed toward improving the transparency of the process. (27 JAN 14) Mr. Whitson reported that he and the city secretary have researched creation documents for city commissions, boards, and committees and continue to research similar documents for outside agencies where the city appoints members to their governing boards. As a first step the staff has redesigned the Excel file used to track membership. The new design will quickly identify any appointment that will expire within 90 days and also further identify by color code any appointments that have expired. The 90-day notice will permit the city secretary to advertise pending vacancies thus seek applications from interested citizens who want to be considered for appointment. Mr. Whitson stated that he is drafting a policy for council consideration that will be intended to improve the transparency of the appointment process. he expects to have a briefing item ready in March, 2014.	Staffing	Whitson
Enforcement of/or Demolition of Red Tagged/Burned Out Buildings	10-Feb-14	The number of red tagged or burned out buildings is not acceptable and the city council should discuss its interest in appropriate enforcement of city ordinances to either bring the buildings up to usable standards or causing owner removal of the structures. Any such buildings that have historical designations might should be restored to their historical appearance and/or use. Of particular interest are the structures known as (1) Pine Street School, (2) McCarthy Hotel, (3) Grimm Hotel, and (4) residential structures such as the one on 40th Street. (10 FEB 14) CM Miller lead the council discussion. Councilmembers generally expressed concern about the city's inventory of burned-out and/or delapidated structures. There appears to be two huge problems in that there are commercial type buildings and residential type structures. Clearly the cost to remove or upfit a large commercial type building will be significant. These many structures represent risks to the community's health, safety, and welfare. There is concern that someone will get hurt while trespassing on these properties. Councilmembers stated that they are prepared to stand behind the ordinance regardless of property ownership. Current enforcement procedures were discussed with the council. Council consensus is that staff is to work this situation extensively. Mr. Whitson reported that the staff will finish some of the other previous discussion items and then will move onto this particular item.	Staffing	Lindholm