



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • MARCH 25, 2019

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

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Alcorn	Ward 4	Present	
Bill Harp	Ward 5	Absent	
Josh Davis	Ward 6	Present	

Council Member Harp was absent from the meeting due to a PGISD Board of Trustees meeting.

City Staff: City Manager Shirley Jaster, Jennifer Evans, Kyle Dooley, Jim Powell, Shawn Fitzgerald, Karey Parker, Kristin Peebles, Robby Robertson, David Orr, Sherry Jackson Hawkins, Mashell Daniel, and Eric Schlotter.

Legal Counsel: Jeff Lewis.

II. DEVOTIONALS AND INVOCATION BY COUNCIL MEMBER BETTY WILLIAMS AND PLEDGE LED BY BOY SCOUT TROOP 16

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, April 8, 2019 at 6:00 p.m.
Monday, April 22, 2019 at 6:00 p.m.
Monday, May 13, 2019 at 6:00 p.m.
Tuesday, May 28, 2019 at 6:00 p.m.

Parks & Recreation Events:

March 30 th	The Ark-La-Tex Burn Run	Spring Lake Park
March 30 th	Workforce Child Workshop	Southwest Center
April 6 th	6K For Water Run	Spring Lake Park
April 6 th	Dixie Baseball Tournament	Spring Lake Park

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

Texarkana A&M University - Texarkana announced the new men and women's collegiate basketball programs at a press conference held on March 25th. The new coaches were introduced to those in attendance. This is an exciting addition to the university's athletic program.

The Mayor welcomed two students from Texas A&M University - Texarkana to the meeting.

IV. APPOINTMENTS TO BOARDS & COMMISSIONS

There were no appointments made to any board or commission.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:16 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christie Alcorn, Ward 4
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Williams, Alcorn, Davis
ABSENT:	Harp

1. Consider approval of the minutes of the Regular Meeting of the City Council held on March 11, 2019 at 6:00 PM.
2. Resolution No. 2019-029 acknowledging receipt of the Police Department's 2018 Racial Profiling Report as statutorily required.

Public Hearing:

Council Vote: March 25, 2019

Open Forum: Comments from the public (Limit 5 minutes each)

Robert Worthen thanked the council for hiring a city manager that has helped to greatly improve the attitudes of city staff compared to 15 years ago.

Donald Crabtree addressed council regarding the city establishing a housing repair loan program for low income residents.

Armani Valentino Moss addressed council regarding the city's consideration of reallocating demolition funds to providing assistance in repairing substandard homes instead.

Action Items - None

VI. FIRST BRIEFINGS

1. Ordinance No. 2019-028 rezoning from Single Family-1 to Planned Development-Neighborhood Service and site plan approval on a 3.32 acre tract of land in the George Brinlee HRS, A-18, located at 5203 North Kings Highway. Wanda Brown Hiebert, applicant. T.W. Howell, agent.

Public Hearing: April 8, 2019
Council Vote: April 8, 2019

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 4/8/2019 6:00 PM
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2. Resolution No. 2019-030 authorizing and directing the preparation and public inspection of a service plan for consideration of voluntary annexation proceedings for a 23.142 acre tract - John A. Talbot HRS A-564 (on the west side of Richmond Road and north of Moores Lane) into the city limits. Don Morriss, applicant.

Public Hearing:
Council Vote: March 25, 2019

David Orr briefed this agenda item.
(6:34 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Betty Williams, Ward 3
AYES:	Bruggeman, Matlock, Hart, Williams, Alcorn, Davis
ABSENT:	Harp

VII. PUBLIC HEARINGS - NONE

VIII. ITEMS FOR DISCUSSION

Staff Updates

There were no staff updates reported.

IX. ADMINISTRATIVE COMMENTS

1. City Council

Council had no administrative comments for staff.

2. City Staff

Staff had no administrative comments for council.

X. CLOSED SESSION

The City Council convened into closed session pursuant to Texas Government Code Section 551.071 (Consultation with City Attorney) and Section 551.074 (Personnel Matters).

XI. RECONVENED INTO OPEN SESSION**XII. ADJOURNMENT**

A motion was made to adjourn the meeting.
(7:11 PM)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christie Alcorn, Ward 4
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Williams, Alcorn, Davis
ABSENT:	Harp



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • MARCH 11, 2019

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

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Alcorn	Ward 4	Absent	
Bill Harp	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager Shirley Jaster, Jennifer Evans, Kyle Dooley, Kristin Peeples, David Orr, Karey Parker, Kim Russ, J.D. Phillips, Sharon Moore, and Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE BY MAYOR BOB BRUGGEMAN

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, March 25, 2019 at 6:00 p.m.

Monday, April 8, 2019 at 6:00 p.m.

Monday, April 22, 2019 at 6:00 p.m.

Parks & Recreation Events:

March 16th - 17th USSSA Baseball Tournament

Spring Lake Park

March 21st - 23rd Dixie Huggins Baseball Tournament

Spring Lake Park

Minutes Acceptance: Minutes of Mar 11, 2019 6:00 PM (Consent Items)

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

On Monday, March 18th, a special conference will be held at First Baptist Church on Moores Lane in the atrium area at the back of the church. The subject for discussion will be "Opioids" held by a panel of experts from the medical and law enforcement sectors of the community. The meeting will be from 6:00 p.m. to 8:00 p.m. and the public is invited to attend.

Several new promotions have recently taken place in the Police Department: Lieutenant **Shawn Fitzgerald** promoted to Assistant Chief, Lieutenant **Keith Davis** promoted to Assistant Chief, Sergeant **Geoff Lewis** promoted to Lieutenant, Sergeant **Clay McClure** promoted to Lieutenant, Patrol Officer **Kim Weaver** promoted to Sergeant, and Patrol Officer **Christopher Smith** promoted to Sergeant. All of the police officers were congratulated for receiving their new positions and thanked for their service to the community.

Matt Ward, a student attending Texas A&M University - Texarkana, was welcomed to the meeting.

IV. COUNCIL UPDATE - BY KELLY MITCHELL OF THE SULPHUR RIVER BASIN AUTHORITY

Mr. Mitchell provided an update on progress with the Corps of Engineers in relation to Wright Patman Lake. He indicated that progress is very slow but hopeful. The feasibility study chart he provided showed that currently the process is at step #2 from when the study first began in 2005.

FIGURE 2: THE SMART PLANNING FEASIBILITY STUDY PROCESS IDENTIFYING THE FOUR PHASES AND MAJOR MILESTONES



SRBA proposes a meeting with the Corps of Engineers on Tuesday, March 19th to hear a presentation and continue discussion of the Tentatively Selected Plan for the reallocation of Wright Patman Lake.

The meeting location was announced to be held at the Mount Pleasant Civic Center in Mount Pleasant, Texas. The meeting will begin at 1:00 p.m. and is open to the public.

V. APPOINTMENTS TO BOARDS & COMMISSIONS

Council Member Davis recommended the transfer of Thomas Tucker to fill a recent vacancy of a regular position on the Board of Adjustment. This transfer will vacate an alternate position on the Planning and Zoning Commission.

The transfer will also enable the Board of Adjustment to meet quorum requirements and proceed in carrying out its functions related to city business.

1. Motion to transfer a member from the Planning and Zoning Commission to the Board of Adjustment.

(6:21 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Bill Harp, Ward 5
AYES:	Bruggeman, Matlock, Hart, Williams, Harp, Davis
ABSENT:	Alcorn

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:22 p.m.)

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

1. Consider approval of the minutes of the Joint City Committee Special Meeting of the City Council held on February 19, 2019 at 2:00 PM.
2. Consider approval of the minutes of the Regular Meeting of the City Council held on February 25, 2019 at 6:00 PM.

Open Forum: Comments from the public (Limit 5 minutes each)

Juanita Harris, who lives on Smith Street, graciously thanked the City for addressing the recurring problems in front of her property and the need for added protection from vehicles driving by her house.

Mitzie Stewart addressed council concerning current assistance available for the homeless population in the city.

Action Items

3. Resolution No. 2019-026 authorizing the City Manager to enter into a contract for the Wright Patman Water Treatment Plant (WTP) Sedimentation Basin Instrumentation Modification project in an amount not to exceed \$102,900.

Public Hearing:

Council Vote: March 11, 2019

J.D. Phillips briefed this agenda item.

(6:31 pm.)

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

4. Resolution No. 2019-027 authorizing the City Manager to enter into a two-year contract with four additional one-year renewal options with Firmin's Office City for office supplies.

Public Hearing:

Council Vote: March 11, 2019

Sharon Moore briefed this agenda item. Mayor Bruggeman thanked Kim Russ, also a staff member of the Purchasing Department, for recently helping him with setting up his iPad information.

(6:34 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Josh Davis, Ward 6
AYES:	Bruggeman, Matlock, Hart, Williams, Harp, Davis
ABSENT:	Alcorn

VII. FIRST BRIEFINGS - NONE

VIII. PUBLIC HEARINGS

1. Ordinance No. 2019-017 rezoning Lots 1 & 2, Block 3, Red Cut Heights Addition, located at 2620 McIntyre Street. Single Family-2 to Single Family-3. Melvin Hill, applicant. Felicia Hill, agent.

Public Hearing: March 11, 2019
Council Vote: March 11, 2019

Felicia Hill presented herself to answer questions for council.
(6:37 p.m.)

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

2. Ordinance No. 2019-018 granting a Specific Use Permit to allow a double wide HUD code manufactured home on Lots 1 & 2, Block 3, Red Cut Heights Addition, located at 2620 McIntyre Street. Melvin Hill, applicant. Felicia Hill, agent.

Public Hearing: March 11, 2019
Council Vote: March 11, 2019

There were no public comments made at this hearing.
(6:38 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Betty Williams, Ward 3
AYES:	Bruggeman, Matlock, Hart, Williams, Harp, Davis
ABSENT:	Alcorn

3. Ordinance No. 2019-019 amending PD-04-2(O) for site plan approval to allow a dental clinic on part of Lots 1 & 2, Ames Acres Addition, located at 3424 Richmond Road. Brian Steele, applicant. Jeff Whitten, agent.

Public Hearing: March 11, 2019
 Council Vote: March 11, 2019

Jeff Whitten provided an update to council on this agenda item.
 (6:42 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Bill Harp, Ward 5
AYES:	Bruggeman, Matlock, Hart, Williams, Harp, Davis
ABSENT:	Alcorn

IX. ITEMS FOR DISCUSSION

Staff Updates

City Manager Jaster said that most of the projects approved by council for Texarkana Water Utilities are underground, but she wanted to show a picture of the newly painted 42-inch steel water main, above ground, on the Red River Bridge at US Highway 71 North.

Council approved funding for the painting of the water main by Resolution No. 2018-113 on October 8, 2018. This project is now complete and a job well done.



Painted Water Main

RESULT:	COMPLETED
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X. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Harp said that with the recent heavy rains in Texarkana, he noticed many areas that were prone to flooding did not flood as in the past. He thanked staff in the Public Works Department for their diligent street maintenance.

Council Member Hart reported that a group of young volunteers is helping senior citizens in Ward 2 beautify their properties and homes. This volunteer group is also working in conjunction with citizens in Council Member Matlock's Ward 1. Many of these citizens live in the Beverly area which overlaps between Ward 1 and Ward 2.

Council Member Matlock noted that former Believe in Beverly President, Tylesha Ross, has taken a job outside of Texarkana. A new president of the association has been named. Council expressed appreciation for the tremendous efforts of Ms. Ross in revitalizing the Beverly community.

2. City Staff

Staff had no administrative comments for council.

XI. CLOSED SESSION

The City Council convened into closed session pursuant to Texas Government Code Section 551.071 - Consultation with the City Attorney.

XII. RECONVENED INTO OPEN SESSION

XIII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:45 PM)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Williams, Harp, Davis
ABSENT:	Alcorn




Minutes Acceptance: Minutes of Mar 11, 2019 6:00 PM (Consent Items)

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/14/2019 10:54 AM

Lead Department: Police **Action Officer:** Shawn Fitzgerald,
Subject: Resolution No. 2019-029 acknowledging receipt of the Police Department's
2018 Racial Profiling Report as statutorily required.

Briefing: 3/25/2019 **Public Hearing:** **Council Vote:** 3/25/2019

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

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

Potential Options:

- NONE
-

Fiscal Implications:

NONE

Staff Recommendation:

Staff recommends acknowledging the receipt of the report.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- 2019-029 RES Racial Profiling 2018 (DOC)
- 2019-029 ATTH 01 Final Racial Profiling Rpt Texarkana 2018 (PDF)
- 2019-029 Goals and Perspectives (DOCX)
- 2019-029 RES 2018 Racial Profile Rpt signed (PDF)

City of Texarkana, Texas

Staff Coordination

Police	Shawn Fitzgerald	Department Head Review	Completed	
	03/14/2019 9:20 AM			
Police	Kevin Schutte	Review	Completed	03/14/2019
9:21 AM				
Deputy City Manager	Kyle Dooley	Deputy City Manager Review	Completed	
	03/14/2019 9:30 AM			
City Manager	Shirley Jaster	City Manager Review	Completed	03/20/2019
3:44 PM				
City Council	Jennifer Evans	Meeting	Completed	03/25/2019
6:00 PM				

Meeting History

RESOLUTION NO. 2019 - 029**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, ACKNOWLEDGING RECEIPT OF THE
2018 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 in the month of March 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 25th day of March, 2019.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2019-029 RES Racial Profiling 2018 (2037 : 2019-029 RES Racial Profiling Report 2018)



TEXARKANA, TEXAS POLICE DEPARTMENT

2018

RACIAL PROFILING ANALYSIS

PREPARED BY:

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



Executive Summary

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

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

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

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

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

Introduction

This report details an analysis of the Texarkana Police Department's policies, training, and statistical information on racial profiling for the year 2018. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Texarkana Police Department in 2018. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

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

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

Texarkana, Texas Police Department Policy on Racial Profiling

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

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

Texarkana, Texas Police Department Training and Education on Racial Profiling

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

by Texarkana, Texas Police Department reveals that racial profiling training and certification is current for all officers in 2018. Racial profiling training is specifically covered in Texarkana, Texas' Biased Based Policing and Racial Profiling Policy Section 4 (B). In addition, all personnel are trained on the department's racial profiling policy on a bi-annual basis.

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

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

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

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

Texarkana, Texas Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Texarkana Police Department submitted statistical information on all motor vehicle stops in 2018 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

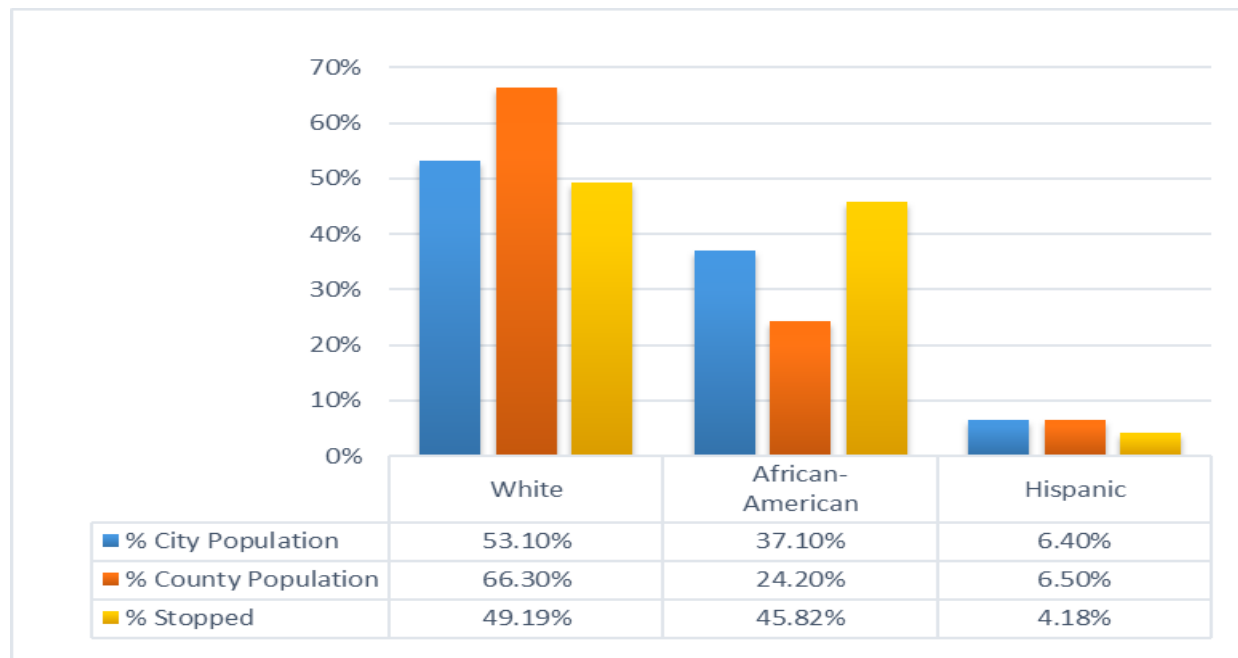
ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

Analysis of the Data

Comparative Analysis #1:

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

The first chart depicts the percentages of people stopped by race/ethnicity among the total 14,213 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2018.¹



White drivers constituted 49.19 percent of all drivers stopped, whereas Whites constitute 53.10 percent of the city population and 66.30 percent of the county population.²

African-American drivers constituted 45.82 percent of all drivers stopped, whereas African-Americans constitute 37.10 percent of the city population and 24.20 percent of the county population.

Hispanic drivers constituted 4.18 percent of all drivers stopped, whereas Hispanics constitute 6.40 percent of the city population and 6.50 percent of the county population.

The chart shows that White drivers are stopped at rates lower than the percentage of Whites found in the city and county populations. African-American drivers are stopped at rates higher than the percentage of African-Americans found in the city and county populations. Hispanics are stopped at rates lower than the percentage of Hispanics found in the city and county populations.

Methodological Issues

Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the

¹ Due to a small number of stops relative to the population of Texarkana, information contained in the first chart excludes information pertaining to 84 stops of citizens of Asian/Pacific Islander descent and 31 stops of citizens of Alaska Native/American Indian descent.

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

population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.

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

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

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

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2010 Census as a population base-rate, this population measure can become quickly outdated and may not keep pace with changes experienced in city and county population measures.

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

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

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Texarkana Police Department in 2018. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Outcomes by Race/Ethnicity	White	African-American	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	6991	6513	594	84	31	14213
Result of Stop						
Verbal Warning	575	710	61	8	3	1357
Written Warning	2922	2256	186	38	14	5416
Citation	3347	3166	332	38	13	6896
Written Warning and Arrest	29	64	2	0	0	95
Citation and Arrest	72	188	6	0	0	266
Arrest	46	129	7	0	1	183
Search Conducted						
Yes	347	756	42	3	1	1149
No	6644	5757	552	81	30	13064

As shown in Table 1, there were a total of 14,213 motor vehicle stops in 2018 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 10 percent of stops resulted in a verbal warning, roughly 38 percent of stops resulted in a written warning, and roughly 49 percent resulted in a citation. Roughly 1 percent of stops resulted in a written warning and arrest, roughly 2 percent of stops resulted in a citation and arrest, and roughly 1 percent of stops resulted in a sole arrest.

Relative to the result of the stop within each racial/ethnic group, White motorists received a **verbal warning** in roughly 8 percent of stops involving White motorists (575/6991). African-American motorists received a verbal warning in roughly 11 percent of stops involving African-

American motorists. Hispanic motorists received a verbal warning in roughly 10 percent of stops involving Hispanic motorists.

Specific to **written warnings**, White motorists received a written warning in roughly 42 percent of stops involving White motorists (2922/6991), African-American motorists received a written warning in roughly 35 percent of stops of African-American motorists, and Hispanic motorists received a written warning in roughly 31 percent of stops of Hispanic motorists.

White motorists received a **citation** in roughly 48 percent of stops involving White motorists (3347/6991), African-American motorists received a citation in roughly 49 percent of stops of African-American motorists, and Hispanic motorists received a citation in roughly 56 percent of stops of Hispanic motorists.

Written Warnings and Arrest were relatively rare among all racial/ethnic groups, comprising 1 percent or less of all result of stops actions. Relative to **citation and arrest**, White motorists were cited and arrested in roughly 1 percent of stops involving White motorists (72/6991), African-American motorists were cited and arrested in roughly 3 percent of stops involving African-American motorists, and Hispanic motorists were cited and arrested in roughly 1 percent of stops involving Hispanic motorists.

Finally, specific to sole **arrests**, White motorists were arrested in less than 1 percent of all stops involving White motorists (46/6991), African-American motorists were arrested in roughly 2 percent of all stops involving African-American motorists, and Hispanic motorists were arrested in roughly 1 percent of all stops of Hispanic motorists. Overall, arrests accounted for a very small percentage of all stops in 2018.

Comparative Analysis #3:

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

In 2018, a total of 1,149 **searches** of motorists were conducted, or roughly 8 percent of all stops resulted in a search. Among searches within each racial/ethnic group, White motorists were searched in roughly 5 percent of all stops of White motorists (347/6991), African-American motorists were searched in roughly 12 percent of all stops of African-American motorists, and Hispanic motorists were searched in roughly 7 percent of all stops of Hispanic motorists.

Regarding searches, it should be further noted that 492 out of 1,149 searches (see Table 3), or roughly 43 percent of all searches, were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (14,213), discretionary consent searches occurred in roughly 3 percent of stops.

Of the searches that occurred in 2018, and as shown in Table 3, **contraband** was discovered in 374 or roughly 33 percent of all searches (374/1149 total searches). Among the searches in

which contraband was discovered (374), 76 percent of the time the contraband discovered was drugs.³

Comparative Analysis #4:

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

In 2018, internal records indicate that the Texarkana Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling.

Additional Information Required to be Reported to TCOLE

Tables 2-4 provide additional information relative to motor vehicle stops in 2018 by the Texarkana Police Department. These data are required to be collected by the Texarkana Police Department under the Texas Code of Criminal Procedure Article 2.133.

³ Note on Table 3 that the number of “Description of Contraband” individual categories equals 396, which is more than the number of searches in which contraband was found (374). This discrepancy results because more than one type of contraband can be found in a single search.

Table 2: Data on Traffic Stops and Arrests

Stop Table	Frequency
Number of Stops	14213
Reason for Stop	
Violation of Law	1704
Preexisting Knowledge	189
Moving Traffic Violation	9108
Vehicle Traffic Violation	3212
Result of Stop	
Verbal Warning	1357
Written Warning	5416
Citation	6896
Written Warning and Arrest	95
Citation and Arrest	266
Arrest	183
Arrest Based On	
Violation of Penal Code	217
Violation of Traffic Law	15
Violation of City Ordinance	3
Outstanding Warrant	309

Table 3: Data on Searches Pursuant to Traffic Stops

Search Table	Frequency
Search Conducted	
Yes	1149
No	13064
Reason for Search	
Consent	492
Contraband in Plain View	19
Probable Cause	351
Inventory	94
Incident to Arrest	193
Was Contraband Discovered	
Yes	374
No	775
Description of Contraband	
Drugs	285
Currency	2
Weapons	24
Alcohol	40
Stolen Property	5
Other	40

Table 4: Additional Data on Traffic Stops

Additional Information	Frequency
Gender	
Male	7791
Female	6422
Race/Ethnicity Known Prior to Stop	
Yes	2352
No	11861
Was Physical Force Resulting in Bodily Injury Used During Stop	
Yes	119
No	14094
Approximate Location of Stop	
City Street	11214
US Highway	1658
County Road	158
State Highway	218
Private Property/Other	965

Analysis of Racial Profiling Compliance by Texarkana, Texas Police Department

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

In addition to providing summary reports and analysis of the data collected by the Texarkana, Texas Police Department in 2018, 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.

Texarkana Police Department TCOLE Reporting Forms

Attachment: 2019-029 ATTH 01 Final Racial Profiling Rpt Texarkana 2018 (2037 : 2019-029 RES Racial Profiling Report 2018)

Racial Profiling Report

Agency Name: Texarkana Texas Police Department

Reporting Date: January 29, 2019

TCOLE Agency Number: 037207

Chief Administrator: Chief Kevin Schutte

Agency Contact Information: Kayla Lewis

Phone: 903-798-3116

Email: kayla.monroe@txkusa.org

Mailing Address: 100 N. Stateline Avenue Box #16 Texarkana, Texas 75501

By submitting, the chief administrator affirms that the agency has a policy in place in accordance with Texas Code of Criminal Procedure §2.132, and that the policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- (3) implements 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) provides public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) requires 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) requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search;
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 - (E) the location of the stop; and
 - (F) the reason for the stop; and

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

(A) the Texas Commission on Law Enforcement; and

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

Executed by:

Date:


1-29-2019

Agency Racial Profiling Information**Total stops:****1. Gender**

CCP 2.133(b)(1)(a)

1.1 Female: 6,422**1.2 Male: 7,791****2. Race or ethnicity**

CCP 2.132(a)(3), 2.132(b)(6)(A), 2.133(b)(1)(B)

2.1 Black: 6,513**2.2 Asian/Pacific Islander: 84****2.3 White: 6,991****2.4 Hispanic/Latino: 594****2.5 Alaska Native/American Indian: 31****3. Was race or ethnicity known prior to stop?**

CCP 2.132(b)(6)(C)

3.1 Yes: 2,352**3.2 No: 11,861****4. Reason for stop?**

CCP 2.132(b)(6)(F), 2.133(b)(2)

4.1 Violation of law: 1,704**4.2 Preexisting knowledge: 189****4.3 Moving traffic violation: 9,108****4.4 Vehicle traffic violation: 3,212**

5. Street address or approximate location of the stop

CCP 2.132(b)(6)(E), 2.133(b)(7)

5.1 City street: 11,214

5.2 US highway: 1,658

5.3 County road: 158

5.4 State highway: 218

5.5 Private property or other: 965

6. Was a search conducted?

CCP 2.132(b)(6)(B), 2.133(b)(3)

6.1 Yes: 1,149

6.2 No: 13,064

7. Reason for Search?

7.1 Consent: 492

CCP 2.132(b)(6)(B), 2.133(b)(3)

7.2 Contraband in plain view: 19

CCP 2.133(b)(5)(A)

7.3 Probable cause: 351

CCP 2.133(b)(5)(B)

7.4 Inventory: 94

CCP 2.133(b)(5)(C)

7.5 Incident to arrest: 193

CCP 2.133(b)(5)(C)

8. Was Contraband discovered?

CCP 2.133(b)(4)

8.1 Yes: 374

8.2 No: 775

9. Description of contraband

CCP 2.133(b)(4)

9.1 Drugs: 285

9.2 Currency: 2

9.3 Weapons: 24

9.4 Alcohol: 40

9.5 Stolen property: 5

9.6 Other: 40

10. Result of the stop

10.1 Verbal warning: 1,357

CCP 2.133(b)(8)

10.2 Written warning: 5,416

CCP 2.133(b)(8)

10.3 Citation: 6,896

CCP 2.133(b)(8)

10.4 Written warning and arrest: 95

10.5 Citation and arrest: 266

10.6 Arrest: 183

CCP 2.133(b)(6)

Arrest Total = 544

11. Arrest based on

CCP 2.133(b)(6)

11.1 Violation of Penal Code: 217

11.2 Violation of Traffic Law: 15

11.3 Violation of City Ordinance: 3

11.4 Outstanding Warrant: 309

12. Was physical force resulting in bodily injury used during stop?

CCP 2.132(b)(6)(D), 2.133(b)(9)

12.1 Yes: 119

12.2 No: 14,094

Appendix A

Racial Profiling Statutes and Laws

Attachment: 2019-029 ATTH 01 Final Racial Profiling Rpt Texarkana 2018 (2037 : 2019-029 RES Racial Profiling Report 2018)

Texas Racial Profiling Statutes

Art. 3.05. RACIAL PROFILING.

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

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

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

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

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

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

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

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

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

- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
 - (4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
 - (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
 - (6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search;
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 - (E) the location of the stop; and
 - (F) the reason for the stop; and
 - (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Texas Commission on Law Enforcement; and
 - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

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

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

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

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

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

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

Amended by:

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

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

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

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

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

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

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

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

(A) the person's gender; and

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

(2) the initial reason for the stop;

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

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

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

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

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

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

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

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

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

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

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

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

Amended by:

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

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

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by:

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

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

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

Art. 2.136. LIABILITY.

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

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

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

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

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

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

Amended by:

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

Art. 2.138. RULES.

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

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

Art. 2.1385. CIVIL PENALTY.

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

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

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

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

Amended by:

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

Appendix B

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

Attachment: 2019-029 ATTH 01 Final Racial Profiling Rpt Texarkana 2018 (2037 : 2019-029 RES Racial Profiling Report 2018)

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

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

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

SECTION 1 PURPOSE

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

SECTION 2 POLICY

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

TEXARKANA, TEXAS POLICE DEPARTMENT GENERAL ORDERS MANUAL

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

SECTION 3 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4 PROCEDURES

A. COMPLAINTS

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

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

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

B. RACIAL PROFILING TRAINING

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

C. INTERNAL MONITORING

1. Random Reviews:

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

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

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

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

2. Reviews shall occur whenever:
 - a. An officer is involved in a pursuit;
 - b. An officer is involved in a use of force recorded by the system;
 - c. A complaint is lodged against an officer; or
 - d. A supervisor articulates a reason to suspect an officer is involved in activity contrary to the mandates of the General Orders.

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

D. CORRECTIVE ACTION

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

E. MANDATED DIGITAL MOBILE VIDEO RECORDER OPERATION

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

F. CITATION DATA COLLECTION AND REPORTING

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

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

G. RESPONSIBILITY

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

Appendix C

Racial Profiling Laws and Corresponding Department Policies

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

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

RESOLUTION NO. 2019 - 029

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, ACKNOWLEDGING RECEIPT OF THE
2018 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 in the month of March each year.

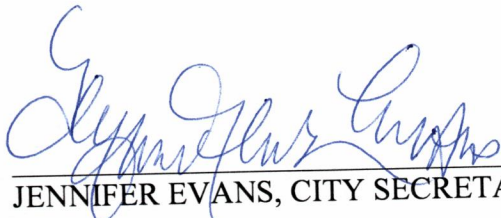
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS:**

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 **25th** day of **March, 2019**.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:16 p.m.

City of Texarkana, Texas

Version: A

Update Date: 3/21/2019 9:11 AM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2019-028 rezoning from Single Family-1 to Planned
Development-Neighborhood Service and site plan approval on a 3.32 acre tract
of land in the George Brinlee HRS, A-18, located at 5203 North Kings
Subject: Highway. Wanda Brown Hiebert, applicant. T.W. Howell, agent.

Briefing: 4/8/2019 **Public Hearing:** 4/8/2019 **Council Vote:** 4/8/2019

Item ScheduleSchedule 2: Brief once - vote once (two weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

Z-19-3: This is a request for rezoning from Single Family-1 to Neighborhood Service by Wanda Brown Hiebert, owner, and T.W. Howell, agent at 5203 North Kings Highway (a 3.32 acre tract of land located in the George Brinlee HRS, A-18). The proposed use is a Dollar General store. This tract of land is adjacent to a recently annexed area located off Hughes Road.

The adjacent zoning is Single Family-1 and PUR to the north, Single Family-1 to east and south, and Single Family-2 to the west. The adjacent land use is residential uses to the north and vacant land to the west, south and east.

The applicant provided a site plan that consists of the following:

- An approximately 9,100 square foot building.
- 36 parking spaces.
- A 21' lighted pylon sign with a sign face of 6' ½' x 16' 1". No CEVMS.
- A wall sign that is 4' 6" x 33' 3" in size.
- A screened dumpster to be located at the southwest corner of the property.

The applicant should be aware that a fire lane and a fire hydrant are required. Also, a loading zone is required (minimum size 10' x 45'). If the existing driveway is improved or altered, it will require TXDOT approval.

If a Planned Development designation is placed on the property, staff would suggest including the above stipulations plus the following: 1) any outside lighting be shielded from any adjacent residential properties, 2) brick/rock be used on four sides of the building, 3) install a fire lane and a fire hydrant, 4) create a loading zone, and 5) obtain TXDOT approval if existing driveway is improved or altered.

The applicant should be aware that if this rezoning is approved, there may be additional applicable city code/ordinance requirements in addition to those listed including but not limited to building, subdivision, fire, drainage, water and sewer prior to the issuance of building permits.

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

City of Texarkana, Texas

Fiscal Implications:

None

Staff Recommendation:

Staff agrees that this type use would be an asset for this area and provide a service for the surrounding neighborhoods. The applicant has indicated that brick/rock will be placed on four sides of the proposed building. Therefore, staff recommends for approval.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval to Planned Development-Neighborhood Service and approved the site plan for this proposed development with the following stipulations:

1. Allow an approximate 9,100 square foot brick building with brick or rock façade on all four sides of the building.
2. Allow 36 parking spaces.
2. Allow a 21' lighted pylon sign. No CEVMS.
3. Allow a 4' 6" x 33' 3" wall sign.
4. Require screened dumpster at the southwest corner of the property.
5. Require any outside lighting be shielded away from adjacent residential properties.
6. Require a fire lane and fire hydrant.
7. Require a loading zone.
8. Require and obtain TXDOT approval if existing driveway is improved or altered.

The applicant agreed to amend the application to include the Planned Development designation prior to the Commission vote.

Advisory Board/Committee Meeting Date and Minutes:

March 4, 2019

Attachments

- a. 2019-028 ORD rezoning & site plan app. 5203 N. Kings Hwy. (DOCX)
- b. 2019-028 EXH 'A' Site plan (PDF)
- c. 2019-028 EXH 'B' Legal description (PDF)
- d. 2019-028 ATTH 01 Maps (PDF)
- e. 2019-028 ATTH 02 Aerial site plan (PDF)
- f. 2019-028 ATTH 03 Pylon signage (PDF)
- g. 2019-028 ATTH 04 Wall signage (PDF)
- h. 2019-028 ATTH 05 Elevations (PDF)
- i. 2019-028 Goals & Perspectives (DOCX)

City of Texarkana, Texas

j. 2019-028 ORD rezoning 5203 N. Kings Hwy signed (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	03/14/2019 2:50 PM	
Deputy City Manager Kyle Dooley	Deputy City Manager Review	Completed
03/18/2019 8:25 AM		
City Manager Shirley Jaster	City Manager Review Completed	03/20/2019
3:48 PM		
City Council Jennifer Evans	Meeting	Completed 03/25/2019
6:00 PM		

Meeting History

ORDINANCE NO. 2019-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING FROM SINGLE FAMILY-1 TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE AND APPROVING A SITE PLAN ON A 3.32 ACRE TRACT OF LAND IN THE GEORGE BRINLEE HRS, A-18, LOCATED AT 5203 NORTH KINGS HIGHWAY 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 an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone from **Single Family-1 to Planned Development-Neighborhood Service** and approve a **site plan (Exhibit ‘A’)** on a 3.32 acre tract of land in the George Brinlee HRS, A-18 (**Exhibit ‘B’**), located at 5203 North Kings Highway 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 five (5) to zero (0) to recommend the application for rezoning from Single Family-1 to Planned Development-Neighborhood Service and approve a site plan (Exhibit ‘A’) on a 3.32 acre tract of land in the George Brinlee HRS, A-18 (Exhibit ‘B’), located at 5203 North Kings Highway** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Single Family-1 to Planned Development-Neighborhood Service**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-1 to Planned Development-Neighborhood Service and approving the site plan** 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 and approve a site plan on a 3.32 acre tract of land in the George Brinlee HRS, A-18, located at 5203 North Kings Highway in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following are hereby imposed and made a part of this site plan and Ordinance:

1. Allow an approximate 9,100 square foot building with brick or rock façade to be used on all four sides of the building.
2. Allow 36 parking spaces.
3. Allow a 21' lighted pylon sign. No CEVMS.
4. Allow a 4' 6" x 33' 3" wall sign.
5. Require screened dumpster at the southwest corner of the property.
6. Require any outside lighting be shielded away from adjacent residential properties.
7. Require a fire lane and fire hydrant.
8. Require a loading zone.
9. Require and obtain TxDOT approval if existing driveway is improved or altered.

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

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

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 8th day of April, 2019.

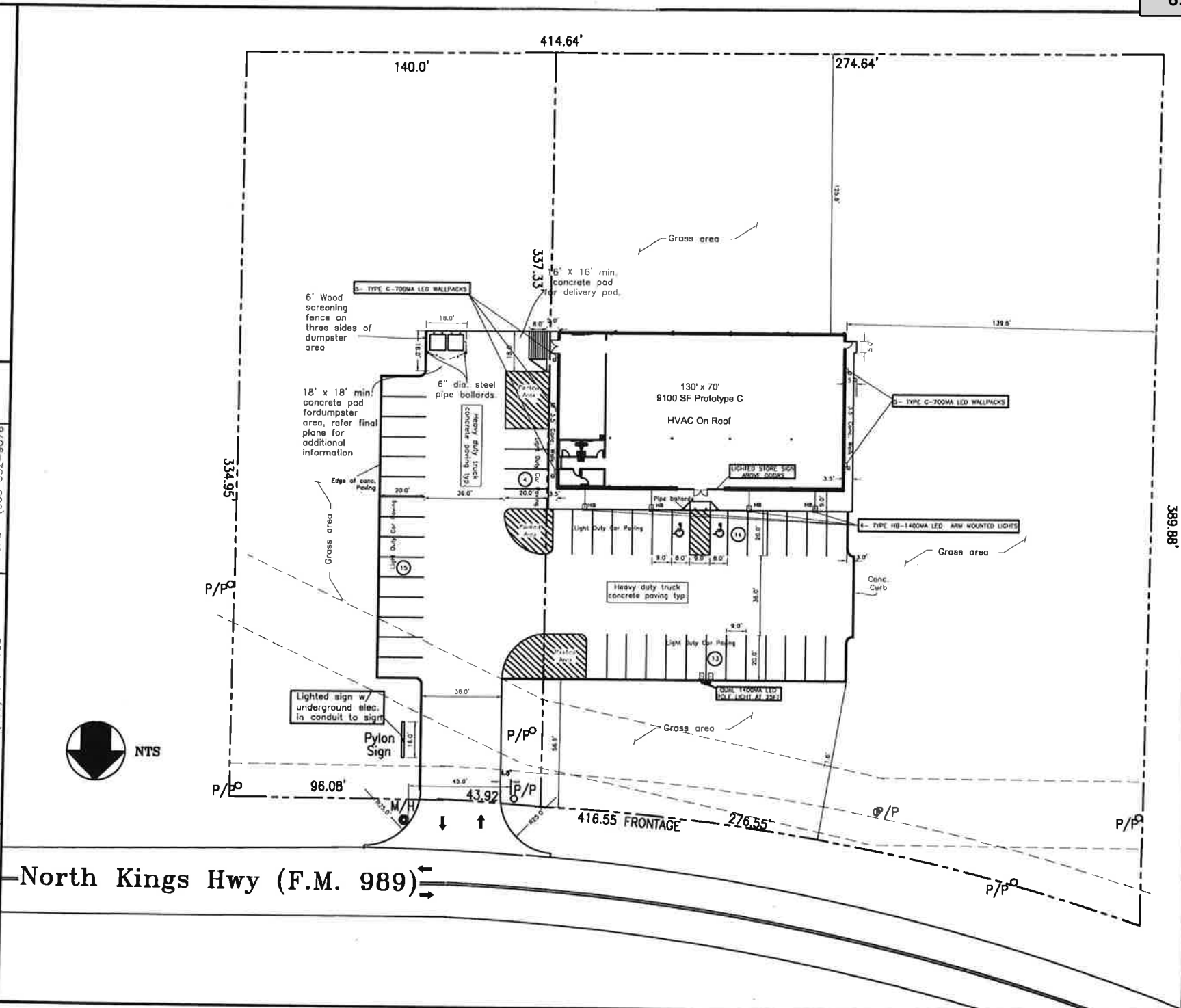
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

PRELIMINARY SITE
TEXARKANA, TX.
NORTH KINGS HWY(FM 989)

PROTOTYPE:	C	DEVELOPER	DESIGNER	DATE:
BLDG./SALES SF:	9100/7302	HP INVESTMENTS	COMPANY: ALTECH, INC	02.21.19
ACREAGE:	3.32	NAME: WOODY PRIEST	NAME: A. MONTE	
PARKING SPACES:	46	PHONE (903) 276-1735	PHONE (903) 832-9076	



389.88'

All those certain tracts (2) or parcels of land situated in the GEORGE BRINLEE HEADRIGHT SURVEY, Bowie County, Texas, and being more particularly described by metes and bounds as follows:

TRACT ONE:

BEGINNING at an iron pipe for corner at the Southwest corner of a certain 24.3 acre tract of land described in a Deed from Etoy Holmes, a widow, to Charles W. E. Sisk, and wife, Lowral Sisk and recorded in Volume 394, Pages 221-222, Deed Records, Bowie County, Texas;

THENCE North 89 deg. 52' East with the South line of said 24.3 acre tract, 274.64 feet to an iron pipe for corner;

THENCE North 00 deg. 27' 30" East 337.33 feet to an iron pipe for corner in the South right-of-way line of Farm to Market Road No. 989;

THENCE Northwesterly, with the said right-of-way line, same being a curve to the right, having a radius of 1004.93 feet, through a central angle of 15 deg. 46' for a distance of 276.55 feet to an iron pipe for corner in the West line of the above mentioned 24.3 acre tract;

THENCE South 00 deg. 58' West with the West line of said 24.3 acre tract, 389.88 feet to the PLACE OF BEGINNING and containing 2.24 acres of land, more or less;

TRACT TWO:

COMMENCING at an iron pipe for corner at the Southwest corner of a certain 24.3 acre tract of land described in a Deed from Etoy Holmes, a widow, to Charles W. E. Sisk, and wife, Lowral Sisk and recorded in Volume 394, Pages 221-222, Deed Records, Bowie County, Texas;

THENCE North 89 deg. 52' East with the South line of said 24.3 acre tract, 274.64 feet to an iron pipe for corner and the Point of Beginning for the herein described tract;

THENCE North 89 deg. 52' East with the South line of said 24.3 acre tract, 140.00 feet to an iron pipe for corner, same being a lower Southeast corner of said 24.3 acre tract;

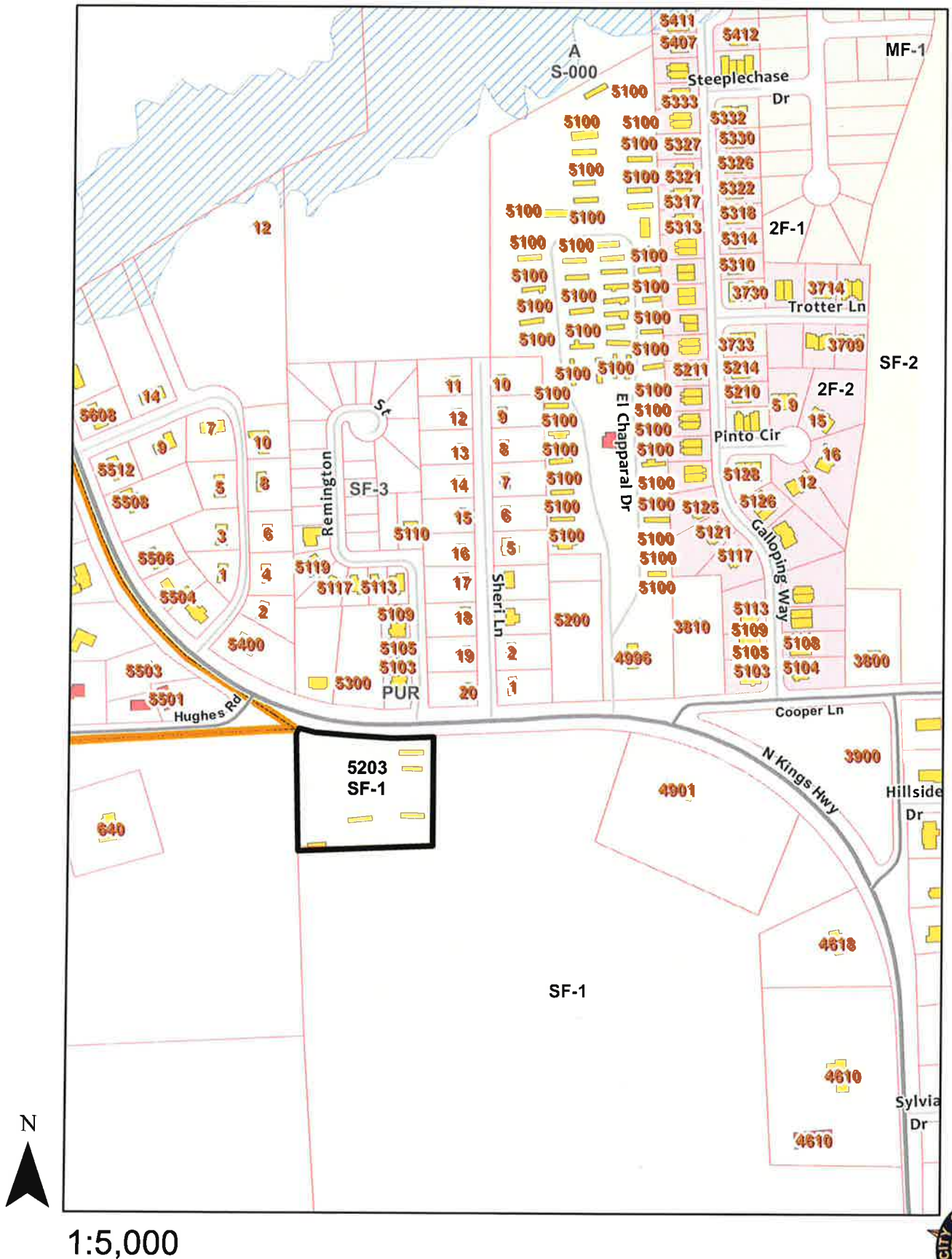
THENCE North 00 deg. 27' 30" East with the lower East line of said 24.3 acre tract, 334.95 feet to an iron pipe for corner in the South right-of-way line of Farm to Market Road No. 989;

THENCE North 89 deg. 33' West with the said right-of-way line, 96.08 feet to the beginning of a curve to the right;

THENCE Northwesterly along the arc of said curve having a radius of 1004.93 feet, through a central angle of 2 deg. 30' for a distance of 43.92 feet to an iron pipe for corner;

THENCE South 00 deg. 27' 30" West 337.33 feet to the PLACE OF BEGINNING and containing 1.08 acre of land, more or less.

5203 N Kings Highway Department of Planning and Community Development



Attachment: 2019-028 ATTH 01 Maps (2038 : 2019-028 ORD rezoning & SPA. at 5203 N. Kings Highway. SF-1 to NS)



5203 N Kings Highway Department of Planning and Community Development



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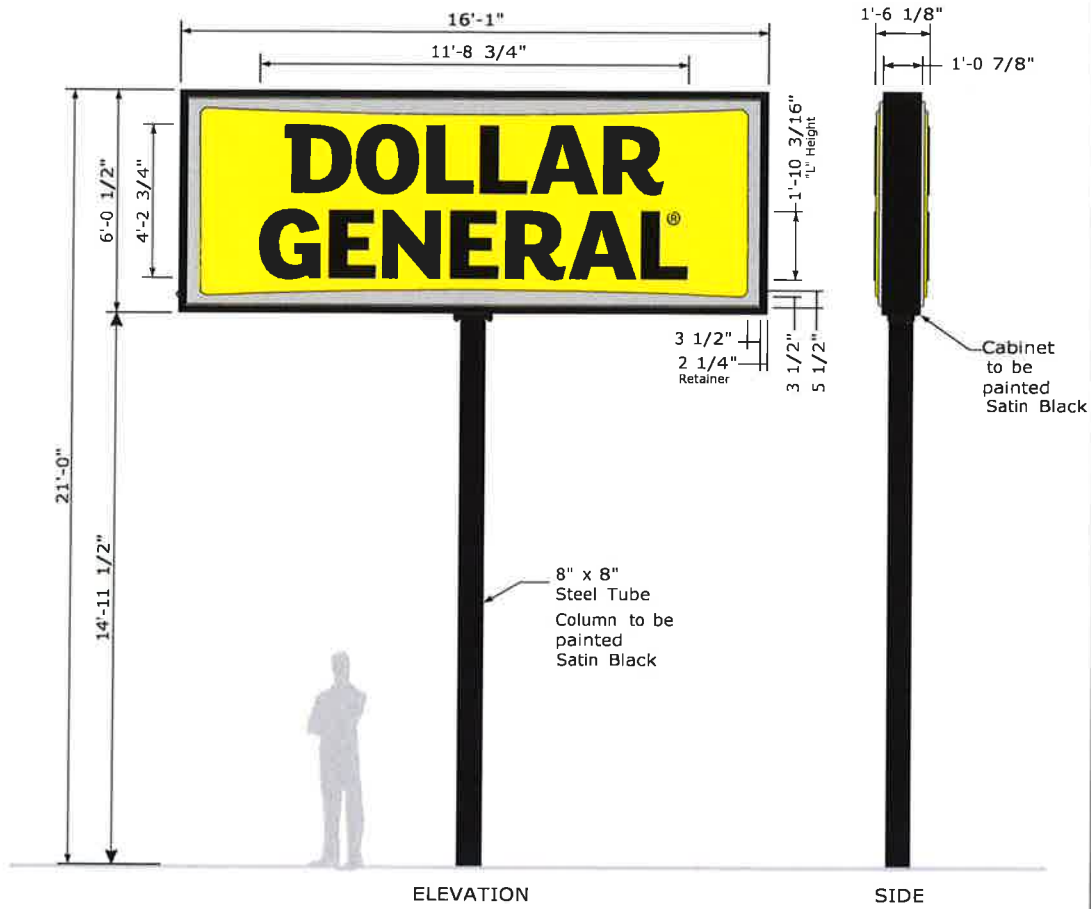
Attachment: 2019-028 ATTH 01 Maps (2038 : 2019-028 ORD rezoning & SPA. at 5203 N. Kings Highway. SF-1 to NS)





Attachment: 2019-028 ATTH 02 Aerial site plan (2038 : 2019-028 ORD rezoning & SPA. at 5203 N. Kings

P96



SQUARE FOOTAGE
ACTUAL
97.17 sq. ft.

COLOR SPECIFICATIONS	
Yellow:	match Spraylat C8-2633
Brushed Aluminum:	match Spraylat FM-171
Black (Copy):	match Spraylat Black
Satin Black (Metal):	match Black Polyurethane
Cool Gray:	match PMS Cool Gray 5
Rock Bottom Gray:	match Sherwin Williams SW7062
Green:	match PMS 368C



File Name: Dollar General Cutsheets 2013

Project #: 13-0181

Page 1 of 33

Date: 04/12/2013

Approved By:

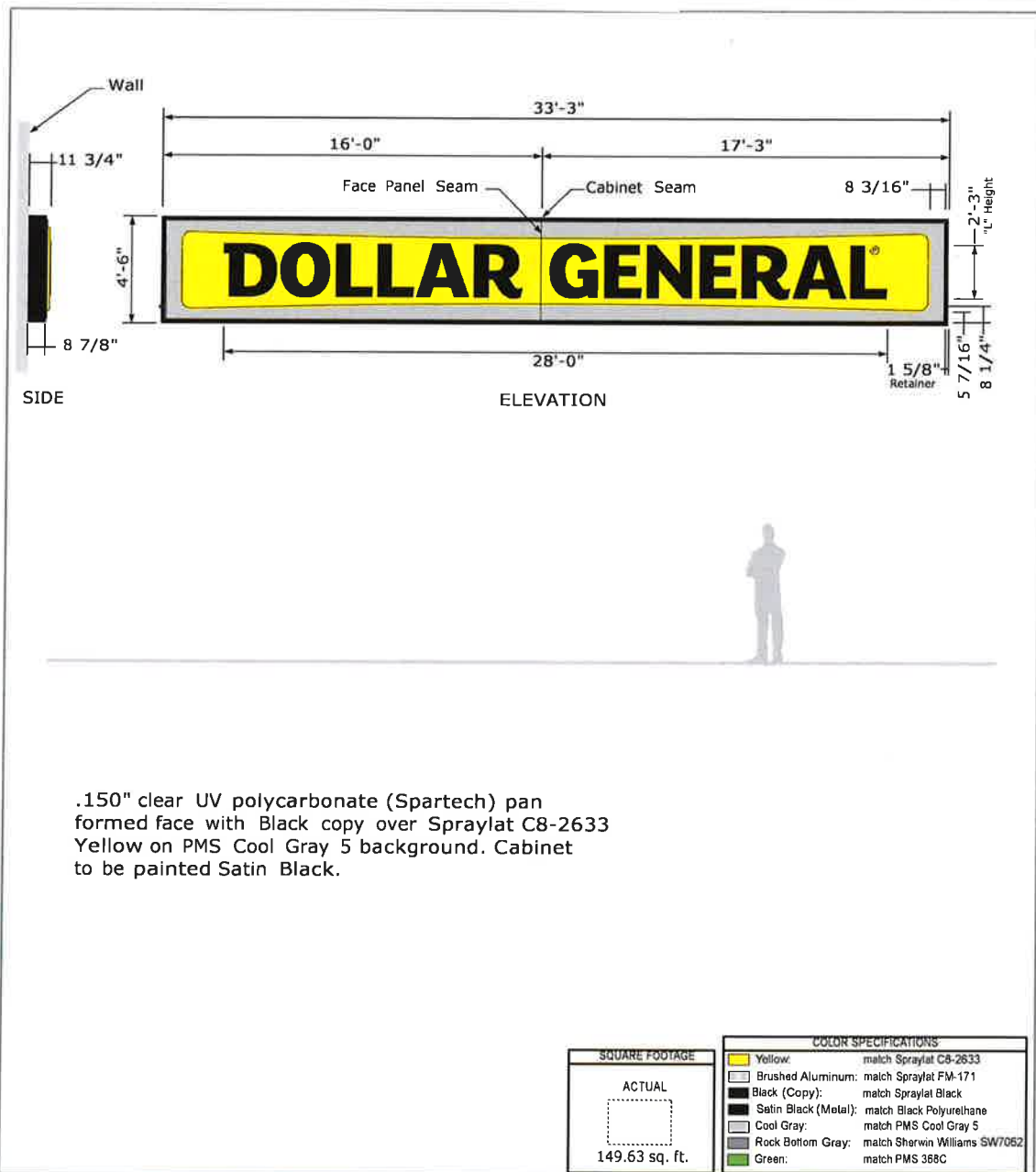


135 South David Lane
 Knoxville, TN 37922
 Office: 865-539-4001
 Fax: 865-539-0851
 www.linkengr.com

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EXHIBIT "K"

Attachment: 2019-028 ATTH 03 Pylon signage (2038 : 2019-028 ORD rezoning & SPA. at 5203 N. Kings Highway. SF-1 to NS)

**DOLLAR
GENERAL**

File Name: Dollar General Cutsheets 2013

Project #: 13-0181

Page 10 of 33

Date: 04/12/2013

Approved By:

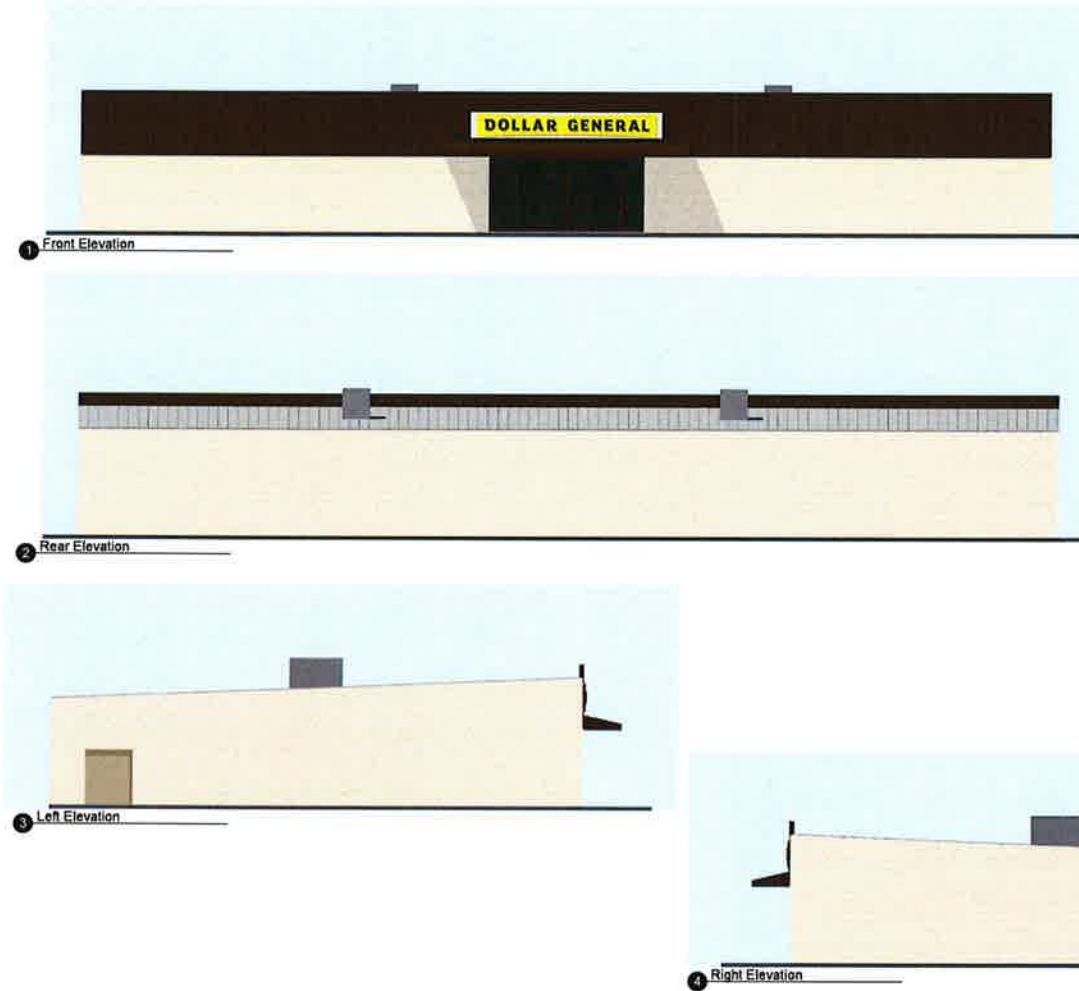


135 South David Lane
Knoxville, TN 37922
Office: 865-539-4001
Fax: 865-539-0851
www.linkengr.com

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EXHIBIT "L"

2019-028 ATTH 05



Attachment: 2019-028 ATTH 05 Elevations (2038 : 2019-028 ORD rezoning & SPA. at 5203 N. Kings Highway. SF-1 to NS)

DRAWING TITLE
DOLLAR GENERAL
LINE
PROJECT NAME
PROJECT DATE
SHEET TITLE
EXTENSION
SHEET NUMBER
A1
PROJECT NUMBER
19-06

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:

NA

No Additional

Other Potential Impacts:

NA

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:

ORDINANCE NO. 2019-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING FROM SINGLE FAMILY-1 TO PLANNED DEVELOPMENT-NEIGHBORHOOD SERVICE AND APPROVING A SITE PLAN ON A 3.32 ACRE TRACT OF LAND IN THE GEORGE BRINLEE HRS, A-18, LOCATED AT 5203 NORTH KINGS HIGHWAY 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 an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone from **Single Family-1 to Planned Development-Neighborhood Service** and approve a **site plan (Exhibit 'A')** on a 3.32 acre tract of land in the George Brinlee HRS, A-18 (**Exhibit 'B'**), located at 5203 North Kings Highway 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 five (5) to zero (0) to recommend the application for rezoning from Single Family-1 to Planned Development-Neighborhood Service and approve a site plan (Exhibit 'A') on a 3.32 acre tract of land in the George Brinlee HRS, A-18 (Exhibit 'B'), located at 5203 North Kings Highway** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Single Family-1 to Planned Development-Neighborhood Service**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-1 to Planned Development-Neighborhood Service and approving the site plan** 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 and approve a site plan on a 3.32 acre tract of land in the George Brinlee HRS, A-18, located at 5203 North Kings Highway in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following are hereby imposed and made a part of this site plan and Ordinance:

1. Allow an approximate 9,100 square foot building with brick or rock façade to be used on all four sides of the building.
2. Allow 36 parking spaces.
3. Allow a 21' lighted pylon sign. No CEVMS.
4. Allow a 4' 6" x 33' 3" wall sign.
5. Require screened dumpster at the southwest corner of the property.
6. Require any outside lighting be shielded away from adjacent residential properties.
7. Require a fire lane and fire hydrant.
8. Require a loading zone.
9. Require and obtain TxDOT approval if existing driveway is improved or altered.

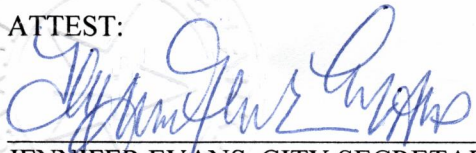
SECTION 3: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

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

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **8th day of April, 2019.**

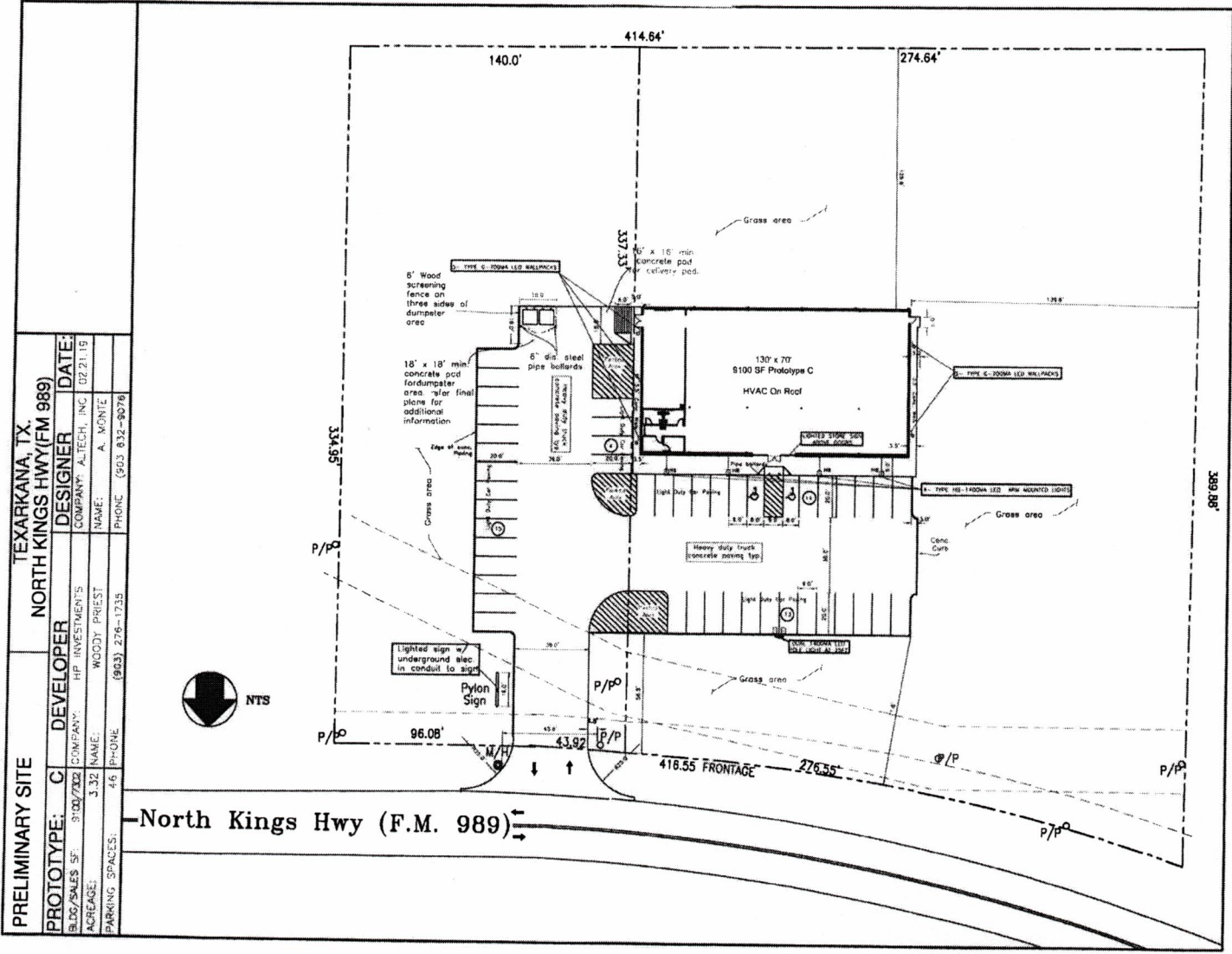
ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:51 p.m.

2019-028 EXH 'A'



All those certain tracts (2) or parcels of land situated in the GEORGE BRINLEE HEADRIGHT SURVEY, Bowie County, Texas, and being more particularly described by metes and bounds as follows:

TRACT ONE:

BEGINNING at an iron pipe for corner at the Southwest corner of a certain 24.3 acre tract of land described in a Deed from Etoy Holmes, a widow, to Charles W. E. Sisk, and wife, Lowral Sisk and recorded in Volume 394, Pages 221-222, Deed Records, Bowie County, Texas;

THENCE North 89 deg. 52' East with the South line of said 24.3 acre tract, 274.64 feet to an iron pipe for corner;

THENCE North 00 deg. 27' 30" East 337.33 feet to an iron pipe for corner in the South right-of-way line of Farm to Market Road No. 989;

THENCE Northwesterly, with the said right-of-way line, same being a curve to the right, having a radius of 1004.93 feet, through a central angle of 15 deg. 46' for a distance of 276.55 feet to an iron pipe for corner in the West line of the above mentioned 24.3 acre tract;

THENCE South 00 deg. 58' West with the West line of said 24.3 acre tract, 389.88 feet to the PLACE OF BEGINNING and containing 2.24 acres of land, more or less;

TRACT TWO:

COMMENCING at an iron pipe for corner at the Southwest corner of a certain 24.3 acre tract of land described in a Deed from Etoy Holmes, a widow, to Charles W. E. Sisk, and wife, Lowral Sisk and recorded in Volume 394, Pages 221-222, Deed Records, Bowie County, Texas;

THENCE North 89 deg. 52' East with the South line of said 24.3 acre tract, 274.64 feet to an iron pipe for corner and the Point of Beginning for the herein described tract;

THENCE North 89 deg. 52' East with the South line of said 24.3 acre tract 140.00 feet to an iron pipe for corner, same being a lower Southeast corner of said 24.3 acre tract;

THENCE North 00 deg. 27' 30" East with the lower East line of said 24.3 acre tract, 334.95 feet to an iron pipe for corner in the South right-of-way line of Farm to Market Road No. 989;

THENCE North 89 deg. 33' West with the said right-of-way line, 96.08 feet to the beginning of a curve to the right;

THENCE Northwesterly along the arc of said curve having a radius of 1004.93 feet, through a central angle of 2 deg. 30' for a distance of 43.92 feet to an iron pipe for corner;

THENCE South 00 deg. 27' 30" West 337.33 feet to the PLACE OF BEGINNING and containing 1.08 acre of land, more or less.

City of Texarkana, Texas

Version:

Update Date: 3/22/2019 8:55 AM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** David Orr, Planning & Community Development Director

Subject: Resolution No. 2019-030 authorizing and directing the preparation and public inspection of a service plan for consideration of voluntary annexation proceedings for a 23.142 acre tract - John A. Talbot HRS A-564 (on the west side of Richmond Road and north of Moores Lane) into the city limits. Don Morriss, applicant.

Briefing: 3/25/2019 **Public Hearing:** 3/25/2019 **Council Vote:** 3/25/2019

Item ScheduleSchedule 2: Brief once - vote once (two weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

The City has received a request from Don Morriss, representing the owners of a 23.142 acre tract of land on the West side of Richmond Road and North of Moores Lane for voluntary annexation into the city limits. The tract is within an area previously identified by City staff for inward fill of the city limits or otherwise that inclusion allows for future growth and economic development.

Before providing any notice of any hearing required under Texas law, the governing body of the municipality proposing annexation shall direct its planning department or other appropriate municipal department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed utilizing any of the methods of extending such services to any other area of the municipality.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None for service plan preparation and additional fiscal implications to be determined based on service plan.

Staff Recommendation:

City staff recommends that the City Council authorize and direct the City's Planning and Community Development Department, with assistance as needed from any other City department, to prepare a

City of Texarkana, Texas

service plan and other related documents necessary for City Council consideration of the requested voluntary annexation proceedings for the tract.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2019-030 RES voluntary annexation service plan v2(DOCX)
- b. 2019-030 ATTH 01 Voluntary Annexation Request Letter 2.26.19 (PDF)
- c. 2019-030 ATTH 02 MORRISS ANNEX EXHIBIT (PDF)
- d. 2019-030 ATTH 03 Morriss Annex Land Description (PDF)
- e. 2019-030 ATTH 04 Simple Calendar - Annexation Procedures June 10 action (DOCX)
- f. 2019-030 Goals & Perspectives (DOCX)
- g. 2019-030 EXH 'A' Map & Prop. Desc (PDF)
- h. 2019-030 RES Auth Voluntary Annexation Svc. Plan signed (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	
Completed	03/14/2019 4:32 PM		
City Attorney	Jeffery C. Lewis	City Attorney Review Completed	03/15/2019
8:18 AM			
Deputy City Manager	Kyle Dooley	Deputy City Manager Review	Completed
	03/18/2019 8:22 AM		
City Manager	Shirley Jaster	City Manager Review Completed	03/22/2019
8:44 AM			
City Council	Jennifer Evans	Meeting	Completed 03/25/2019
6:00 PM			

Meeting History

RESOLUTION NO. 2019 - 030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING AND DIRECTING THE PREPARATION AND PUBLIC INSPECTION OF A SERVICE PLAN FOR CONSIDERATION OF VOLUNTARY ANNEXATION PROCEEDINGS OF A 23.142 ACRE TRACT - JOHN A. TALBOT HRS A-564 INTO THE CITY LIMITS OF THE CITY OF TEXARKANA, TEXAS; CALLING FOR PUBLIC HEARINGS BEFORE INSTITUTING ANY ANNEXATION PROCEEDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code provides detailed notice and hearing procedures to consider the annexation of land adjacent to the city limits; and

WHEREAS, before providing any notice of any hearing required under Texas law, the governing body of the municipality proposing annexation shall direct its planning department or other appropriate municipal department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed utilizing any of the methods of extending such services to any other area of the municipality; and

WHEREAS, the owner of a 23.142 acre tract in the John A. Talbot HRS A-564 described and depicted in Exhibit "A" to this resolution has requested that the City Council annex the tract into the city limits, and the tract is within an area previously identified by City staff for inward fill of the city limits or otherwise that inclusion allows for future growth and economic development; and

WHEREAS, City staff recommends that the City Council authorize and direct the City's Planning and Community Development Department, with assistance as needed from any other City department, to prepare a service plan and other related documents necessary for City Council consideration of the requested voluntary annexation proceedings for the tract described and depicted in Exhibit "A" to this resolution; and

WHEREAS, City staff further recommends that the City Council call and conduct two public hearings for the area identified in Exhibit "A", giving all interested persons the right to appear and to be heard.

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

SECTION 1: The Planning and Community Development Department, with assistance as needed from any other City department, shall prepare a service plan and other related documents necessary for City Council consideration of voluntary annexation proceedings for the tract described and depicted in Exhibit "A" attached to this resolution and incorporated herein by reference for all purposes. The service plan shall be available for inspection in the offices of the Planning and Community Development Department on or before April 22, 2019, during regular City Hall business hours.

SECTION 2: Before instituting any annexation proceedings, the City Council shall give all interested persons the right to appear and to be heard by calling and conducting two public hearings as required by law for the tract described and depicted in Exhibit “A”: each public hearing shall be held during the regular Council meeting of May 13, 2019, beginning at 6 p.m., with each public hearing to be noticed pursuant to the Texas Open Meetings Act as separate agenda items for that Council meeting.

SECTION 3: The City Manager or designee shall cause to be issued all newspaper publications and notices as required by law for the proceedings and hearings authorized by this Resolution.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2019**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

**Don N. Morriss
518 Pine St
Texarkana, TX 75501**

February 26, 2019

City of Texarkana, Texas
Attn: Mr. David Orr
P.O. Box 1967
Texarkana, TX 75504

Re: J R Morriss, Jr. etal.

Dear City of Texarkana, TX:

Please accept this written request to be voluntarily annexed into the City of Texarkana, TX. If I understand the survey properly, the request concerns J A Talbot A-564 Block/Tract 63 being 41.495 acres on the West Side of Richmond Rd and North of Moores Ln.

Retail and office activity is brisk in this area and as we understand it, part of our land which fronts Richmond Rd is already inside the City limits. Our request is to bring the balance of the property we own "inside" to be consistent for potential future development.

Thanks for your assistance.

Sincerely,



Don N. Morriss

ANNEXATION PETITION EXHIBIT

23.142 ACRES - JOHN A. TALBOT HRS A-564



NOT TO SCALE

Legend

-  Annexation Petition Area
-  Existing City Limits



Attachment: 2019-030 ATTH 02 MORRIS ANNEX EXHIBIT (2039 : 2019-030 Authorizing Voluntary

Property Description
 23.142 Acres
 Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the John A. Talbot Headright Survey, Abstract 564, Bowie County, Texas, being a part of that certain tract of land described as 58.95 acres in the deed from Regions Bank, f/k/a The State First National Bank of Texarkana, to Martha Louise Arnold Stilwell (1/10th interest), dated July 27, 2011, recorded in Volume 6120, Page 299 of the Real Property Records of Bowie County, Texas, a part of that certain tract of land described as 58.95 acres in the deed from Thomas H. Arnold, as Independent Executor of the estate of Lewis H. Arnold, to Martha Louise Arnold Stilwell (1/10th interest), dated July 21, 2011, recorded in Volume 6120, Page 302 of the Real Property Records of Bowie County, Texas, a part of that certain tract of land described as Tract No. 5, with 58.95 acres in the deed from Josh R. Morriss, Jr. and Martha W. Morriss, to the Josh R. Morriss, Jr. Family Limited Partnership (4/5th interest), dated December 29, 1997, recorded in Volume 2772, Page 166 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres in the deed from L. E. Kenney, et ux, to R. M. Morriss, Sr., et al, dated May 20, 1964, recorded in Volume 440, Page 220 of the Deed Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch steel rod found for a corner, the Northwest corner of the said 58.95 acre tract;

THENCE South 07 degrees 15 minutes 07 seconds East a distance of 914.96 feet, and North 84 degrees 48 minutes 12 seconds East a distance of 24.95 feet to a ½ inch steel rod found for a corner, lying at the intersection of the East right-of-way line of Gin Road and the existing City Limits of the City of Texarkana, Texas;

THENCE North 84 degrees 47 minutes 57 seconds East a distance of 1033.42 feet across the said 58.95 acre tract and along the said existing City Limits to a point for a corner, at an angle point;

THENCE South 25 degrees 01 minutes 26 seconds East a distance of 946.00 feet across the said 58.95 acre tract and along the said existing City Limits to a point for a corner, lying at the intersection of the said Existing City Limits and the North right-of-way line of Moores Lane;

THENCE along the North right-of-way line of the said Moores Lane the Following Courses and distances:

South 88 degrees 19 minutes 29 seconds West a distance of 298.72 feet;
 South 88 degrees 51 minutes 22 seconds West a distance of 136.50 feet;
 South 89 degrees 30 minutes 07 seconds West a distance of 292.64 feet;
 North 89 degrees 35 minutes 01 seconds West a distance of 172.34 feet;
 South 89 degrees 22 minutes 29 seconds West a distance of 114.01 feet;
 South 87 degrees 08 minutes 50 seconds West a distance of 113.63 feet;
 South 86 degrees 10 minutes 35 seconds West a distance of 50.01 feet;

South 85 degrees 31 minutes 23 seconds West a distance of 150.61 feet to a point for a corner, at the beginning of a circular curve to the right;

concave to the northeast having a radius of 60.00 feet and a central angle of and being subtended by a chord which bears North 48 degrees 16 minutes 48 seconds West 86.66 feet;

THENCE in a Northwesterly direction along the arc of the said circular curve a distance of 96.83 feet, with a delta angle of 92 degrees 27 minutes 50 seconds, a radius of 60.00 feet, a chord bearing of North 48 degrees 16 minutes 48 seconds West, and a chord distance of 86.66 feet to a point for a corner, lying in the East right-of-way line of the said Gin Road, at the end of the said circular curve

THENCE North 02 degrees 02 minutes 55 seconds West a distance of 164.19 feet along the East right-of-way line of the said Gin Road to a point for a corner, at an angle point;

THENCE North 02 degrees 41 minutes 14 seconds West a distance of 495.50 feet along the East right-of-way line of the said Gin Road to a point for a corner, at an angle point;

THENCE North 05 degrees 34 minutes 39 seconds West a distance of 81.93 feet along the East right-of-way line of the said Gin Road to the point of beginning and containing 23.142 acres of land, at the time of this survey.

Schedule for Voluntary Annexation

**Target Date for “Institution of Proceedings”:
June 10, 2019**

Annexation of Areas Exempt From the Annexation Plan Requirement (Including Annexation on Petition of Area Landowners or Voters)

Monday, Mar 25	Regular Council Meeting Staff briefing and vote on resolution to authorize preparation of service plan - §43.065(a)
Tuesday, Mar 26	Send §43.062 written notices to • (the one) property owner of area to be annexed • public or private entities that provide services in the area to be annexed • railroads with right-of-way in area to be annexed
Monday, April 22	Regular Council Meeting <i>Information item on service plans; City Hall display of plans</i>
Tuesday, April 23	Notice of first and second public hearings - May 13 <u>"Notice procedures" applicable to all hearings:</u> Publish notice of public hearing in newspaper - §43.063 - and obtain required affidavit of publication from newspaper Post notice of hearing on Internet Web site. §43.063(c). Send written notice to • each public school district in the area to be annexed. §43.905. • railroads with right-of-way in area to be annexed. §43.063(c). • “public entities or political subdivisions” as added by S.B. 6 (2017). §43.9051(c).
May 1 - 20	Time period to hold public hearings

Monday, May 13	Regular Council Meeting Hold both first and second public hearings at different times during meeting - §43.063
Tuesday, May 25	Regular Council Meeting
<i>Before June 10</i>	City Charter, art. I § 5, requirement of newspaper publication of annexation ordinances " ... published in the form in which it may be finally passed" (precise date not specified in Charter, other than in advance of the meeting)
Monday, June 10	Regular Council Meeting Annexation Ordinances for the territory presented to Council for action "Institution of Proceedings" — proceedings are instituted and completed at same time (City Charter does not require two readings) Following adoption of the annexation ordinance, send notice to appropriate federal, state, and local agencies and service providers.

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:

NA

No Additional

Other Potential Impacts:

NA

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:

EXHIBIT "A" to Res. 2019-030
23.142 ACRES - JOHN A. TALBOT HRS A-564

6.2.g



NOT TO SCALE

Legend

-  Annexation Petition Area
-  Existing City Limits



Attachment: 2019-030 EXH 'A' Map & Prop. Desc (2039 : 2019-030 Authorizing Voluntary Annexation

Property Description
23.142 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the John A. Talbot Headright Survey, Abstract 564, Bowie County, Texas, being a part of that certain tract of land described as 58.95 acres in the deed from Regions Bank, f/k/a The State First National Bank of Texarkana, to Martha Louise Arnold Stilwell (1/10th interest), dated July 27, 2011, recorded in Volume 6120, Page 299 of the Real Property Records of Bowie County, Texas, a part of that certain tract of land described as 58.95 acres in the deed from Thomas H. Arnold, as Independent Executor of the estate of Lewis H. Arnold, to Martha Louise Arnold Stilwell (1/10th interest), dated July 21, 2011, recorded in Volume 6120, Page 302 of the Real Property Records of Bowie County, Texas, a part of that certain tract of land described as Tract No. 5, with 58.95 acres in the deed from Josh R. Morriss, Jr. and Martha W. Morriss, to the Josh R. Morriss, Jr. Family Limited Partnership (4/5th interest), dated December 29, 1997, recorded in Volume 2772, Page 166 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres in the deed from L. E. Kenney, et ux, to R. M. Morriss, Sr., et al, dated May 20, 1964, recorded in Volume 440, Page 220 of the Deed Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch steel rod found for a corner, the Northwest corner of the said 58.95 acre tract;

THENCE South 07 degrees 15 minutes 07 seconds East a distance of 914.96 feet, and North 84 degrees 48 minutes 12 seconds East a distance of 24.95 feet to a ½ inch steel rod found for a corner, lying at the intersection of the East right-of-way line of Gin Road and the existing City Limits of the City of Texarkana, Texas;

THENCE North 84 degrees 47 minutes 57 seconds East a distance of 1033.42 feet across the said 58.95 acre tract and along the said existing City Limits to a point for a corner, at an angle point;

THENCE South 25 degrees 01 minutes 26 seconds East a distance of 946.00 feet across the said 58.95 acre tract and along the said existing City Limits to a point for a corner, lying at the intersection of the said Existing City Limits and the North right-of-way line of Moores Lane;

THENCE along the North right-of-way line of the said Moores Lane the Following Courses and distances:

South 88 degrees 19 minutes 29 seconds West a distance of 298.72 feet;
South 88 degrees 51 minutes 22 seconds West a distance of 136.50 feet;
South 89 degrees 30 minutes 07 seconds West a distance of 292.64 feet;
North 89 degrees 35 minutes 01 seconds West a distance of 172.34 feet;
South 89 degrees 22 minutes 29 seconds West a distance of 114.01 feet;
South 87 degrees 08 minutes 50 seconds West a distance of 113.63 feet;
South 86 degrees 10 minutes 35 seconds West a distance of 50.01 feet;

South 85 degrees 31 minutes 23 seconds West a distance of 150.61 feet to a point for a corner, at the beginning of a circular curve to the right;

concave to the northeast having a radius of 60.00 feet and a central angle of and being subtended by a chord which bears North 48 degrees 16 minutes 48 seconds West 86.66 feet;

THENCE in a Northwesterly direction along the arc of the said circular curve a distance of 96.83 feet, with a delta angle of 92 degrees 27 minutes 50 seconds, a radius of 60.00 feet, a chord bearing of North 48 degrees 16 minutes 48 seconds West, and a chord distance of 86.66 feet to a point for a corner, lying in the East right-of-way line of the said Gin Road, at the end of the said circular curve

THENCE North 02 degrees 02 minutes 55 seconds West a distance of 164.19 feet along the East right-of-way line of the said Gin Road to a point for a corner, at an angle point;

THENCE North 02 degrees 41 minutes 14 seconds West a distance of 495.50 feet along the East right-of-way line of the said Gin Road to a point for a corner, at an angle point;

THENCE North 05 degrees 34 minutes 39 seconds West a distance of 81.93 feet along the East right-of-way line of the said Gin Road to the point of beginning and containing 23.142 acres of land, at the time of this survey.

RESOLUTION NO. 2019 - 030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING AND DIRECTING THE PREPARATION AND PUBLIC INSPECTION OF A SERVICE PLAN FOR CONSIDERATION OF VOLUNTARY ANNEXATION PROCEEDINGS OF A 23.142 ACRE TRACT - JOHN A. TALBOT HRS A-564 INTO THE CITY LIMITS OF THE CITY OF TEXARKANA, TEXAS; CALLING FOR PUBLIC HEARINGS BEFORE INSTITUTING ANY ANNEXATION PROCEEDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code provides detailed notice and hearing procedures to consider the annexation of land adjacent to the city limits; and

WHEREAS, before providing any notice of any hearing required under Texas law, the governing body of the municipality proposing annexation shall direct its planning department or other appropriate municipal department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed utilizing any of the methods of extending such services to any other area of the municipality; and

WHEREAS, the owner of a 23.142 acre tract in the John A. Talbot HRS A-564 described and depicted in **Exhibit "A"** to this resolution has requested that the City Council annex the tract into the city limits, and the tract is within an area previously identified by City staff for inward fill of the city limits or otherwise that inclusion allows for future growth and economic development; and

WHEREAS, City staff recommends that the City Council authorize and direct the City's Planning and Community Development Department, with assistance as needed from any other City department, to prepare a service plan and other related documents necessary for City Council consideration of the requested voluntary annexation proceedings for the tract described and depicted in **Exhibit "A"** to this resolution; and

WHEREAS, City staff further recommends that the City Council call and conduct two public hearings for the area identified in **Exhibit "A"**, giving all interested persons the right to appear and to be heard.

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

SECTION 1: The Planning and Community Development Department, with assistance as needed from any other City department, shall prepare a service plan and other related documents necessary for City Council consideration of voluntary annexation proceedings for the tract described and depicted in **Exhibit "A"** attached to this resolution and incorporated herein by reference for all purposes. The service plan shall be available for inspection in the offices of the Planning and Community Development Department on or before April 22, 2019, during regular City Hall business hours.

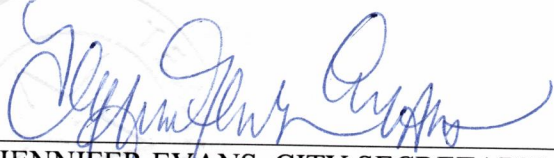
SECTION 2: Before instituting any annexation proceedings, the City Council shall give all interested persons the right to appear and to be heard by calling and conducting two public hearings as required by law for the tract described and depicted in **Exhibit "A"**: each public hearing shall be held during the regular Council meeting of May 13, 2019, beginning at 6:00 p.m., with each public hearing to be noticed pursuant to the Texas Open Meetings Act as separate agenda items for that Council meeting.

SECTION 3: The City Manager or designee shall cause to be issued all newspaper publications and notices as required by law for the proceedings and hearings authorized by this Resolution.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2019.**

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:34p.m.

23.142 ACRES - JOHN A. TALBOT HRS A-56.



Attachment: 2019-030 RES Auth Voluntary Annexation Svc. Plan signed (2039 : 2019-030 Authorizing Voluntary Annexation Service Plan)

Property Description
23.142 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the John A. Talbot Headright Survey, Abstract 564, Bowie County, Texas, being a part of that certain tract of land described as 58.95 acres in the deed from Regions Bank, f/k/a The State First National Bank of Texarkana, to Martha Louise Arnold Stilwell (1/10th interest), dated July 27, 2011, recorded in Volume 6120, Page 299 of the Real Property Records of Bowie County, Texas, a part of that certain tract of land described as 58.95 acres in the deed from Thomas H. Arnold, as Independent Executor of the estate of Lewis H. Arnold, to Martha Louise Arnold Stilwell (1/10th interest), dated July 21, 2011, recorded in Volume 6120, Page 302 of the Real Property Records of Bowie County, Texas, a part of that certain tract of land described as Tract No. 5, with 58.95 acres in the deed from Josh R. Morriss, Jr. and Martha W. Morriss, to the Josh R. Morriss, Jr. Family Limited Partnership (4/5th interest), dated December 29, 1997, recorded in Volume 2772, Page 166 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres in the deed from L. E. Kenney, et ux, to R. M. Morriss, Sr., et al, dated May 20, 1964, recorded in Volume 440, Page 220 of the Deed Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch steel rod found for a corner, the Northwest corner of the said 58.95 acre tract;

THENCE South 07 degrees 15 minutes 07 seconds East a distance of 914.96 feet, and North 84 degrees 48 minutes 12 seconds East a distance of 24.95 feet to a ½ inch steel rod found for a corner, lying at the intersection of the East right-of-way line of Gin Road and the existing City Limits of the City of Texarkana, Texas;

THENCE North 84 degrees 47 minutes 57 seconds East a distance of 1033.42 feet across the said 58.95 acre tract and along the said existing City Limits to a point for a corner, at an angle point;

THENCE South 25 degrees 01 minutes 26 seconds East a distance of 946.00 feet across the said 58.95 acre tract and along the said existing City Limits to a point for a corner, lying at the intersection of the said Existing City Limits and the North right-of-way line of Moores Lane;

THENCE along the North right-of-way line of the said Moores Lane the Following Courses and distances:

South 88 degrees 19 minutes 29 seconds West a distance of 298.72 feet;
South 88 degrees 51 minutes 22 seconds West a distance of 136.50 feet;
South 89 degrees 30 minutes 07 seconds West a distance of 292.64 feet;
North 89 degrees 35 minutes 01 seconds West a distance of 172.34 feet;
South 89 degrees 22 minutes 29 seconds West a distance of 114.01 feet;
South 87 degrees 08 minutes 50 seconds West a distance of 113.63 feet;
South 86 degrees 10 minutes 35 seconds West a distance of 50.01 feet;

Attachment: 2019-030 RES Auth Voluntary Annexation Svc. Plan signed (2039 : 2019-030 Authorizing Voluntary Annexation Service Plan)

South 85 degrees 31 minutes 23 seconds West a distance of 150.61 feet to a point for a corner, at the beginning of a circular curve to the right;

concave to the northeast having a radius of 60.00 feet and a central angle of and being subtended by a chord which bears North 48 degrees 16 minutes 48 seconds West 86.66 feet;

THENCE in a Northwesterly direction along the arc of the said circular curve a distance of 96.83 feet, with a delta angle of 92 degrees 27 minutes 50 seconds, a radius of 60.00 feet, a chord bearing of North 48 degrees 16 minutes 48 seconds West, and a chord distance of 86.66 feet to a point for a corner, lying in the East right-of-way line of the said Gin Road, at the end of the said circular curve

THENCE North 02 degrees 02 minutes 55 seconds West a distance of 164.19 feet along the East right-of-way line of the said Gin Road to a point for a corner, at an angle point;

THENCE North 02 degrees 41 minutes 14 seconds West a distance of 495.50 feet along the East right-of-way line of the said Gin Road to a point for a corner, at an angle point;

THENCE North 05 degrees 34 minutes 39 seconds West a distance of 81.93 feet along the East right-of-way line of the said Gin Road to the point of beginning and containing 23.142 acres of land, at the time of this survey.